



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transferred: 08/30/2006 (By: ARG)



 Appendix A ... Part 02 of 06

 The 2005 drafting file for LRB-4848

has been transferred to the drafting file for

2007 LRB-0011

 This cover sheet, the final request sheet, and the final version of the 2005 draft were copied on yellow paper, and returned to the original 2005 drafting file.

 The attached 2005 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

Article I Definitions

- A. When used in the Agreement the following terms or their derivatives shall mean:
1. **Administrator** - The official of a member jurisdiction charged with administering the provisions of the Agreement.
 2. **Administrative Action** - A final administrative determination that a person has violated laws relating to the operation of a motor vehicle or that a person is not capable of safely operating a motor vehicle.
 3. **Board** - The governing body responsible for the administration of the Agreement.
 4. **Citation** - Any summons, ticket or other official document issued by a law enforcement officer or judicial official for those offenses specified in the DLA Code, which requires the person to respond.
 5. **Conviction** - An adjudication of guilt or responsibility by a court, or a determination by a court of guilt or that a person has violated the law, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in a court, a plea of guilty or nolo contendere accepted by a court, the payment of a fine or court costs, or a violation of condition of release without bail, regardless of whether the penalty is rebated, suspended or probated. Conviction shall also include judgments by default or in absentia.
 6. **DLA Code** - The list of convictions and administrative actions to be reported to the Jurisdiction of Record under the Agreement.
 7. **Driver Control Record** - The record maintained by the Jurisdiction of Record in accordance with the Agreement.
 8. **Failure to Comply** - failure to answer a citation or failure to pay fines, penalties and costs related to the violation.
 9. **Identification Card** - A card issued by a licensing authority of a member jurisdiction for identification purposes only.
 10. **Issuance** - The granting of a license or identification card by a jurisdiction to a person, including originals, renewals, replacements and re-issuances.
 11. **Jurisdiction** - A state, territory or possession of the United States, the District of Columbia, a territory or province of Canada or any state of the Republic of Mexico or the Federal District of Mexico.

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12. **Jurisdiction of Record** - The jurisdiction that has issued the last license to a person or if a person has not been issued a license, the jurisdiction of the person's address indicated on the citation or report.
 13. **License** - An authorization or privilege to operate a motor vehicle pursuant to the laws of a jurisdiction that is recognized by all member jurisdictions.
 14. **Licensing Authority** - The entity responsible for administering the driver licensing laws of the member jurisdiction.
 15. **Member Jurisdiction** - A jurisdiction that has entered into the Agreement.
 16. **Withdrawal** - The suspension, revocation, cancellation, disqualification or denial of a license or of the privilege to operate a motor vehicle or to obtain a license.

Article II Driver Control

- A. A member jurisdiction shall not issue a license to a person unless it or another jurisdiction has utilized a recognized verification process to identify the applicant, as specified in the Rules; and
- B. A member jurisdiction shall not issue a license to a person unless it has determined that the person's license is not withdrawn by any other member jurisdiction, as evidenced by the Driver Control Record, for convictions or administrative actions, as specified in the DLA Code, including failures to comply.
- C. Except as provided in paragraph E of Article IX, a licensing authority may, but is not required to, issue a license after the expiration of five years from the effective date of the most recent withdrawal.
- D. In the case of a withdrawal for failure to comply, a licensing authority may, but is not required to, issue a license to the applicant if it is satisfied that the applicant has made all reasonable efforts to comply but has been unable to do so.
- E. A withdrawal of a commercial driver license shall not preclude the issuance of a non-commercial driver license unless such withdrawal is based on conduct which would have resulted in the withdrawal of a non-commercial driver license.
- F. If an applicant is the holder of a license issued by another jurisdiction, no member jurisdiction shall issue a license to the applicant unless the applicant surrenders the license.
- G. The Jurisdiction of Record shall maintain the Driver Control Record for any person who is issued a license by that jurisdiction. No member jurisdiction shall create a Driver Control Record for a person for whom a Driver Control Record already exists.
- H. If a person has not been issued a license, the jurisdiction of the person's address indicated on the citation or report shall create and maintain a record, until such time as a jurisdiction shall issue a license to such person. At the time of licensure by a jurisdiction, all other jurisdictions maintaining records shall transfer the information specified in paragraph J of this article to the licensing authority in accordance with the provisions of the Agreement.
- I. The Driver Control Record shall be transferred to the licensing authority of a member jurisdiction within 30 days of receipt of notification of issuance of a license.
- J. The Driver Control Record shall include at a minimum:

1. full legal name and name history;
2. birth date;
3. gender;
4. driver license number;
5. Social Security number or comparable identifying number (when available);
6. any other unique identifier;
7. address;
8. the date the last license was issued and the expiration date;
9. withdrawal information;
10. accident information (when available);
11. convictions and administrative actions as specified in the DLA Code, with dates of offense and conviction or administrative action;
12. driver license restrictions, classes and endorsements;
13. medical restrictions and conditions (when available); and
14. for each identification card issued, the jurisdiction that issued the card, the date of issuance and expiration, and the card number, if any.

K. The Jurisdiction of Record shall take any action permitted by the jurisdiction's laws and regulations against any person for whom it maintains the Driver Control Record upon notification of a conviction or administrative action as specified in the DLA Code which occurred in another member jurisdiction.

L. When a license has been withdrawn for the period of time specified by the Jurisdiction of Record and the person applies for a license from another member jurisdiction, the new jurisdiction may issue a license to that person notwithstanding the person's failure to fulfill the reinstatement requirements of proof of financial responsibility and alcohol or drug education or treatment programs of the previous Jurisdiction of Record. If that person returns to the previous Jurisdiction of Record, and applies for a license, the jurisdiction may impose any reinstatement requirement permitted by the laws of the jurisdiction.

M. Except as provided in paragraph D of Article IX, nothing in the Agreement shall be construed to prohibit a jurisdiction from maintaining its own driver records on any person and taking withdrawal actions permitted by the jurisdiction's law on any conduct occurring within that jurisdiction.

Article III Identification Cards

The licensing authority of a member jurisdiction that issues identification cards shall:

1. Only issue an identification card that meets the security standards required for licenses under Article IV;
2. Verify the identity of the applicant for an identification card in the same manner as required for issuance of a license and determine if there is a Jurisdiction of Record for the applicant;
3. Report to the Jurisdiction of Record, if any, within 30 days of such action, the following information:
 - a. full legal name and name history;
 - b. birth date;
 - c. gender;
 - d. address;
 - e. Social Security number, if any;
 - f. any other unique identifier;
 - g. the jurisdiction that issued the identification card;
 - h. the date of card issuance and expiration, if any;
 - i. the card number, if any; and
 - j. the date of cancellation, if any.
4. Maintain a record for the applicant that includes, at a minimum:
 - a. full legal name and name history;
 - b. birth date;
 - c. gender;
 - d. address;
 - e. Social Security number, if any;
 - f. any other unique identifier;
 - g. the jurisdiction of record, and driver license number if any;
 - h. the date of card issuance and expiration, if any;
 - i. the card number, if any; and
 - j. the date of cancellation, if any.

Article IV Document Security and Integrity

A member jurisdiction shall, as specified in the rules:

1. Train its employees and agents to recognize and detect fraud;
2. Maintain internal controls to identify and minimize fraud;
3. Assign a unique identifier to each person issued a license or identification card;
and
4. Incorporate security and design elements into each license or identification card issued.

Article V Membership and Administration of Agreement

A. Membership

1. Any jurisdiction is eligible for membership in the Agreement.
2. Each member jurisdiction shall have equal rights and privileges and shall be entitled to one vote.
3. Member jurisdictions shall have the power to:
 - a. designate its administrator in accordance with its laws or rules and regulations;
 - b. elect the members of the Board;
 - c. adopt rules and bylaws not inconsistent with the provisions of the Agreement;
 - d. amend the Agreement;
 - e. establish dues necessary to support the administration of the Agreement.

B. Administration of the Agreement

1. The Board shall consist of a Chair, a Vice Chair, the immediate past Chair of the Board and a representative of each of the regions as defined by the American Association of Motor Vehicle Administrators, each representative being elected by the member jurisdictions of the respective region.
2. The Board shall have the power to:
 - a. conduct any business and undertake any actions necessary for the administration of the Agreement;
 - b. establish and amend the DLA Code;
 - c. determine whether an applicant jurisdiction is capable of complying with the Agreement and upon satisfactory determination of the ability to comply, approve the Notice of Joinder;
 - d. approve exceptions to the Agreement;
 - e. review and approve a jurisdiction's classification of convictions and administrative actions as conduct that is substantially similar to those specified in the DLA Code;
 - f. monitor compliance with the Agreement, conduct investigations, hold hearings, resolve disputes and impose sanctions as specified in the rules;
 - g. interpret the Agreement;
 - h. establish record keeping and reporting requirements;
 - i. formulate all necessary procedures and develop uniform forms and documents for administering the provisions of the Agreement;

- j. accept, utilize and dispose for any of its purposes and functions under the Agreement any donation, grant of money, equipment, supplies, materials and services.

Article VI Agreement Entry and Withdrawal

A. A jurisdiction may become a member upon submission of a Notice of Joinder signed by the authorized official of the applicant jurisdiction and approved by the Board. The Notice of Joinder shall be accompanied by a list of the jurisdiction's convictions and administrative actions, and shall include, but not be limited to, statements that in substance are as follows:

1. reference to the authority by which the applicant jurisdiction is empowered to become a member jurisdiction;
2. agreement to comply with the provisions of the Agreement, as well as the rules and bylaws adopted thereunder;
3. agreement to submit to and fully cooperate with such compliance review, dispute resolution process and interpretation of the Agreement as may be conducted or issued by the Board.
4. agreement that the applicant jurisdiction will reciprocate with all member jurisdictions and with any jurisdiction that subsequently becomes a member jurisdiction; and
5. list and explain any proposed exceptions to the Agreement.

B. The effective date of entry shall be specified by the applicant jurisdiction. It shall not be less than 60 days from the date the Notice of Joinder is approved by the Board.

C. A member jurisdiction may withdraw from the Agreement by giving written notice to the Board. Upon receipt of the notice of withdrawal from the Agreement, the Board shall notify all member jurisdictions. Withdrawal of the jurisdiction's membership shall not take effect until at least 90 days after notice has been given to the Board. A member jurisdiction's withdrawal from the Agreement shall not affect the validity of the Agreement.

Article VII Amending Process

A. The Board, of its own initiative or upon request of any member jurisdiction in good standing, may submit a proposed amendment to the Agreement. A proposed amendment shall be submitted in the format specified in the rules. If an amendment is proposed by a member jurisdiction, the amendment shall be accompanied by the support of a second member jurisdiction.

