and strenuous physical exercise, for participants who have not attained the age of 30 as of the date on which they begin participating in the program, or age-appropriate strenuous physical exercise, for all other participants, in preparation for release on parole or extended supervision. ~~The program shall provide, according to each participant's needs as assessed under sub. (2) (d), substance abuse treatment and education, including intensive intervention when indicated, personal development counseling, education, employment readiness training, and other treatment options that are directly related to the participant's criminal behavior.~~ The department shall design the program to include not ~~less~~ fewer than 50 participants at a time and so that a participant may complete the program in not more than 180 days. The department may restrict participant privileges as necessary to maintain discipline.

***-0829/P6.16* SECTION 3118.** 302.045 (2) (d) of the statutes is repealed and recreated to read:

302.045 **(2)** (d) The department determines, during assessment and evaluation, that the inmate has a substance abuse problem.

***-0829/P6.17* SECTION 3119.** 302.045 (3) of the statutes is amended to read:

302.045 **(3)** PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department determines that an inmate serving a sentence other than one imposed under s. 973.01 has successfully completed the challenge incarceration program, the ~~earned release review~~ parole commission shall parole the inmate for that sentence under s. 304.06, regardless of the time the inmate has served. When the ~~earned release review~~ parole commission grants parole under this subsection, it must require the parolee to participate in an intensive supervision program ~~appropriate to the parolee's rehabilitation needs~~ for drug abusers as a condition of parole.

***-0829/P6.18* SECTION 3120.** 302.045 (3m) (d) of the statutes is repealed.

***-0829/P6.19* SECTION 3121.** 302.05 (title) of the statutes is amended to read:

302.05 (title) **Wisconsin ~~earned release~~ substance abuse program.**

***-0829/P6.20* SECTION 3122.** 302.05 (1) of the statutes is renumbered 302.05 (1) (am) (intro.) and amended to read:

302.05 **(1)** (am) (intro.) The department of corrections ~~shall, at any correctional facility the department determines is appropriate, provide a rehabilitation program for inmates for the purposes of the earned release program described in sub. (3).~~ and the department of health services may designate a section of a mental health institute as a correctional treatment facility for the treatment of substance abuse of inmates transferred from Wisconsin state prisons. This section shall be administered by the department of corrections and shall be known as the Wisconsin substance abuse program. The department of corrections and the department of health services shall ensure that the residents at the institution and the residents in the substance abuse program:

***-0829/P6.21* SECTION 3123.** 302.05 (1) (am) 1. of the statutes is created to read:

302.05 **(1)** (am) 1. Have access to all facilities that are available at the institution and are necessary for the treatment programs designed by the departments.

***-0829/P6.22* SECTION 3124.** 302.05 (1) (am) 2. of the statutes is created to read:

302.05 **(1)** (am) 2. Are housed on separate wards.

***-0829/P6.23* SECTION 3125.** 302.05 (1) (b) of the statutes is created to read:

302.05 **(1)** (b) The department of corrections and the department of health services shall, at any correctional facility the departments determine is appropriate, provide a substance abuse treatment program for inmates for the purposes of the earned release program described in sub. (3).

***-0829/P6.24* SECTION 3126.** 302.05 (2) of the statutes is amended to read:

302.05 **(2)** Transfer to a correctional treatment facility for ~~participation in a program described in sub. (1)~~ the treatment of substance abuse shall be considered a transfer under s. 302.18.

***-0829/P6.25* SECTION 3127.** 302.05 (3) (b) of the statutes is amended to read:

302.05 **(3)** (b) Except as provided in par. (d), if the department determines that an eligible inmate serving a sentence other than one imposed under s. 973.01 has successfully completed a ~~rehabilitation~~ treatment program described in sub. (1), the ~~earned release review~~ parole commission shall parole the inmate for that sentence under s. 304.06, regardless of the time the inmate has served. If the ~~earned release review~~ parole commission grants parole under this paragraph, it shall require the parolee to participate in an intensive supervision program ~~appropriate to the parolee's rehabilitation needs~~ for drug abusers as a condition of parole.

***-0829/P6.26* SECTION 3128.** 302.05 (3) (c) 1. of the statutes is amended to read:

302.05 **(3)** (c) 1. Except as provided in par. (d), if the department determines that an eligible inmate serving the term of confinement in prison portion of a bifurcated sentence imposed under s. 973.01 has successfully completed a ~~rehabilitation~~ treatment program described in sub. (1), the department shall inform the court that sentenced the inmate.