B. Upon receipt of a proposed amendment, the Board shall review the proposal at its next scheduled meeting to determine that it is in the proper format and if so, shall send the proposed amendment for comment to the membership within 60 days after the adjournment of that meeting.

C. Member jurisdictions shall respond by ballot to any proposed amendment within the date specified by the Board in accordance with the rules.

D. Failure of any member jurisdiction to respond by ballot on a proposed amendment within the date specified by the Board shall constitute an abstention.

E. All amendments must be approved by at least two-thirds of the member jurisdictions in good standing.

F. Amendments to the Agreement shall become effective and binding on the member jurisdictions 60 days after approval, unless otherwise specified in the proposal.

Article VIII Driver License Agreement (DLA) Code

A. The intent of this article is to identify the kinds of offenses reflecting conduct to be reported under the Agreement. The Driver License Agreement (DLA) Code shall include, but not be limited to, convictions and administrative actions relating to:

1. operation of a motor vehicle at or above a specified blood alcohol concentration or while under the influence of alcohol or drugs or a combination thereof;
2. manslaughter involving a motor vehicle, vehicular homicide, vehicular assault or any other similar conviction or administrative action;
3. a felony in the commission of which a motor vehicle was used;
4. leaving the scene of an accident or failing to stop and render aid in the event of a motor vehicle accident or collision resulting in the death or personal injury of another or similar conviction or administrative action;
5. driving while unlicensed or while the license is suspended, revoked or canceled;
6. driving over a prescribed or posted speed limit;
7. failure to obey a red light, stop sign or flashing yellow light;
8. improper passing while operating a motor vehicle or following too closely to another vehicle;
9. improper or unsafe turning movements of a vehicle;
10. failure to yield when required;
11. unsafe or hazardous stopping of a motor vehicle;
12. failure to stop for a school bus with its flashing lights in operation;
13. those required to be reported by federal law;
14. unsafe operation of a motor vehicle;
15. the functional ability to safely operate a motor vehicle;
16. driving without insurance, failure to provide adequate security following an accident or failure to satisfy a judgment following an accident;

17. use of seat belts and child safety restraints;
 18. to display, cause or permit to be displayed or have in unlawful possession any surrendered, canceled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license or identification card; and
 19. to provide a false or fictitious name or date of birth to any police officer or in any application for a driver license or identification card, knowingly make a false statement, knowingly conceal a material fact, or otherwise make a misrepresentation in any such application.
- B. The licensing authority shall obtain from every court, tribunal or agency within its jurisdiction, conviction and administrative action information for offenses specified in the DLA Code.

Article IX Failure to Comply

- A. This article applies only to those offenses specified in the DLA Code.
- B. A law enforcement officer or judicial official issuing a citation to a person licensed by another member jurisdiction shall not require the person to post collateral or bond to secure the person's appearance. However, collateral or bond may be required:
1. if the jurisdiction in which the person is cited imposes a mandatory court appearance for all persons charged with the offense for which the person is cited; or
 2. if the offense for which the person is cited is one for which withdrawal of the person's license is mandatory.
- C. When a person who has been issued a citation by a member jurisdiction fails to comply with the terms of the citation, the court, tribunal or agency having jurisdiction over the citation shall submit to the administrator for the member jurisdiction in which the offense occurred, a notice that the person has failed to comply.
- D. Upon receipt of a notice of failure to comply, the jurisdiction that issued the citation shall not withdraw the license and shall notify the Jurisdiction of Record, in accordance with the rules.
- E. Upon notification, the Jurisdiction of Record shall notify the person and shall withdraw the license. Except as provided in paragraph D of Article II, a withdrawal of a license under this Article shall continue until the Jurisdiction of Record receives satisfactory evidence of compliance from the person or the jurisdiction that issued the citation.
- F. No notification of failure to comply shall be transmitted to the Jurisdiction of Record more than six months after the date the court, tribunal or agency determines the person has failed to comply.

Article X Information Exchange

Ⓝ A. The licensing authority of the Jurisdiction of Record shall give the same effect to the conduct reported to it under the Driver License Agreement as it would if such conduct had occurred in the Jurisdiction of Record. If the laws of the Jurisdiction of Record do not provide for offenses denominated or described in precisely the words employed in the statute of the reporting jurisdiction, the Jurisdiction of Record shall construe such denominations and descriptions as being applicable to and identifying those offenses concerning conduct of a substantially similar nature set forth in the laws of the Jurisdiction of Record. The laws shall be broadly construed so that full force and effect is given to this section.

Ⓝ B. The licensing authority of a member jurisdiction shall report to the licensing authority of the Jurisdiction of Record within 30 days of receipt each conviction and administrative action as designated in the DLA Code, as well as failures to comply. Such report shall identify the person involved and shall include any other information as may be specified in the rules.

C. All information required to be exchanged by the Agreement shall be complete and accurate and transmitted by electronic or other means in a manner that is secure and intelligible, as may be specified in the rules.

D. A jurisdiction receiving information transmitted in an electronic format may provide for the elaboration or translation of coded information or its compression or encryption as necessary for any authorized or lawful use.

Article XI Evidence

8 A. A copy of a record of any conviction, administrative action, license and identification card issuance, withdrawal or status, transmitted and received by electronic means or other means, when certified, shall be admissible in evidence in all courts and administrative proceedings without further proof. Such evidence shall constitute proof of the facts contained therein, in the absence of evidence to the contrary. Contrary evidence shall be limited to clerical and identification errors.

B. Any duplicate, photocopy, microfilm or electronically digitized copy or reproduction of a record, when satisfactorily identified, shall be deemed an original and shall be admissible in evidence in all courts or administrative proceedings without further proof.

C. A record may be certified by electronic means in an electronic format. Such record may, when permitted by jurisdictional law, be filed in a court or administrative proceeding by direct electronic transmission and shall be admissible in evidence without further proof. Any record so transmitted and certified shall be proof of the facts contained therein, in the absence of evidence to the contrary.

D. As used in this Article, the term "record" includes, but is not limited to, any papers, documents, facsimile information, micro-photographically stored information, electronically generated or electronically recorded information, or digitized images, deposited or filed with the jurisdiction.

Article XII Exceptions

A. A jurisdiction may propose exceptions for itself to compliance with the Agreement in its Notice of Joinder or at a later time by submitting a written proposal to the Board.

B. An exception to compliance with the Agreement by a particular jurisdiction may be approved by the Board only if it is not detrimental to the underlying principles of the Agreement as expressed in the General Purpose clause.

C. An exception shall become effective 60 days after approval or at a time as may be specified by the Board.

D. Approved exceptions shall be published and distributed to all member jurisdictions. An approved exception will be valid for a period not to exceed five years from the date of its approval unless it is re-approved by the Board prior to its expiration date. The Board may temporarily extend an exception's expiration date. An approved exception to the security and design elements for licenses and identification cards, as required in Article IV, is not subject to this five year limitation.

E. If a jurisdiction no longer requires an exception to the Agreement, it shall notify the Board and request its repeal. The Board shall notify all member jurisdictions that the exception is no longer in effect.

F. Any exception which is not re-approved prior to its expiration date, whose expiration date is not extended, or is repealed because it is no longer required by a jurisdiction, will be of no force and effect.

Article XIII General Provisions

- A. The Agreement shall be liberally construed to effectuate the purposes stated herein.
- B. The provisions of the Agreement shall be severable and if any phrase, clause, sentence or provision of the Agreement is declared to be contrary to the constitution or laws of any member jurisdiction, or is otherwise inapplicable to any government agency, person or circumstances, the Agreement shall remain in full force and effect as to the remaining jurisdictions. As to the jurisdiction affected by such determination, all other provisions of the Agreement remain in full force and effect.
- C. The Agreement does not create rights for a driver or other person or a standard of care in any legal or evidentiary sense. Any violation of the Agreement shall not be a defense in any criminal, civil, or administrative proceeding. Remedies for violations of the Agreement shall be limited to those authorized by the Agreement.

Article XIV Transitional Provisions

- A. The Joint Executive Board of the Driver License Compact and the Nonresident Violator Compact shall serve as the Initial Board.
- B. Members of the Initial Board may exercise the powers given to the Board in paragraph B 2 of Article V of the Agreement. The Initial Board may also exercise the powers of the member jurisdictions to adopt rules, bylaws and procedures.
- C. The Agreement shall become effective on the date of entry of any two or more applicant jurisdictions. The Initial Board will cease to exercise any powers granted under the Agreement whenever two or more applicant jurisdictions from each region as defined by the American Association of Motor Vehicle Administrators have become members of the Agreement or at such later date as is mutually agreed upon by the membership.
- D. Any action taken under the Driver License Compact or Non-Resident Violator Compact or under any other agreement shall not be affected or terminated by this Agreement, except that any action or provision that conflicts with the Agreement shall be superseded by entry into the Agreement.
- E. A member jurisdiction shall follow the Agreement when dealing with a non-member jurisdiction.
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Comparative analysis of Driver License Issues In DLA-DLC/NRVC/MCSIA

PRINCIPLE	DLA	DLC	NRVC	MCSIA	REFERENCE FOR DLA PROVISIONS
One "driver license" recognized by all jurisdictions.	Yes	Driver License is not defined in DLC. Yes	N/A Driver License defined as any license or privilege to operate a motor vehicle issued under the law of the home jurisdiction.	Yes. 383.1, 383.21, 383.71, 383.73, 384.214	General purpose clause, par. 1 Article I (A) par. 13
One Driver Control Record (DCR)	Yes	No	N/A	Yes 384.209, 384.225	General purpose clause, par. 1 Article II (G) and (J)
One Jurisdiction of Record to maintain one Driver Control Record.	Yes	No Concept of JOR does not exist in DLC. Compact refers to "home state of licensee", and defines it as the jurisdiction that has issued a driver license to a person.	N/A	Yes 384.209, 384.225	Article I (A), par. 12 Article II (G) and (I)«
Definition of "conviction" includes judgments by default or in absentia.	Yes	No	N/A	Yes. 383.5	Article I (A), par. 5
Definition of "failure to comply" includes failure to answer a citation as well as failure to pay fines penalties and costs related to a violation.	Yes	No	No NRVC does not address "failure to pay".	Yes 383.5	Article I (A) par. 8
Definition of jurisdiction includes "territory or province of Canada as well as any state of Republic of Mexico or Federal District of Mexico".	Yes	No	Yes NRVC defines "jurisdiction" to include "provinces of Canada or other countries".	Yes. See CDLIS State Procedures 3.0.0, Sec. 3.2 "Jurisdiction" <u>Only applicable to U.S.</u>	Article I (A), par. 11
Licensing authority shall not issue a driver license to an applicant unless jurisdiction has utilized a recognized verification process for purposes of establishing identity (one identity)	Yes	No	N/A	No. SSOLV is recommended, but not currently required	General purpose clause, par. 4 Article II (A)