***-0829/P6.27* SECTION 3129.** 302.05 (3) (c) 2. (intro.) of the statutes, is amended to read:

302.05 **(3)** (c) 2. (intro.) Upon being informed by the department under subd. 1. that an inmate whom the court sentenced under s. 973.01 has successfully completed a ~~rehabilitation~~ treatment program described in sub. (1), the court shall modify the inmate's bifurcated sentence as follows:

***-0829/P6.28* SECTION 3130.** 302.05 (3) (c) 3. of the statutes is repealed.

***-0829/P6.29* SECTION 3131.** 302.05 (3) (d) of the statutes is amended to read:

302.05 **(3)** (d) The department may place intensive sanctions program participants in a ~~rehabilitation~~ treatment program described in sub. (1), but pars. (b) and (c) do not apply to those participants.

***-0829/P6.30* SECTION 3132.** 302.11 (1g) (b) (intro.) of the statutes is amended to read:

302.11 **(1g)** (b) (intro.) Before an incarcerated inmate with a presumptive mandatory release date reaches the presumptive mandatory release date specified under par. (am), the ~~earned release review~~ parole commission shall proceed under s. 304.06 (1) to consider whether to deny presumptive mandatory release to the inmate. If the ~~earned release review~~ parole commission does not deny presumptive mandatory release, the inmate shall be released on parole. The ~~earned release review~~ parole commission may deny presumptive mandatory release to an inmate only on one or more of the following grounds:

***-0829/P6.31* SECTION 3133.** 302.11 (1g) (b) 2. of the statutes is amended to read:

302.11 **(1g)** (b) 2. Refusal by the inmate to participate in counseling or treatment that the social service and clinical staff of the institution determines is

necessary for the inmate, including pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious child sex offender as defined in s. 304.06 (1q) (a). The ~~earned release review~~ parole commission may not deny presumptive mandatory release to an inmate because of the inmate's refusal to participate in a rehabilitation program under s. 301.047.

***-0829/P6.32* SECTION 3134.** 302.11 (1g) (c) of the statutes is amended to read:

302.11 **(1g)** (c) If the ~~earned release review~~ parole commission denies presumptive mandatory release to an inmate under par. (b), the ~~earned release review~~ parole commission shall schedule regular reviews of the inmate's case to consider whether to parole the inmate under s. 304.06 (1).

***-0829/P6.33* SECTION 3135.** 302.11 (1g) (d) of the statutes is amended to read:

302.11 **(1g)** (d) An inmate may seek review of a decision by the ~~earned release review~~ parole commission relating to the denial of presumptive mandatory release only by the common law writ of certiorari.

***-0829/P6.34* SECTION 3136.** 302.11 (1m) of the statutes is amended to read:

302.11 **(1m)** An inmate serving a life term is not entitled to mandatory release. Except as provided in ss. 939.62 (2m) (c) and 973.014, the ~~earned release review~~ parole commission may parole the inmate as specified in s. 304.06 (1).

***-0829/P6.35* SECTION 3137.** 302.11 (7) (c) of the statutes is amended to read:

302.11 **(7)** (c) The ~~earned release review~~ parole commission may subsequently parole, under s. 304.06 (1), and the department may subsequently parole, under s. 304.02, a parolee who is returned to prison for violation of a condition of parole.

***-0829/P6.36* SECTION 3138.** 302.113 (1) of the statutes is amended to read:

302.113 **(1)** An inmate is subject to this section if he or she is serving a bifurcated sentence imposed under s. 973.01. ~~An inmate convicted of a misdemeanor or of a Class F to Class I felony that is not a violent offense, as defined in s. 301.048 (2) (bm) 1., and who is eligible for positive adjustment time under sub. (2) (b) pursuant to s. 973.01 (3d) (b) may be released to extended supervision under sub. (2) (b) or (9h). An inmate convicted of a Class C to Class E felony or a Class F to Class I felony that is a violent offense, as defined in s. 301.048 (2) (bm) 1., or a Class F to Class I felony that is not a violent offense, as defined under s. 301.048 (2) (bm) 1., but who is ineligible for positive adjustment time under sub. (2) (b) pursuant to s. 973.01 (3d) (b) may be released to extended supervision only under sub. (2) (a) or (9h) or s. 304.06.~~