PRINCIPLE	DLA	DLC	NEWS	MOSIA	REFERENCE/FOR IDLA PROVISIONS
Each applicant shall furnish acceptable proof of identity using documents from the "Acceptable Resource Lists which must be verified either electronically in the case of SSN or by other means such as visual screening".	Yes	No	N/A	No Only SSN is required	Rules for Article II - Appendices II-A and II-C
Licensing authority shall not issue a driver license to an applicant if existing license has been withdrawn by another jurisdiction for convictions or administrative actions, as well as failures to comply, relating to highway safety and federal mandates.	Yes	DLC does not deal with administrative actions, although "administrative per se" are allowed in the Administrative Procedures of DLC. In addition, convictions are not limited to matters related to highway safety and federal mandates.	No NRVC applies to moving traffic violations which alone do not carry suspension or revocation. However, there is no precise definition of "traffic violation" in the Compact. Article VIII specifically excludes parking or standing violations, highway weight limit violations and violations governing the transportation of hazardous materials.	Yes. 384.210	General purpose clause, par. 3 and 5 Article II (B)
Licensing authority shall not issue a driver license to an applicant unless applicant surrenders existing license.	Yes	Yes	N/A	Yes. 383.71, 383.73, 284.211	Article II (F)
Licensing authority may issue a driver license to an applicant after the expiration of 5 years from effective date of most recent withdrawal.	Yes	DLC provides that licensing authority may issue a driver license if the revocation of the applicant's license has been in effect for more than 1 year. DLC is more permissive on this issue than the DLA.		No 384.210	Article II (C)
Licensing authority may issue a driver license to an applicant in the case of a withdrawal for failure to comply if it is satisfied that the applicant has made all reasonable efforts to comply but has been unable to so.	Yes	No	No	Yes, If allowed under state law. 384.210	Article II (D)

PRINCIPLE	DLA	DLC	NRVC	MCSIA	REFERENCE FOR DLA PROVISIONS
If a person has not been issued a driver license, the jurisdiction of the person's address shall create and maintain a record, until such time as a jurisdiction shall issue a driver license.	Yes	No Applicant shall submit an affidavit of non-licensure which may take the place of surrendered licenses.	N/A	No If driver has no license and no existing CDLIS pointer, the state of conviction must establish a CDLIS pointer regardless of non driver documents issued by another jurisdiction See CDLIS State Procedures, 3.0.0, Sec 11.3	Article II (H)
Jurisdiction of Record shall give the same effect, in accordance with its laws, to DLA Code convictions and administrative actions which occurred in another jurisdiction as if these convictions and administrative actions had occurred in the JOR.	Yes Unlike the DLC, the DLA makes no distinction between "mandatory convictions" and any other convictions	Yes This basic principle in the DLA is essentially the same as in the DLC.		Yes 384.215-384219	Article II (K)
Except as specified for failures to comply, a jurisdiction may maintain its own driver records on any person and take the withdrawal actions permitted by its laws on any conduct occurring within that jurisdiction.	Yes However such withdrawals shall not be sent to other jurisdictions. Only DLA Code convictions and administrative actions are sent to the JOR.	Yes	N/A	Yes But no exception for FTA (SOC) may take action as on any other conduct)	Article II (M)
The JOR shall transfer the Driver Control Record within 30 days of receipt of notification of the issuance of a driver license.	Yes	Yes Administrative Procedures of DLC provide for a delay of 30 days.	N/A	Yes 384.206	Article II (I)
Following expiration of withdrawal, another jurisdiction may issue a license notwithstanding requirements in the former JOR for alcohol or any rehabilitation or proof of financial responsibility. However, all reinstatement fees in the former JOR must have been paid.	Yes	No	N/A	Yes If allowed by jurisdictional law 384.210	Article II (L)

PRINCIPLE	DIA	DIC	IRV/C	MCS/A	REFERENCE FOR DIA PROVISIONS
Identity cards issued by a member jurisdiction shall meet the security standards required for driver licenses and require the same proof of identity process as for driver licenses.	Yes	No	N/A	N/A	Rule for Article II - Appendices II (A) and II (C) Article III
Member jurisdictions shall assure its employees have completed the AAMVA Fraudulent Document Recognition Training Program to recognize and detect fraud.	Yes	No	N/A	No Recommended	Article IV, par. 1° Rules for Article IV - section I
Member jurisdictions shall develop internal controls to reduce fraud, including a formal audit plan and procedure, as a deterrent to fraud.	Yes	No	N/A	No Recommended	Article IV, par. 2 Rules for Article IV - section 2, Appendix IV-A
Member jurisdictions shall incorporate certain security and design elements into each license and identification card (i.e. OVD, common machine readable and human readable technology).	Yes	No	N/A	No. 383.155 requires tamper proofing, but it is not specific as to how it is to be achieved.	Article IV, par. 4 Rules for Article IV - section 3
Two categories of member jurisdictions: - "pending member" - declaration of intent to join within 5 years - "full member" - notice of joinder.	Yes	No	N/A	N/A	Article V (A) - par. 1 to 6
Members have power to establish dues, elect officers, amend the Agreement and adopt rules and bylaws.	Yes	Yes	Yes	N/A	Article V (A) (7)
Agreement administered by a Board composed of a Chair, Vice-Chair, immediate past Chair and a representative of each of the regions as defined by AAMVA.	Yes	Yes Joint Executive Board for both Compacts since 1993.	Yes Joint Executive Board for both Compacts since 1993.	N/A	Article V (B) (1)

PRINCIPLE	DLA	DLC	NRVC	MCSIA	REFERENCE FOR DLA PROVISIONS
Board has the power to establish and amend the DLA Code, monitor compliance, resolve disputes, impose sanctions, approve exceptions to the Agreement, determine substantial similarity of state laws to DLA Code and officially interpret the Agreement.	Yes	No	No	N/A	Article V (B) (2)
Amendments to the Agreement are executed by ballot and must be approved by at least 2/3 of member jurisdictions in good standing.	Yes	No The DLC has no amendment clause.	No The NRVC requires unanimous endorsement of all party jurisdictions to amend the Compact.	N/A	Article VII
In case of failure to comply, the jurisdiction that issued the citation shall not withdraw the driver license and shall notify the JOR. Only the JOR is authorized to withdraw the Driver license.	Yes	N/A	No The NRVC states that the issuing jurisdiction need not suspend the privilege of a driver for whom a report has been transmitted to the home jurisdiction.	No. FMCSA requires only that it be reported as a conviction to the SOR. Documentation for CDLISII shows FMCSA expects the SOC may withdraw.	Articles IX (D) and (E)
In case of failure to comply, a withdrawal shall continue until the JOR receives satisfactory evidence of compliance.	Yes	N/A	Yes	Yes	Article IX (E) Exception: article II (D)
No notification of failure to comply shall be transmitted to the JOR more than 6 months after the date the court, tribunal or agency determines the person has failed to comply.	Yes	N/A	Same time period (i.e. 6 months) but different starting date. NRVC refers to "six months after the date on which the traffic citation was issued".	Yes. 384.209 MCSIA is even more restrictive in that effective 09-30-05 convictions must be reported within 30 days. Effective 09-30-08 they must be reported within 10 days. (failure to comply must be reported as convictions)	Article IX (F)
The JOR must give the same effect to convictions and administrative actions reported to it from a member jurisdiction, as if the conduct occurred in the JOR.	Yes	Yes	Yes	Yes 384.215-284.219	Article X (A)

PRINCIPLE	DLA	DLC	NEVC	MOS/A	REFERENCE FOR DLA PROVISIONS
Licensing authority has 30 days to report convictions and administrative actions to the JOR, electronically or by the other means.	Yes	No Administrative Procedure of DLC requires a jurisdiction to report each conviction to the home jurisdiction within 15 days after receipt of conviction from the court.	N/A	Yes, for now. Effective 09-30-05 convictions must be reported within 30 days. Effective 09-30-08 they must be reported within 10 days	Article X (B)
An electronic copy of a record transmitted and received of any conviction, administrative action, driver license and identification card issuance, withdrawal or driver status is admissible in evidence in all courts and administrative proceedings without further proof.	Yes	No	No	No. Not addressed.	Article XI
A member jurisdiction may propose exceptions to compliance that are not detrimental to the underlying principles of the Agreement in its "Notice of Joinder" or at a later time. Exceptions are valid for up to 5 years. However exceptions to paragraph 4 of Article IV may be valid for up to 12 years.	Yes	No	No	N/A	Article XII
Provisions of the Agreement are severable and shall be liberally construed.	Yes	Yes	Yes	N/A	Article XIII (A) and (B)
Agreement does not create rights for a driver or other person or a standard of care in any legal or evidentiary sense. Any violation of the Agreement shall not be a defense in any proceeding.	Yes	No	No	N/A	Article XIII (C)

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TO: Aaron Gray
LRB

FAX:
TELEPHONE:

FROM: Wisconsin Department of Transportation
Office of Policy and Budget

FAX: (608) 261-8626

Karen Baetsen

TELEPHONE:
266-0179

- MESSAGE -

Aaron: DLA implementation

As we talked, originally we'd written the stat. modification as

→ implement DL no later than 6/30/07
OR

- when DOT notifies Governor that changes have been implemented, Governor notifies Secretary of State of such, & the effective date of changes have been published; whichever is earlier.

⇒ this was too prescriptive, so we went general. But the date is the above. If we're ready before 6/30/07 we

DT1455 97
(Replaces AS1179)

If you receive this transmission in error, please call the sender and return the message. This transmission is intended only for the use of the addressee.

need to implement.

Karen



**Department of Transportation
2005-2007 Biennial Budget Request
STATUTORY MODIFICATIONS**

DIN NUMBER: 5502

TOPIC: Driver License Agreement for Highway Safety

DESCRIPTION OF CHANGE:

The national Driver License Agreement (DLA) is a reciprocal agreement among member jurisdictions whose primary goal is to promote highway safety by reducing the opportunity for identity fraud and improper licensing in the driver licensing process. The DLA Code is a listing of convictions, failure to comply actions, and administrative actions for traffic or driver related violations that shall be recorded on the driver record by the jurisdiction of record of the offender.

Implement the DLA provisions, as defined in the DLA Code (Article VIII) and the other Articles of the Agreement. Make the following statutory changes:

1. Consider creating authority for Wisconsin to become a member of the national Driver License Agreement.
2. Amend Chapters 340, 343, 345, 909, and 961 Wis. Stats., to incorporate DLA provisions and requirements.
3. Amend other chapters as required to adopt the DLA provisions.
4. Review any other cross-references for possible changes.

The changes must be implemented by no later than June 30, 2007.

JUSTIFICATION:

The Department requests statutory changes that will allow it to formally join the new DLA. The cooperative agreement provides for fair, impartial, and consistent treatment of all drivers operating within Wisconsin.