***-0829/P6.37* SECTION 3139.** 302.113 (2) (a) of the statutes is renumbered 302.113 (2) and amended to read:

302.113 **(2)** Except as provided in ~~par. (b) and~~ subs. (3) and (9) ~~and s. 304.06~~, an inmate subject to this section is entitled to release to extended supervision after he or she has served the term of confinement in prison portion of the sentence imposed under s. 973.01, ~~as modified by the department under sub. (9h), as modified under s. 302.1135 by the earned release review commission in the manner specified in s. 302.1135 (6) (a), or~~ as modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3) (c) 2. a., ~~or~~ 973.195 (1r), or 973.198, if applicable.

***-0829/P6.38* SECTION 3140.** 302.113 (2) (b) of the statutes is repealed.

***-0829/P6.39* SECTION 3141.** 302.113 (2) (c) of the statutes is repealed.

***-0829/P6.40* SECTION 3142.** 302.113 (3) (d) of the statutes is amended to read:

302.113 **(3)** (d) If the term of confinement in prison portion of a bifurcated sentence ~~for a Class B felony~~ is increased under this subsection, the term of extended supervision is reduced so that the total length of the bifurcated sentence does not change.

***-0829/P6.41* SECTION 3143.** 302.113 (3) (e) of the statutes is repealed.

***-0829/P6.42* SECTION 3144.** 302.113 (7) of the statutes is amended to read:

302.113 **(7)** Any inmate released to extended supervision under this section is subject to all conditions and rules of extended supervision until the expiration of the term of extended supervision portion of the bifurcated sentence ~~or until the department discharges the inmate under s. 973.01 (4m), whichever is appropriate~~. The department may set conditions of extended supervision in addition to any conditions of extended supervision required under s. 302.116, if applicable, or set by the court under sub. (7m) or s. 973.01 (5) if the conditions set by the department do not conflict with the court's conditions.

***-0829/P6.43* SECTION 3145.** 302.113 (9) (am) of the statutes is amended to read:

302.113 **(9)** (am) If a person released to extended supervision under this section ~~or under s. 302.1135~~ violates a condition of extended supervision, the reviewing authority may revoke the extended supervision of the person. If the extended supervision of the person is revoked, the reviewing authority shall order the person to be returned to prison for any specified period of time that does not exceed the time remaining on the bifurcated sentence. The time remaining on the bifurcated sentence is the total length of the bifurcated sentence, less time served by the person in confinement under the sentence before release to extended supervision under sub. (2) and less all time served in confinement for previous revocations of extended

supervision under the sentence. The order returning a person to prison under this paragraph shall provide the person whose extended supervision was revoked with credit in accordance with ss. 304.072 and 973.155.

***-0829/P6.44* SECTION 3146.** 302.113 (9) (c) of the statutes is amended to read:

302.113 **(9)** (c) A person who is subsequently released to extended supervision after service of the period of time specified by the order under par. (am) is subject to all conditions and rules under sub. (7) and, if applicable, sub. (7m) until the expiration of the remaining extended supervision portion of the bifurcated sentence ~~or until the department discharges the person under s. 973.01 (4m), whichever is appropriate~~. The remaining extended supervision portion of the bifurcated sentence is the total length of the bifurcated sentence, less the time served by the person in confinement under the bifurcated sentence before release to extended supervision under sub. (2) and less all time served in confinement for previous revocations of extended supervision under the bifurcated sentence.

***-0829/P6.45* SECTION 3147.** 302.113 (9g) of the statutes is created to read:

302.113 **(9g)** (a) In this subsection:

1. "Extraordinary health condition" means a condition afflicting a person, such as advanced age, infirmity, or disability of the person or a need for medical treatment or services not available within a correctional institution.

2. "Program review committee" means the committee at a correctional institution that reviews the security classifications, institution assignments, and correctional programming assignments of inmates confined in the institution.

(b) An inmate who is serving a bifurcated sentence for a crime other than a Class B felony may seek modification of the bifurcated sentence in the manner specified in par. (f) if he or she meets one of the following criteria:

1. The inmate is 65 years of age or older and has served at least 5 years of the term of confinement in prison portion of the bifurcated sentence.

2. The inmate is 60 years of age or older and has served at least 10 years of the term of confinement in prison portion of the bifurcated sentence.