Participating in the DLA provides the mechanism to assure the DLA's underlying concept of "one driver - one identity - one license - one driver control record." Guidelines deter ineligible drivers (those whose driver license is revoked or suspended) from obtaining licensing in other jurisdictions, and provide the framework for impartial and consistent treatment of all drivers who operate within a jurisdiction's borders with respect to driving offenses. Information is exchanged among member jurisdictions and many aspects of the driver licensing process are automated.

The Department seeks to implement the provisions of the DLA through electronic data exchange and automated processes. To accomplish this goal, the Department requests modification to a number of statutory sections to comply with various DLA provisions and requirements. The provisions are described in Articles I through XIV of the Driver License Agreement.

Identity theft, the proliferation of altered source identity documents, and increased successes in obtaining fraudulent DL/ID cards have become a growing concern across the nation, including Wisconsin. Without electronic links to information maintained on driver records in other jurisdictions and requiring more secure or verifiable documents, Wisconsin is vulnerable to various fraudulent licensing schemes.

05-0064

Gary, Aaron

From: Baetsen, Karen
Sent: Friday, December 10, 2004 9:26 AM
To: Gary, Aaron
Cc: Hammer, Paul; Biermeier, Anna; Prideaux-Wentz, Gary
Subject: FW: DLA draft - with DMV comments

redraft, instructions

Importance: High

Aaron, attached is the DLA draft with DMV comments and concerns noted within your draft. Printing in color helps!

We are all set for our joint discussion on Thursday Dec. 16, starting at 9:15 in room 144B (in our corridor). If you are able to make any revisions before our meeting, we'd appreciate receiving the next draft revision prior to the meeting so can review and minimize your time here. Thank you for including us in the review process. I gave the copy with edit notations to Anna yesterday.

- Karen

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

From: Biermeier, Anna
Sent: Thursday, December 09, 2004 4:40 PM
To: Baetsen, Karen
Cc: Nilsen, Paul
Subject: DLA draft - with DMV comments



dladraftwithcommen
tsinit.doc

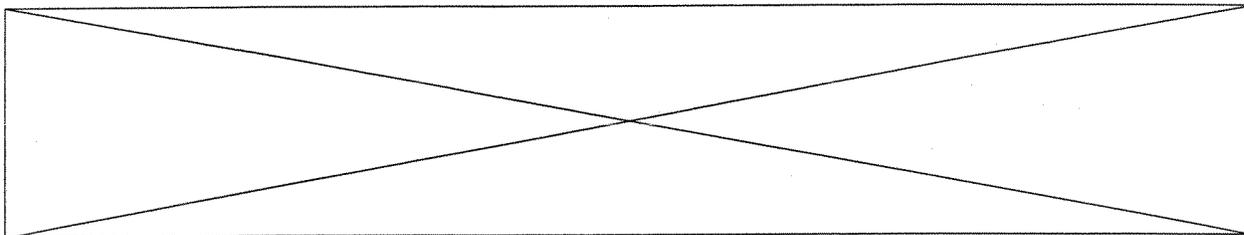
Karen,
Attached is the draft with our comments.

If there is a goal for a new draft that goal might be: to provide a draft that allows entry into the Driver License Agreement with a minimal level of compliance with the Agreement and a minimal level of disruption to current state laws and recordkeeping systems (law enforcement, DA, courts, and the state).

Thank you for working on this.

Anna

2005 Special Session
2005 - 2006 LEGISLATURE



DOA:.....Percy, BB0082 - Driver licensing changes to implement national driver license agreement

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

ENGROSSED 2005 BILL

AN ACT ...; relating to: driver licensing changes to implement the driver license agreement and granting rule-making authority.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

This is a preliminary draft. An analysis will be provided in a later version.

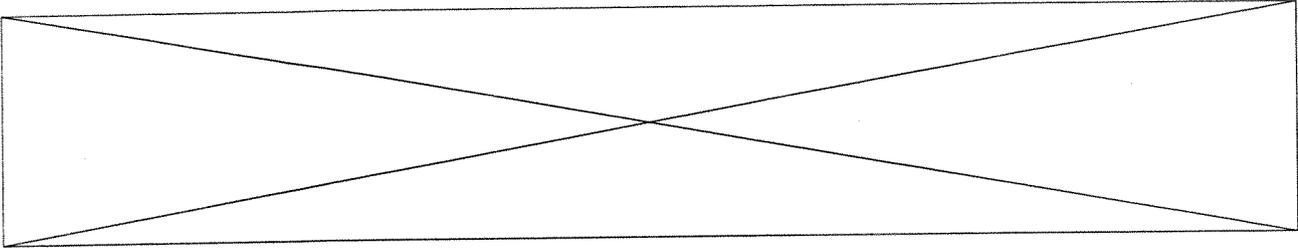
For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

Amend s.342.12(4) (title transfer stop pending court action) to clarify that the section applies only to vehicles titled in Wisconsin.

We need to be sure to keep this loophole closed. If a person has a violation in another state and is then licensed in Wisconsin, Wisconsin will act on the conviction for that earlier offense if the date of conviction is after the date of licensure. If date of conviction is prior to the date of licensure, but reported to Wisconsin after the Wisconsin license has been issued, then Wisconsin will not take action.

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

ENGROSSED BILL



SECTION 1. 23.33 (13) (e) of the statutes is amended to read:

Note: May have to change reference to s. 343.30-(1q)(c) 1. See notes under sections 48 & 49.

23.33 (13) (e) *Alcohol, controlled substances or controlled substance analogs; assessment.* In addition to any other penalty or order, a person who violates sub. (4c) (a) or (b) or (4p) (e) or who violates s. 940.09 or 940.25 if the violation involves the operation of an all-terrain vehicle, shall be ordered by the court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol, controlled substances or controlled substance analogs. The assessment order shall comply with s. 343.30 (1q) (c) 1. ~~a-~~
~~to-e.~~ Intentional failure to comply with an assessment ordered under this paragraph constitutes contempt of court, punishable under ch. 785.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326.

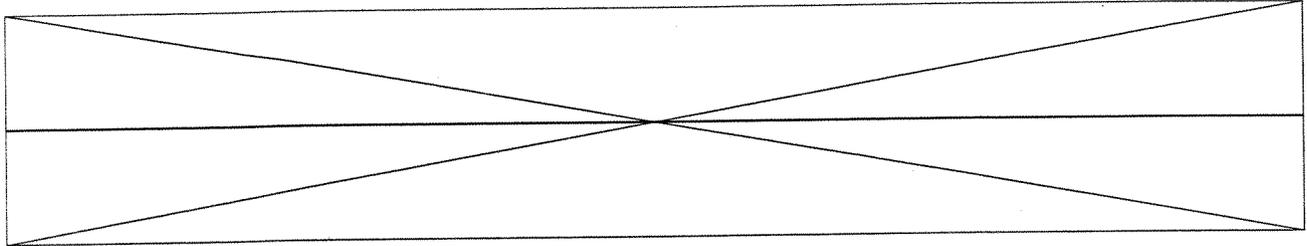
SECTION 2. 125.07 (4) (bs) (intro.) of the statutes is amended to read: **Note:**

Not needed. JA/UAL are not DLA Codes

125.07 (4) (bs) (intro.) ~~Any~~ Subject to par. (cb), any person violating par. (a) is subject to the following penalties:

History: 1981 c. 79, 202, 391; 1983 a. 74, 472, 538; 1985 a. 28, 29, 47, 120, 176, 221, 317, 337; 1987 a. 51, 354; 1989 a. 31, 121, 135, 253, 336, 359; 1991 a. 28, 39, 171, 269; 1993 a. 112, 472; 1995 a. 77, 334; 1997 a. 35, 84, 98, 100, 205, 337; 1999 a. 109; 2003 a. 246.

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SECTION 3. 125.07 (4) (c) (intro.) of the statutes is amended to read: **Note:**
Not needed. JA/UAL are not DLA Codes

125.07 (4) (c) (intro.) **Any Subject to par. (cb), any** person violating par. (b) is
subject to the following penalties:

History: 1981 c. 79, 202, 391; 1983 a. 74, 472, 538; 1985 a. 28, 29, 47, 120, 176, 221, 317, 337; 1987 a. 51, 354; 1989 a. 31, 121, 135, 253, 336, 359; 1991 a. 28, 39, 171, 269; 1993 a. 112, 472; 1995 a. 77, 334; 1997 a. 35, 84, 98, 100, 205, 337; 1999 a. 109; 2003 a. 246.

SECTION 4. 125.07 (4) (cb) of the statutes is created to read:

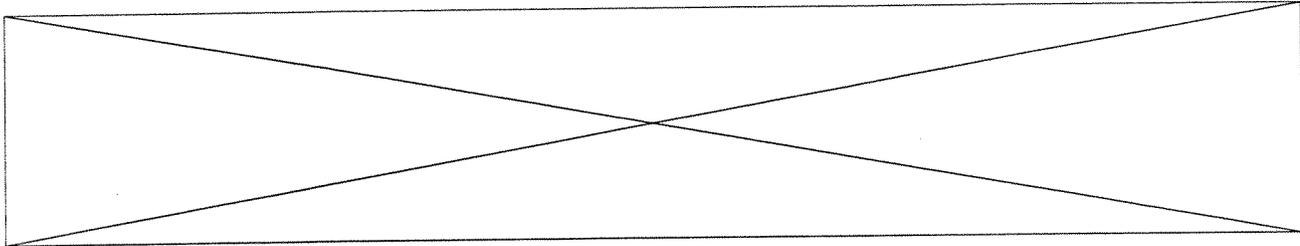
Note: Not needed. JA/UAL are not DLA Codes

125.07 (4) (cb) If this state is a party to an agreement under s. 343.02 (3) (a), the court may not suspend under par. (bs) or (c) the operating privilege of a person who is not a resident of this state if a violation of par. (a) or (b), respectively, is an offense identified in the rule under s. 343.02 (3) (b).

SECTION 5. 125.07 (4) (cm) of the statutes is amended to read:

125.07 (4) (cm) When a court revokes or suspends a person's operating privilege under par. (bs) or (c), the department of transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, driver licensing agency of another

ENGROSSED BILL



jurisdiction, or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.

History: 1981 c. 79, 202, 391; 1983 a. 74, 472, 538; 1985 a. 28, 29, 47, 120, 176, 221, 317, 337; 1987 a. 51, 354; 1989 a. 31, 121, 135, 253, 336, 359; 1991 a. 28, 39, 171, 269; 1993 a. 112, 472; 1995 a. 77, 334; 1997 a. 35, 84, 98, 100, 205, 337; 1999 a. 109; 2003 a. 246.

SECTION 6. 125.085 (3) (bd) of the statutes is renumbered 125.085 (3) (bd) 1.

Note: Check to see if it needs to be renumbered after other deletes are made.

SECTION 7. 125.085 (3) (bd) 2. of the statutes is created to read:

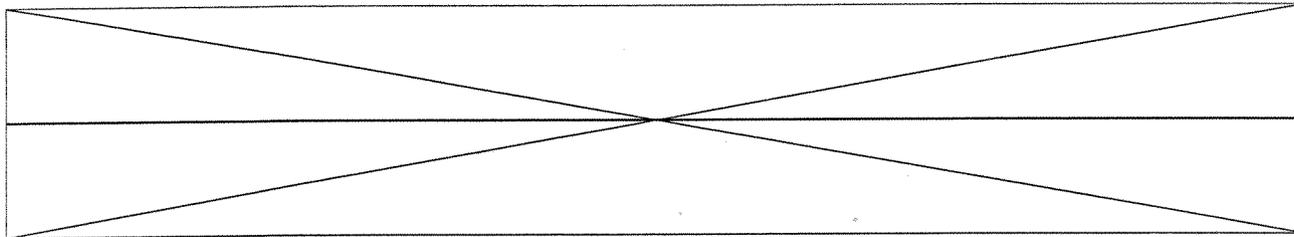
Note: Not needed. JID/UID are not DLA Codes

125.085 (3) (bd) 2. Notwithstanding subd. 1., if this state is a party to an agreement under s. 343.02 (3) (a), the court may not suspend under subd. 1. the operating privilege of an underage person who is not a resident of this state if a violation of par. (b) is an offense identified in the rule under s. 343.02 (3) (b).

SECTION 8. 125.085 (3) (bp) of the statutes is amended to read:

125.085 (3) (bp) When a court suspends a person's operating privilege under par. (bd), the department of transportation may not disclose information concerning or relating to the suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, driver licensing agency of another jurisdiction, or the person

ENGROSSED BILL



whose operating privilege is suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.

History: 1989 a. 31, 253, 336; 1991 a. 39; 1995 a. 77; 1997 a. 27, 35, 205, 283; 2001 a. 109.

SECTION 9. 340.01 (13m) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read: **Note: No change needed in this definition. This amendment is not needed.**

340.01 (13m) “Disqualification” means the loss or withdrawal or, with respect to a nonresident, a determination that would result in the loss or withdrawal if the person were a resident, of a person’s privilege to operate a commercial motor vehicle relating to arising from certain offenses committed by the person while driving or operating a motor vehicle or while on duty time with respect to a commercial motor vehicle.

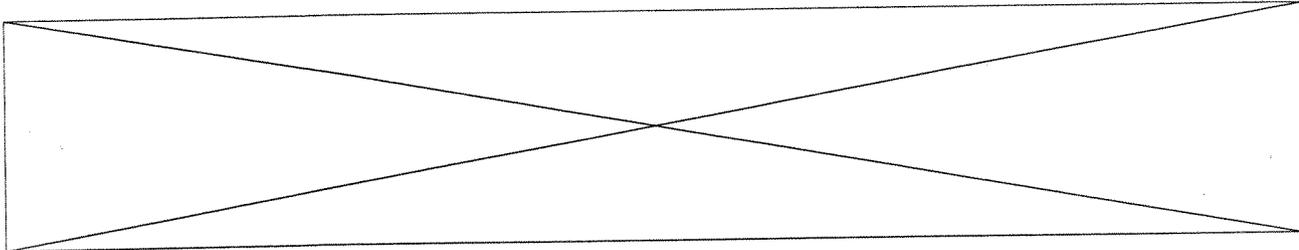
NOTE: NOTE: Sub. (13m) is amended eff. 9-30-05 by 2003 Wis. Act 33 to read:NOTE:

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (1); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277; 1999 a. 9, 31, 80, 85, 109, 140; 2001 a. 10, 16, 90, 102, 105, 109; 2003 a. 30, 33, 97, 192, 320, 321.

****NOTE: I believe some change to the definition of “disqualification” is necessary to accommodate the instructions for treatment of s. 343.315. No.

****NOTE: With regard to the definition of “conviction,” I read s. 340.01 (9r) (intro.) to apply to convictions in other jurisdictions, so I did not amend this provision. Good.

ENGROSSED BILL



SECTION 10. 343.01 (2) (bc) of the statutes is created to read:

Note: "Another" excludes Wisconsin.

343.01 (2) (bc) "Home jurisdiction" means ~~another~~ the jurisdiction that has most recently issued an operator's license to a person or, if the person has not been issued an operator's license by any jurisdiction, the jurisdiction of the person's residence.

~~**SECTION 11.**~~ 343.01 (2) (bm) of the statutes is created to read:

343.01 (2) (bm) "Member jurisdiction" means another jurisdiction that has entered into any reciprocal agreement with this state described in s. 343.02 (3) (a).

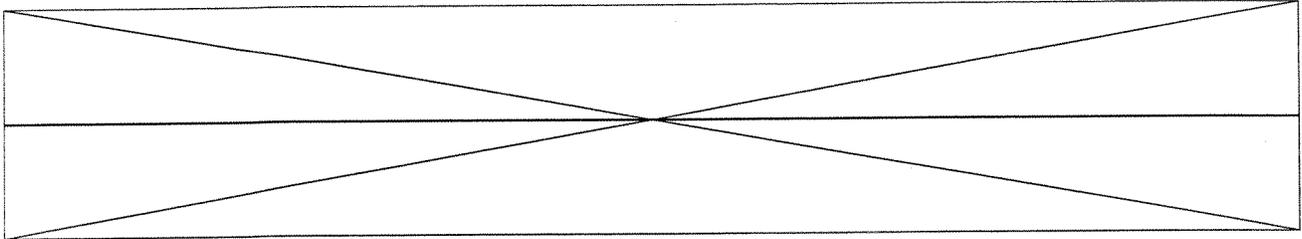
SECTION 12. 343.01 (2) (cv) of the statutes is created to read:

Note: Able to accept Mexico federal commercial licenses. Do not want to accept other Mexican state-issued licenses. -Do not want the definition to suggest that Mexico has a reciprocal licensing agreement. Willing to accept convictions from and will forward convictions to Mexico.

343.01 (2) (cv) "Other jurisdiction" or "another jurisdiction" has the meaning given in s. 340.01 (41m) except that it also includes Mexico or any state thereof.

****NOTE: Do you want to simply amend s. 340.01 (41m) to include Mexico? If so, it will affect all provisions in chs. 340 to 349 and 351, including such provisions as

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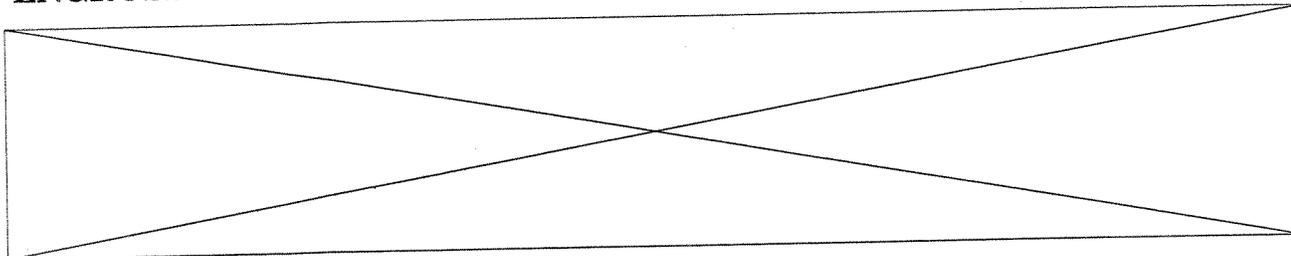
s. 341.40. It will also require treatment of the definition of CDL under s. 340.01 (7m).
No.

SECTION 13. 343.02 (3) of the statutes is created to read:

343.02 (3) (a) For the purpose of promoting the efficient administration and enforcement of the provisions of this chapter, the secretary, with the approval of the governor, may enter into reciprocal agreements with the responsible officers of other jurisdictions establishing standards for the treatment and exchange of driver licensing and conviction information and other data pertinent to the licensing process, including joining the agreement facilitated by the American Association of Motor Vehicle Administrators that, as of the effective date of this paragraph [revisor inserts date], is known as the Driver License Agreement.

(b) If the secretary enters into an agreement under par. (a), the department may promulgate such rules as the secretary considers necessary to effectuate the purposes of the agreement and shall promulgate rules, timed to become effective with the effective date of the state's joinder in such an agreement, that identify all violations of, and administrative actions under, the laws of this state and describe by type or category all equivalent violations of, and administrative actions under, the laws of other jurisdictions that, under the agreement, are required to be

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recognized as violations or authorized administrative actions among all jurisdictions that are parties to the agreement.

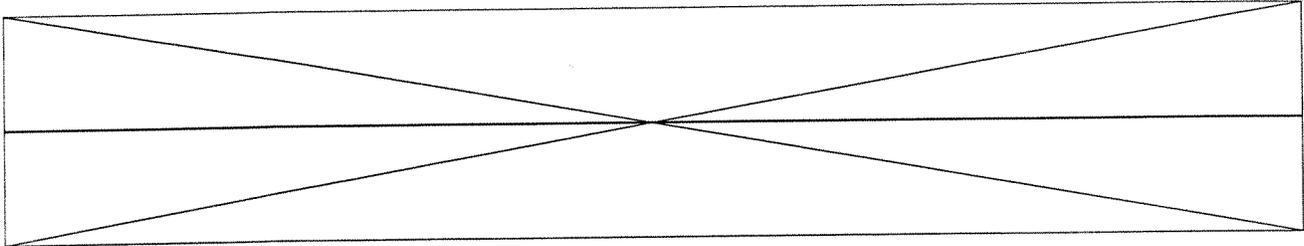
(c) If the secretary enters into an agreement under par. (a), the department shall provide for publication of notice of the state's joinder in such agreement, including the effective date of such joinder, by notice published by the revisor of statutes in the Wisconsin Administrative Register under s. 35.93 (4) and shall provide such notice to the director of state courts.

(d) The secretary, with the approval of the governor, may withdraw from any agreement entered into under par. (a) if the secretary deems such action necessary and desirable. Prior to any withdrawal under this paragraph, the secretary shall provide notice of the type specified in par. (c) of such withdrawal.

SECTION 14. 343.027 of the statutes is amended to read:

343.027 Confidentiality of signatures. Any signature collected under this chapter may be maintained by the department and shall be kept confidential. The department may release a signature or a facsimile of a signature only to the person to whom the signature relates, to a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or to the driver licensing agency of another jurisdiction.

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SECTION 15. 343.03 (5) (a) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read: Note: Is this change needed? Last sentence is current practice.