3. The inmate has an extraordinary health condition.

(c) An inmate who meets a criterion under par. (b) may submit a petition to the program review committee at the correctional institution in which the inmate is confined requesting a modification of the inmate's bifurcated sentence in the manner specified in par. (f). If the inmate alleges in the petition that he or she has an extraordinary health condition, the inmate shall attach to the petition affidavits from 2 physicians setting forth a diagnosis that the inmate has an extraordinary health condition.

(cm) If, after receiving the petition under par. (c), the program review committee determines that the public interest would be served by a modification of the inmate's bifurcated sentence in the manner provided under par. (f), the committee shall approve the petition for referral to the sentencing court and notify the department of its approval. The department shall then refer the inmate's petition to the sentencing court and request the court to conduct a hearing on the petition. If the program review committee determines that the public interest would not be served by a modification of the inmate's bifurcated sentence in the manner specified in par. (f), the committee shall deny the inmate's petition.

(d) When a court is notified by the department that it is referring to the court an inmate's petition for modification of the inmate's bifurcated sentence, the court shall schedule a hearing to determine whether the public interest would be served by a modification of the inmate's bifurcated sentence in the manner specified in par.

(f). The inmate and the district attorney have the right to be present at the hearing, and any victim of the inmate's crime has the right to be present at the hearing and to provide a statement concerning the modification of the inmate's bifurcated sentence. The court shall order such notice of the hearing date as it considers adequate to be given to the department, the inmate, the attorney representing the inmate, if applicable, and the district attorney. Victim notification shall be provided as specified under par. (g).

(e) At a hearing scheduled under par. (d), the inmate has the burden of proving by the greater weight of the credible evidence that a modification of the bifurcated sentence in the manner specified in par. (f) would serve the public interest. If the inmate proves that a modification of the bifurcated sentence in the manner specified in par. (f) would serve the public interest, the court shall modify the inmate's bifurcated sentence in that manner. If the inmate does not prove that a modification of the bifurcated sentence in the manner specified in par. (f) would serve the public interest, the court shall deny the inmate's petition for modification of the bifurcated sentence.

(f) A court may modify an inmate's bifurcated sentence under this section only as follows:

1. The court shall reduce the term of confinement in prison portion of the inmate's bifurcated sentence in a manner that provides for the release of the inmate to extended supervision within 30 days after the date on which the court issues its order modifying the bifurcated sentence.

2. The court shall lengthen the term of extended supervision imposed so that the total length of the bifurcated sentence originally imposed does not change.

(g) 1. In this paragraph, "victim" has the meaning given in s. 950.02 (4).

1 2. When a court schedules a hearing under par. (d), the clerk of the circuit court
2 shall send a notice of hearing to the victim of the crime committed by the inmate, if
3 the victim has submitted a card under subd. 3. requesting notification. The notice
4 shall inform the victim that he or she may appear at the hearing scheduled under
5 par. (d) and shall inform the victim of the manner in which he or she may provide a
6 statement concerning the modification of the inmate's bifurcated sentence in the
7 manner provided in par. (f). The clerk of the circuit court shall make a reasonable
8 attempt to send the notice of hearing to the last-known address of the inmate's
9 victim, postmarked at least 10 days before the date of the hearing.

10 3. The director of state courts shall design and prepare cards for a victim to send
11 to the clerk of the circuit court for the county in which the inmate was convicted and
12 sentenced. The cards shall have space for a victim to provide his or her name and
13 address, the name of the applicable inmate, and any other information that the
14 director of state courts determines is necessary. The director of state courts shall
15 provide the cards, without charge, to clerks of circuit court. Clerks of circuit court
16 shall provide the cards, without charge, to victims. Victims may send completed
17 cards to the clerk of the circuit court for the county in which the inmate was convicted
18 and sentenced. All court records or portions of records that relate to mailing
19 addresses of victims are not subject to inspection or copying under s. 19.35 (1).

20 (h) An inmate may appeal a court's decision to deny the inmate's petition for
21 modification of his or her bifurcated sentence. The state may appeal a court's
22 decision to grant an inmate's petition for a modification of the inmate's bifurcated
23 sentence. In an appeal under this paragraph, the appellate court may reverse a
24 decision granting or denying a petition for modification of a bifurcated sentence only

if it determines that the sentencing court erroneously exercised its discretion in granting or denying the petition.

(i) If the program review committee denies an inmate's petition under par. (cm), the inmate may not file another petition within one year after the date of the program review committee's denial. If the program review committee approves an inmate's petition for referral to the sentencing court under par. (cm) but the sentencing court denies the petition, the inmate may not file another petition under par. (cm) within one year after the date of the court's decision.

(j) An inmate eligible to seek modification of his or her bifurcated sentence under this subsection has a right to be represented by counsel in proceedings under this subsection. An inmate, or the department on the inmate's behalf, may apply to the state public defender for determination of indigency and appointment of counsel under s. 977.05 (4) (jm) before or after the filing of a petition with the program review committee under par. (c). If an inmate whose petition has been referred to the court under par. (cm) is without counsel, the court shall refer the matter to the state public defender for determination of indigency and appointment of counsel under s. 977.05 (4) (jm).

***-0829/P6.46* SECTION 3148.** 302.113 (9h) of the statutes is repealed.

***-0829/P6.47* SECTION 3149.** 302.1135 of the statutes is repealed.

***-0829/P6.48* SECTION 3150.** 302.114 (9) (am) of the statutes is amended to read:

302.114 **(9)** (am) If a person released to extended supervision under this section ~~or under s. 302.1135~~ violates a condition of extended supervision, the reviewing authority may revoke the extended supervision of the person. If the extended supervision of the person is revoked, the person shall be returned to the circuit court

for the county in which the person was convicted of the offense for which he or she was on extended supervision, and the court shall order the person to be returned to prison for a specified period of time before he or she is eligible for being released again to extended supervision. The period of time specified under this paragraph may not be less than 5 years and may be extended in accordance with sub. (3).

***-0829/P6.49* SECTION 3151.** 302.114 (9) (c) of the statutes is amended to read:

302.114 **(9)** (c) A person who is subsequently released to extended supervision under par. (bm) is subject to all conditions and rules under sub. (8) until the expiration of the sentence ~~or until the department discharges the person under s. 973.01 (4m), whichever is appropriate~~.

***-0829/P6.50* SECTION 3152.** 304.01 (title) of the statutes is amended to read:

304.01 (title) ~~**Earned release review**~~ **Parole commission and commission chairperson; general duties.**

***-0829/P6.51* SECTION 3153.** 304.01 (1) of the statutes is amended to read:

304.01 **(1)** The chairperson of the ~~earned release review~~ parole commission shall administer and supervise the commission and its activities and shall be the final parole-granting authority ~~for granting parole or release to extended supervision~~, except as provided in s. 304.02.

***-0829/P6.52* SECTION 3154.** 304.01 (2) (intro.) of the statutes is amended to read:

304.01 **(2)** (intro.) The ~~earned release review~~ parole commission shall conduct regularly scheduled interviews to consider the parole ~~or release to extended supervision~~ of eligible inmates of the adult correctional institutions under the control of the department of corrections, eligible inmates transferred under ch. 51 and under the control of the department of health services and eligible inmates in

any county house of correction. The department of corrections shall provide all of the following to the ~~earned release review~~ parole commission:

***-0829/P6.53* SECTION 3155.** 304.01 (2) (b) of the statutes is amended to read:

304.01 **(2)** (b) Scheduling assistance for parole interviews ~~for prisoners who have applied for parole or release to extended supervision~~ at the correctional institutions.

***-0829/P6.54* SECTION 3156.** 304.01 (2) (c) of the statutes is amended to read:

304.01 **(2)** (c) Clerical support related to the parole interviews ~~for prisoners who have applied for parole or release to extended supervision~~.

***-0829/P6.55* SECTION 3157.** 304.01 (2) (d) of the statutes is amended to read:

304.01 **(2)** (d) Appropriate physical space at the correctional institutions to conduct the parole interviews ~~for prisoners who have applied for parole or release to extended supervision~~.