343.03 (5) (a) Before issuing or renewing any license under this chapter, the department shall obtain driver record information from the national driver registry and commercial driver license information system to determine whether the applicant holds a commercial driver license, or a license that is revoked, suspended or canceled, or is otherwise disqualified. If the applicant is currently licensed in another state jurisdiction, the department shall obtain information on the applicant's license status with the state jurisdiction of licensure before issuing a license, including, if this state becomes a party to an agreement under s. 343.02 (3) (a), requesting transfer to the department of the applicant's driver record information from the other jurisdiction.

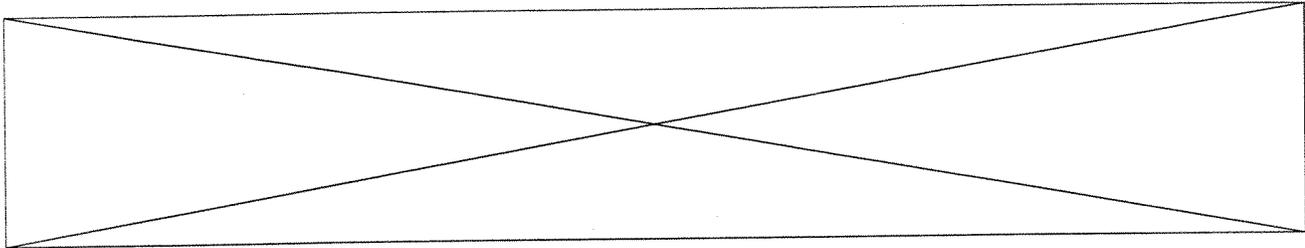
NOTE: NOTE: Sub. (5) is affected eff. 9-30-05 by 2003 Wis. Act 2003 to read:NOTE:

History: 1989 a. 105; 1991 a. 12, 32, 39; 1995 a. 113; 2003 a. 33.

***NOTE: Do you believe any other changes are necessary to s. 343.03 (5) to (7)? Only if there is a need to change "state" to "jurisdiction" throughout 343.

SECTION 16. 343.03 (6) (a) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

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343.03 (6) (a) The department shall, upon request, provide to the commercial driver license information system and the driver licensing agencies of other states jurisdictions any applicant or driver record information maintained by the department.

History: 1989 a. 105; 1991 a. 12, 32, 39; 1995 a. 113; 2003 a. 33.

SECTION 17. 343.05 (2) (a) 2. of the statutes is amended to read:

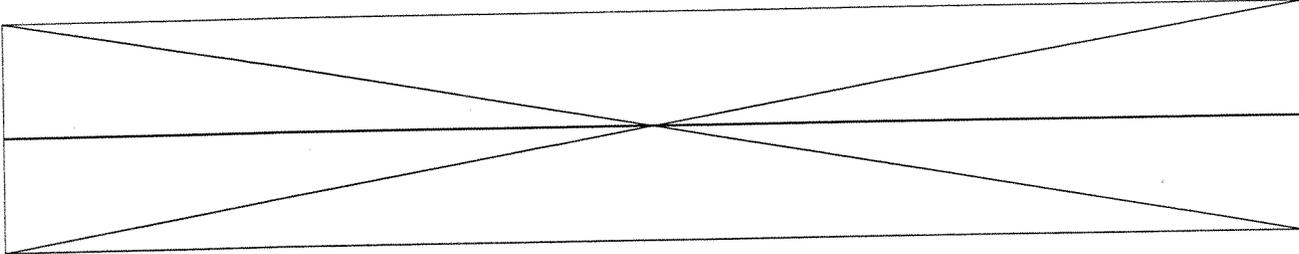
343.05 (2) (a) 2. A nonresident who has in his or her immediate possession a valid commercial driver license issued to the person in another jurisdiction or Mexico bearing all endorsements required for the specific class and type of vehicle being operated. A license is not valid under this subdivision if the license is restricted to operation inside the person's home jurisdiction, or if the person is otherwise violating restrictions or exceeding operating authorization stated on the person's license. If the nonresident is operating a commercial motor vehicle in interstate commerce, he or she must be at least 21 years of age.

History: 1971 c. 164 s. 83; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273, 288, 447; 1979 c. 345; 1981 c. 42, 138; 1981 c. 390 s. 252; 1983 a. 243, 534, 535, 538; 1985 a. 65; 1989 a. 87, 105, 359; 1991 a. 32, 39; 1995 a. 113, 269, 347; 1997 a. 237.

SECTION 18. 343.05 (5) (b) 1. of the statutes is amended to read:

343.05 (5) (b) 1. Except as provided in subd. 2. and sub. (6), any person who violates sub. (3) (a) may be required to forfeit not more than \$200 for the first offense, may be fined not more than \$300 and imprisoned for not more than 30

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days for the 2nd offense occurring within 3 years, and may be fined not more than \$500 and imprisoned for not more than 6 months for the 3rd or subsequent offense occurring within 3 years. A violation of a local ordinance in conformity with this section ~~or a violation of~~ a law of a federally recognized American Indian tribe or band in this state in conformity with this section, or the law of another jurisdiction for an offense therein which, if committed in this state, would have been a violation under this section, shall count as a previous offense.

History: 1971 c. 164 s. 83; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273, 288, 447; 1979 c. 345; 1981 c. 42, 138; 1981 c. 390 s. 252; 1983 a. 243, 534, 535, 538; 1985 a. 65; 1989 a. 87, 105, 359; 1991 a. 32, 39; 1995 a. 113, 269, 347; 1997 a. 237.

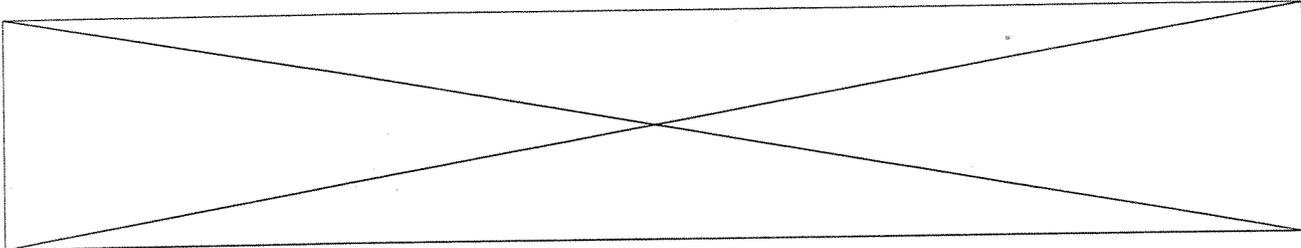
SECTION 19. 343.06 (1) (bm) of the statutes is created to read:

343.06 (1) (bm) To any person whose operating privilege is currently suspended, revoked, or canceled by another jurisdiction for an offense or combination of offenses identified in the rule under s. 343.02 (3) (b), except if the operating privilege was suspended, revoked, or canceled by another jurisdiction for failure to comply with a judgment ~~or in connection with a judgment~~ in that jurisdiction and at least five years have elapsed since the operating privilege was suspended, revoked, or canceled for failure to comply.

***NOTE: Disqualifications are covered under s. 343.06 (2).

SECTION 20. 343.06 (1) (j) of the statutes is amended to read:

ENGROSSED BILL



343.06 (1) (j) To any person applying for his or her first license or identification card who has not provided satisfactory proof of his or her name and date of birth, identity and, if applicable, residency or for a reinstated license in this state unless the person has submitted satisfactory proof of his or her name and date of birth identity.

History: 1971 c. 40 s. 93; 1971 c. 154 s. 79 (3); 1971 c. 219; 1975 c. 184 s. 13; 1975 c. 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 41, 238, 273, 360, 447; 1983 a. 17, 243; 1985 a. 202; 1987 a. 40, 122; 1987 a. 332 s. 64; 1987 a. 403; 1989 a. 31, 105; 1993 a. 16, 227, 363, 399, 491; 1995 a. 27 s. 9145 (1); 1995 a. 77, 113, 448; 1997 a. 27, 84, 283; 1999 a. 9, 140; 2001 a. 38; 2003 a. 33.

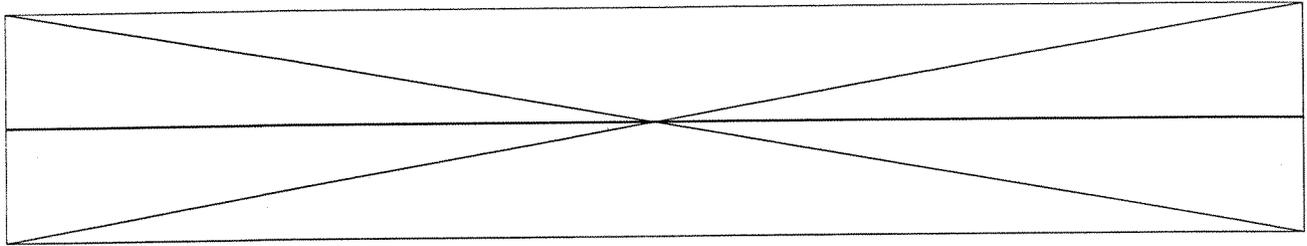
****NOTE: The term "satisfactory proof" leaves substantial discretion to DOT to determine what proof is necessary, and the term "identity" in lieu of "name and date of birth" also provides greater latitude. To the extent that you would like to create specific identity requirements, they should be placed in s. 343.14. Satisfactory Proof is defined in Trans 102 which lists documents that will be accepted.

****NOTE: Does DOT issue operator's licenses to nonresident students? If so, s. 343.06 (1) (k) should be amended to recognize this exception or the section under which such licenses are issued should be amended to include "notwithstanding s. 343.06 (1) (k)." If you would like s. 343.06 (1) (k) or another provision amended, I will need more detail as to this exception. No amendment needed.

SECTION 21. 343.06 (2) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

343.06 (2) The department shall not issue a commercial driver license, including a renewal or reinstated license, to any person during any period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another jurisdiction in substantial conformity therewith, as the result of one or more disqualifying offenses committed on or after July 1, 1987, or to any person whose

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operating privilege is revoked, suspended, or canceled. ~~Any~~ With respect to any person who is known to the department to be subject to disqualification as described in s. 343.44 (1) (d), the department shall be disqualified by the department as provided disqualify the person or provide notice as specified in s. 343.315.

NOTE: NOTE: Sub. (2) is amended eff. 9-30-05 by 2003 Wis. Act 33 to read:NOTE:

History: 1971 c. 40 s. 93; 1971 c. 154 s. 79 (3); 1971 c. 219; 1975 c. 184 s. 13; 1975 c. 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 41, 238, 273, 360, 447; 1983 a. 17, 243; 1985 a. 202; 1987 a. 40, 122; 1987 a. 332 s. 64; 1987 a. 403; 1989 a. 31, 105; 1993 a. 16, 227, 363, 399, 491; 1995 a. 27 s. 9145 (1); 1995 a. 77, 113, 448; 1997 a. 27, 84, 283; 1999 a. 9, 140; 2001 a. 38; 2003 a. 33.