***-0829/P6.56* SECTION 3158.** 304.06 (title) of the statutes is amended to read:

304.06 (title) **~~Release to parole or extended supervision~~ Paroles from state prisons and house of correction.**

***-0829/P6.57* SECTION 3159.** 304.06 (1) (b) of the statutes is amended to read:

304.06 **(1)** (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s. 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the ~~earned release review~~ parole commission may parole an inmate of the Wisconsin state prisons or any felon or any person serving at least one year or more in a county house of correction or a county reforestation camp organized under s. 303.07, when he or she has served 25% of the sentence imposed for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the ~~earned release review~~ parole commission may parole an inmate serving a life term when he or she

has served 20 years, as modified by the formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if applicable. The person serving the life term shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary may grant special action parole releases under s. 304.02. The department or the ~~earned release review~~ parole commission shall not provide any convicted offender or other person sentenced to the department's custody any parole eligibility or evaluation ~~for parole or release to extended supervision~~ until the person has been confined at least 60 days following sentencing.

***-0829/P6.58* SECTION 3160.** 304.06 (1) (bg) of the statutes is repealed.

***-0829/P6.59* SECTION 3161.** 304.06 (1) (bk) of the statutes is repealed.

***-0829/P6.60* SECTION 3162.** 304.06 (1) (bn) of the statutes is repealed.

***-0829/P6.61* SECTION 3163.** 304.06 (1) (br) of the statutes is repealed.

***-0829/P6.62* SECTION 3164.** 304.06 (1) (c) (intro.) of the statutes is amended to read:

304.06 **(1)** (c) (intro.) If an inmate applies for parole ~~or release to extended supervision~~ under this subsection, the ~~earned release review~~ parole commission shall make a reasonable attempt to notify the following, if they can be found, in accordance with par. (d):

***-0829/P6.63* SECTION 3165.** 304.06 (1) (d) 1. of the statutes is amended to read:

304.06 **(1)** (d) 1. The notice under par. (c) shall inform the offices and persons under par. (c) 1. to 3. of the manner in which they may provide written statements under this subsection, shall inform persons under par. (c) 3. of the manner in which they may attend interviews or hearings and make statements under par. (eg) and

shall inform persons under par. (c) 3. who are victims, or family members of victims, of crimes specified in s. 940.01, 940.03, 940.05, 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025, 948.06, or 948.07 of the manner in which they may have direct input in the parole decision-making process under par. (em) ~~for parole or release to extended supervision~~. The ~~earned release review~~ parole commission shall provide notice under this paragraph for an inmate's first application for parole ~~or release to extended supervision~~ and, upon request, for subsequent applications for parole ~~or release to extended supervision~~.

***-0829/P6.64* SECTION 3166.** 304.06 (1) (d) 2. of the statutes is amended to read:

304.06 **(1)** (d) 2. The notice shall be by 1st class mail to an office's or a person's last-known address sent at least 3 weeks before the interview or hearing upon the application for parole ~~or release to extended supervision~~.

***-0829/P6.65* SECTION 3167.** 304.06 (1) (d) 3m. of the statutes is amended to read:

304.06 **(1)** (d) 3m. If applicable, the notice shall state the manner in which the person may have direct input in the decision-making process for parole ~~or release to extended supervision~~.

***-0829/P6.66* SECTION 3168.** 304.06 (1) (d) 4. of the statutes is amended to read:

304.06 **(1)** (d) 4. If the notice is for a first application for parole ~~or release to extended supervision~~, the notice shall inform the offices and persons under par. (c) 1. to 3. that notification of subsequent applications for parole ~~or release to extended supervision~~ will be provided only upon request.

***-0829/P6.67* SECTION 3169.** 304.06 (1) (e) of the statutes is amended to read:

304.06 **(1)** (e) The ~~earned release review~~ parole commission shall permit any office or person under par. (c) 1. to 3. to provide written statements. The ~~earned release review~~ parole commission shall give consideration to any written statements provided by any such office or person and received on or before the date specified in the notice. This paragraph does not limit the authority of the ~~earned release review~~ parole commission to consider other statements or information that it receives in a timely fashion.

***-0829/P6.68* SECTION 3170.** 304.06 (1) (eg) of the statutes is amended to read:

304.06 **(1)** (eg) The ~~earned release review~~ parole commission shall permit any person under par. (c) 3. to attend any interview or hearing on the application for parole ~~or release to extended supervision~~ of an applicable inmate and to make a statement at that interview or hearing.

***-0829/P6.69* SECTION 3171.** 304.06 (1) (em) of the statutes is amended to read:

304.06 **(1)** (em) The ~~earned release review~~ parole commission shall promulgate rules that provide a procedure to allow any person who is a victim, or a family member of a victim, of a crime specified in s. 940.01, 940.03, 940.05, 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025, 948.06, or 948.07 to have direct input in the decision-making process for parole ~~or release to extended supervision~~.