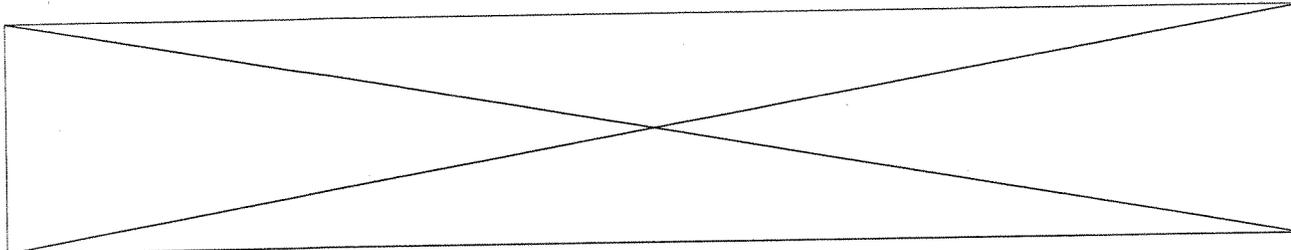
****NOTE: This change is intended to correspond to changes in ss. 343.315 and 343.23.

SECTION 22. 343.085 (4) of the statutes is amended to read:

343.085 (4) The secretary may require that a person be continued on probationary status beyond the period of first issuance if such person appears by the records of the department to have repeatedly violated any of the state traffic laws or any local ordinance in conformity therewith or any law of a federally recognized American Indian tribe or band in this state in conformity with any of the state traffic laws or any law of another jurisdiction for an offense therein which, if committed in this state, would have been a violation of this state's traffic laws. A person may not be continued on probationary status due to a suspension under s. 343.30 (6).

History: 1971 c. 204; 1977 c. 29 s. 1654 (7) (a), (c); 1979 c. 306; 1979 c. 331 ss. 59, 72; 1981 c. 314; 1989 a. 105, 359; 1991 a. 39; 1997 a. 84, 237; 1999 a. 9, 185.

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****NOTE: I don't believe any provision of s. 343.11 needs to be amended. Do you? No

SECTION 23. 343.10 (7) (c) of the statutes is amended to read:

343.10 (7) (c) If the person is disqualified by the department under s. 343.315 but otherwise eligible under sub. (2), the department shall issue an occupational license authorizing operation only of vehicles other than commercial motor vehicles.

History: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337; 1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109; 2001 a. 16 ss. 3409f, 3409g, 4060hw, 4060hy; 2003 a. 33, 80, 200, 326.

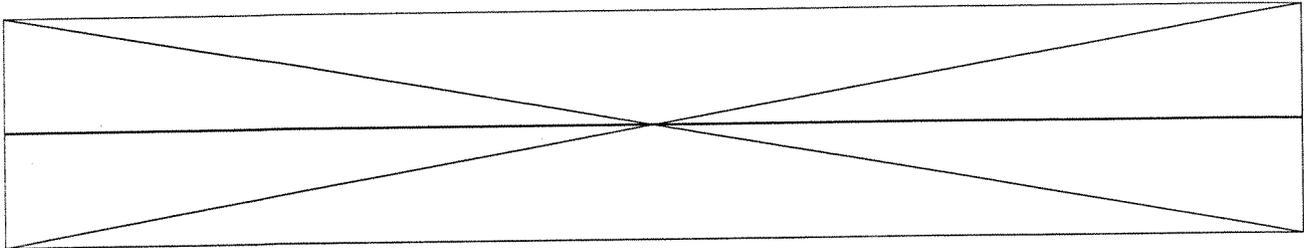
****NOTE: This change is intended to correspond with changes to ss. 343.315, 343.23, and 343.06 (2).

SECTION 24. 343.14 (2j) (b) of the statutes is amended to read:

343.14 (2j) (b) Except as provided in sub. (2g) (b) and as otherwise required to administer and enforce this chapter, the department of transportation may not disclose a social security number obtained from an applicant for a license under sub. (2) (bm) to any person except to the department of workforce development for the sole purpose of administering s. 49.22 or to the driver licensing agency of another jurisdiction.

History: 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 124, 360, 447; 1979 c. 306; 1981 c. 20 s. 1848r; 1985 a. 227; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 105, 294, 298, 359; 1991 a. 269; 1993 a. 363; 1995 a. 113; 1997 a. 27, 119, 191; 1999 a. 9, 80, 88; 2001 a. 93; 2003 a. 33.

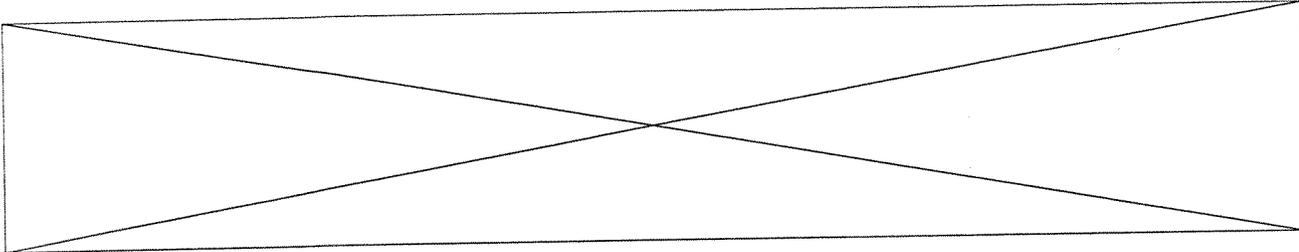
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SECTION 25. 343.16 (5) (a) of the statutes is amended to read: Note: If the person is a non resident and they have two arrests within 12 months and fail to comply with the ordered assessment, the resulting revocation would be forwarded to the jurisdiction of record if they are a DLA member. Does this current language allow that action or does something need to be added?

343.16 (5) (a) The secretary may require any applicant for a license or any licensed operator to submit to a special examination by such persons or agencies as the secretary may direct to determine incompetency, physical or mental disability, disease or any other condition which might prevent such applicant or licensed person from exercising reasonable and ordinary control over a motor vehicle. When the department requires the applicant to submit to an examination, the applicant shall pay the cost thereof. If the department receives an application for a renewal or duplicate license after voluntary surrender under s. 343.265 or receives a report from a physician or optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests within a one-year period for any combination of violations of s. 346.63 (1) or (5) or a local ordinance in conformity therewith or a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985

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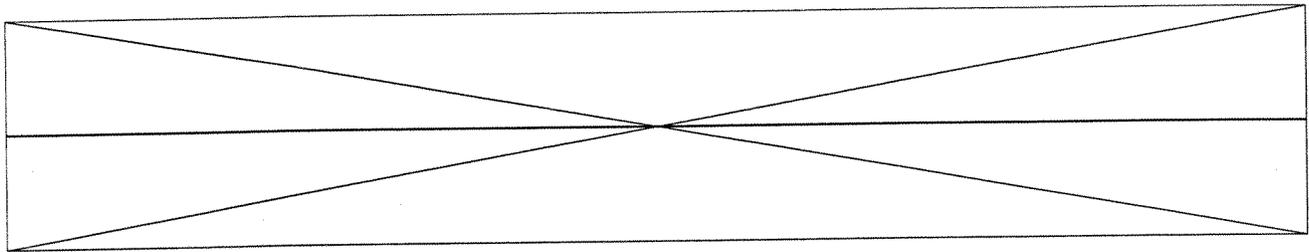
stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or the law of another jurisdiction for an offense therein which, if committed in this state, would have been a violation of any of these provisions, the department shall determine, by interview or otherwise, whether the operator should submit to an examination under this section. The examination may consist of an assessment. If the examination indicates that education or treatment for a disability, disease or condition concerning the use of alcohol, a controlled substance or a controlled substance analog is appropriate, the department may order a driver safety plan in accordance with s. 343.30 (1q). If there is noncompliance with assessment or the driver safety plan, the department shall revoke the person's operating privilege in the manner specified in s. 343.30 (1q) (d).

History: 1971 c. 164 s. 83; 1973 c. 90, 176; 1975 c. 36, 199; 1977 c. 29 ss. 1456, 1654 (7) (a), (c); 1977 c. 273, 418; 1979 c. 34 ss. 1067m, 2102 (52) (a); 1979 c. 221, 345; 1981 c. 20; 1983 a. 74, 243, 534, 538; 1985 a. 65, 337; 1987 a. 3, 40, 215; 1989 a. 31, 105, 359; 1991 a. 21, 32, 39, 316; 1993 a. 16, 19, 183, 399; 1995 a. 27 s. 9145 (1); 1995 a. 113, 195, 448; 1997 a. 27, 84, 237; 1999 a. 32, 140; 2001 a. 105; 2003 a. 33.

***NOTE: I do not believe the confidentiality provision of s. 343.16 (5) (c) needs to be treated. I believe this provision requires confidentiality of information submitted to DOT to make a decision, which decision would then appear on the driver record. Should the applicant or licensee move to another jurisdiction, the result of the proceeding under s. 343.16 (5) would be available to the new jurisdiction, and the new jurisdiction would not need the "evidence" presented to DOT to generate that result. Please advise if you disagree or would nonetheless like s. 343.16 (5) (c) treated to create an exception to this confidentiality provision. Agree.

SECTION 26. 343.20 (1) (e) 1. of the statutes is amended to read:

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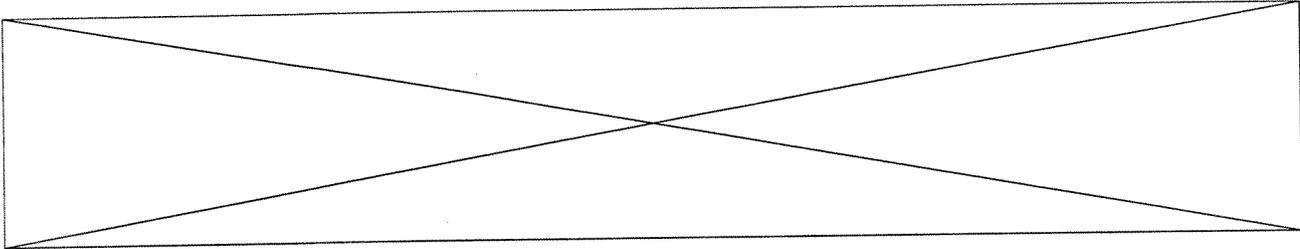
343.20 (1) (e) 1. The person is moving to this state, surrenders his or her valid commercial driver license issued by another state jurisdiction, and makes application for a commercial driver license in this state.

History: 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1979 c. 306; 1981 c. 20, 42, 71; 1989 a. 31, 105, 294; 1991 a. 13; 1995 a. 255, 446; 1997 a. 27, 237; 2001 a. 105; 2003 a. 33, 280.

SECTION 27. 343.23 (2) (a) (intro.) of the statutes, as affected by 2003 Wisconsin Act 280, is amended to read: **Note: Don't limit this file to convictions within this jurisdiction. If this is not limited, then Section 30 may not be needed.**

(2) (a) ~~The Subject to pars. (am) and (ar), the~~ department shall maintain a file for each licensee ~~or other person who is a licensee under this chapter or a resident~~ containing the application for license, permit or endorsement, a record of reports or abstract of convictions ~~for offenses committed in this state~~, any notice received from the federal transportation security administration concerning the person's eligibility for an "H" endorsement specified in s. 343.17 (3) (d) 1m., the status of the person's authorization to operate different vehicle groups, a record of any out-of-service orders issued under s. 343.305 (7) (b) or (9) (am), a record of the date on which any background investigation specified in s. 343.12 (6) (a) or (d) was completed, and a record of any reportable accident in which the person has been involved, including specification of any type of license and endorsements

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issued under this chapter under which the person was operating at the time of the accident and an indication whether or not the accident occurred in the course of any of the following:

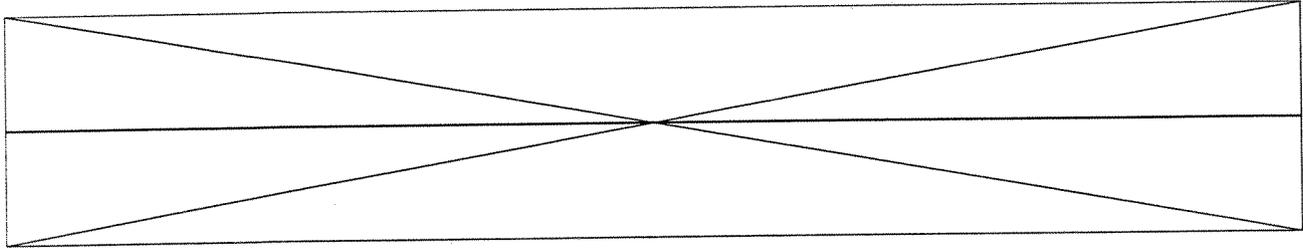
****NOTE: I did not amend s. 343.23 (1) (intro.) with respect to disqualifications because the provision only refers to disqualifications by the department, not by a court. A court may disqualify a nonresident, but the department may not record the disqualification. Sections 343.06 (2) and 343.315 have been treated to interact with s. 343.23 (1) (intro.) so that DOT is not required to maintain a record of disqualifications with regard to nonresidents. The draft is set up this way based upon my understanding of the instructions from DOT. If you believe this is splitting hairs or otherwise unworkable and a different approach should be taken, please let me know. Okay.

****NOTE: I believe that s. 343.23 (2) (am) 1. b. and c., which were created by 2003 Wisconsin Act 33 to comply with federal MCSIA requirements, are not consistent with DLA directives as codified in Wisconsin law because subd. 1. b. requires non-DLA Code violations to be put on the Wisconsin driver record and subd. 1. c. requires violations by nonresidents and non-Wisconsin licensees to be put on the Wisconsin driver record. I have retained the existing provisions of s. 343.23 (2) (am). Is this okay? Our goal will be to forward DLA code convictions to the jurisdiction of record and to take action on non-DLA code convictions in Wisconsin.

****NOTE: The provision of s. 343.23 (2) (a) (intro.) requiring notice received from the TSA regarding "H" endorsements is required by the federal USA Patriot Act. To the extent Wisconsin may receive such a notice for a nonresident or non-Wisconsin licensee, it is possible that the provision could be inconsistent with DLA directives. I have not amended this provision. Is this okay? Yes.

SECTION 28. 343.23 (2) (ar) of the statutes is created to read: Note: The draft needs to clarify this language: "each licensee under this chapter or resident" The resident portion of the language should only come into play if the person is not licensed somewhere else.

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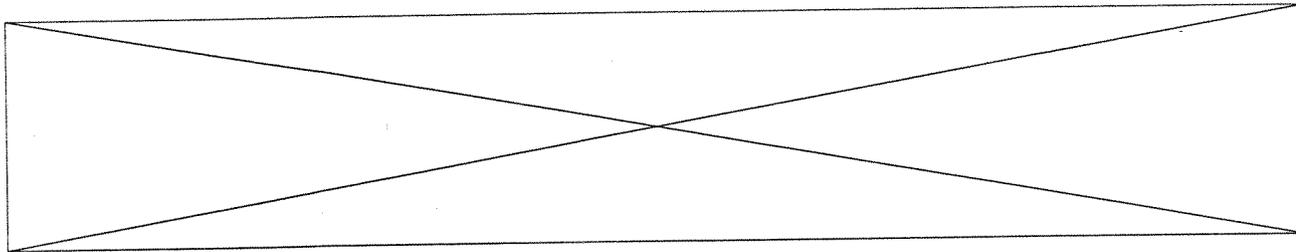
Note: Would it be possible to add “of the revocation, suspension, or cancellation by another jurisdiction” to Section 27.

343.23 (2) (ar) If this state becomes a party to an agreement under s. 343.02 (3) (a), the file specified in par. (a) shall also include, for each licensee under this chapter or resident, a record of any conviction in another jurisdiction for an offense identified in the rule under s. 343.02 (3) (b) or of the revocation, suspension, or cancellation by another jurisdiction of the person's operating privilege in that jurisdiction as a result of such an offense, as specified in any notice received from the other jurisdiction. ~~This paragraph does not require the department to maintain a record of any conviction if, at the time of the conviction, the person resided in the jurisdiction in which the offense was committed.~~

SECTION 29. 343.23 (2) (b) of the statutes, as affected by 2003 Wisconsin Acts 30, 33, and 320, is amended to read:

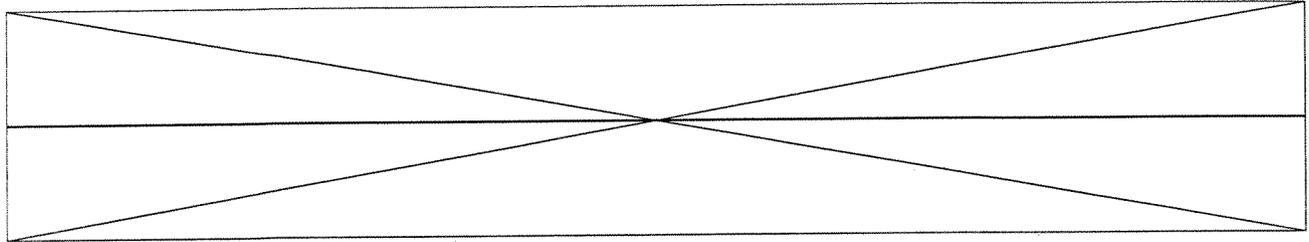
(b) The information specified in pars. (a) ~~and~~, (am), and (ar) (will not be needed if deleted) must be filed by the department so that the complete operator's record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled, or withheld, or the person disqualified, in the interest of public safety. The secretary may also consider the information specified in sub. (2m) for purposes of this paragraph.

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and, except as provided in sub. (2m) (a) 1. and sub. (3) (a), any information maintained under sub. (2m) that is described in this paragraph shall be maintained for the periods specified in this paragraph. The record of suspensions, revocations, and convictions that would be counted under s. 343.307 (2) shall be maintained permanently, except that the department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b) after 10 years, if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, if the person does not have a commercial driver license, if the violation was not committed by a person operating a commercial motor vehicle, and if the person has no other suspension, revocation, or conviction that would be counted under s. 343.307 during that 10-year period. The record of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j), and all records specified in par. (am), shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, ~~except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a~~

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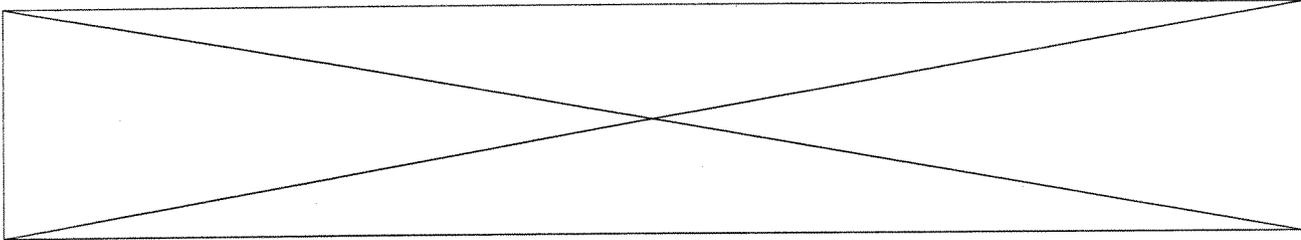
~~permanent record of convictions for disqualifying offenses.~~ Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension granted under s. 343.32 (2) may consider only those reports and records entered during the 4-year period immediately preceding the exercise of such power of suspension.

SECTION 30. 343.23 (2m) of the statutes is created to read: **Note:**
Question whether this is needed given what's covered in other section of 343.23. Specifically question sub (2): it seems to require the DMV to maintain more information than necessary on nonresidents.

343.23 (2m) (a) If this state becomes a party to an agreement under s. 343.02 (3) (a), the department shall maintain a file, other than the operator's record file specified in par. (a), that shall include the following:

1. For each nonresident convicted of a violation in this state that would be recorded on the person's operator's record under sub. (2) or the record under sub. (3) (a) if the person were a resident, including an offense identified in the rule under s. 343.02 (3) (b), a record of reports or abstract of convictions and any suspension or revocation of the person's operating privilege resulting from the conviction, and any notice of refusal, issuance of an out-of-service order, or report of test results under s. 343.305 (7) or (9).

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2. For each licensee under this chapter or resident, a record of any conviction in another jurisdiction for an offense identified in the rule under s. 343.02 (3) (b), and any suspension or revocation of the person's operating privileges in that jurisdiction as a result of the conviction.

(b) The department may use the file under par. (a) to suspend or revoke the operating privilege of a nonresident for any violation committed in this state that is not identified in the rule under s. 343.02 (3) (b).

SECTION 31. 343.23 (3) (a) of the statutes is amended to read: Note: Is the amendment necessary? DMV will need to be able to maintain a file for non-residents for non-DLA code violations, but is there anything in law that would prevent that?

343.23 (3) (a) The department shall maintain a file, for each person who is a licensee under this chapter or a resident or a nonresident subject to suspension under s. 343.30 (5) (b) and who is convicted of a violation as defined by s. 343.30 (6) (a), containing a record of reports of convictions of violations as defined by s. 343.30 (6) (a) and suspensions ~~and revocations~~ under s. 343.30 (6). The department may purge the record of any such conviction 24 months after it is reported.