***-0829/P6.70* SECTION 3172.** 304.06 (1) (f) of the statutes is amended to read:

304.06 **(1)** (f) The ~~earned release review~~ parole commission shall design and prepare cards for persons specified in par. (c) 3. to send to the commission. The cards shall have space for these persons to provide their names and addresses, the name of the applicable prisoner and any other information the ~~earned release review~~

parole commission determines is necessary. The ~~earned release review~~ parole commission shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in par. (c) 3. These persons may send completed cards to the ~~earned release review~~ parole commission. All commission records or portions of records that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35 (1). Before any written statement of a person specified in par. (c) 3. is made a part of the documentary record considered in connection with a parole hearing ~~for parole, or release to extended supervision~~ under this section, the ~~earned release review~~ parole commission shall obliterate from the statement all references to the mailing addresses of the person. A person specified in par. (c) 3. who attends an interview or hearing under par. (eg) may not be required to disclose at the interview or hearing his or her mailing addresses.

***-0829/P6.71* SECTION 3173.** 304.06 (1) (g) of the statutes is amended to read:

304.06 **(1)** (g) Before a person is released on parole ~~or released to extended supervision~~ under this subsection, the ~~earned release review~~ parole commission shall so notify the municipal police department and the county sheriff for the area where the person will be residing. The notification requirement under this paragraph does not apply if a municipal department or county sheriff submits to the ~~earned release review~~ parole commission a written statement waiving the right to be notified. If applicable, the department shall also comply with s. 304.063.

***-0829/P6.72* SECTION 3174.** 304.06 (1m) (intro.) of the statutes is amended to read:

304.06 **(1m)** (intro.) The ~~earned release review~~ parole commission may waive the 25% or 6-month service of sentence requirement under sub. (1) (b) under any of the following circumstances:

***-0829/P6.73* SECTION 3175.** 304.06 (1q) (b) of the statutes is amended to read:

304.06 **(1q)** (b) The ~~earned release review~~ parole commission or the department may require as a condition of parole that a serious child sex offender undergo pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen. This paragraph does not prohibit the department from requiring pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen as a condition of probation.

***-0829/P6.74* SECTION 3176.** 304.06 (1q) (c) of the statutes is amended to read:

304.06 **(1q)** (c) In deciding whether to grant a serious child sex offender release on parole under this subsection, the ~~earned release review~~ parole commission may not consider, as a factor in making its decision, that the offender is a proper subject for pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen or that the offender is willing to participate in pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen.

***-0829/P6.75* SECTION 3177.** 304.06 (1x) of the statutes is amended to read:

304.06 **(1x)** The ~~earned release review~~ parole commission may require as a condition of parole that the person is placed in the intensive sanctions program under s. 301.048. In that case, the person is in the legal custody of the department under that section and is subject to revocation of parole under sub. (3).

***-0829/P6.76* SECTION 3178.** 304.06 (2m) (d) of the statutes is amended to read:

304.06 **(2m)** (d) The ~~earned release review~~ parole commission or the department shall determine a prisoner's county of residence for the purposes of this subsection by doing all of the following:

1. The ~~earned release review~~ parole commission or the department shall consider residence as the voluntary concurrence of physical presence with intent to remain in a place of fixed habitation and shall consider physical presence as prima facie evidence of intent to remain.

2. The ~~earned release review~~ parole commission or the department shall apply the criteria for consideration of residence and physical presence under subd. 1. to the facts that existed on the date that the prisoner committed the serious sex offense that resulted in the sentence the prisoner is serving.

***-0829/P6.77* SECTION 3179.** 304.06 (3) of the statutes is amended to read:

304.06 **(3)** Every paroled prisoner ~~paroled or released to extended supervision~~ remains in the legal custody of the department unless otherwise provided by the department. If the department alleges that any condition or rule of parole ~~or extended supervision~~ has been violated by the prisoner, the department may take physical custody of the prisoner for the investigation of the alleged violation. If the department is satisfied that any condition or rule of parole ~~or extended supervision~~ has been violated it shall afford the prisoner such administrative hearings as are required by law. Unless waived by the parolee ~~or person on extended supervision~~, the final administrative hearing shall be held before a hearing examiner from the division of hearings and appeals in the department of administration who is licensed to practice law in this state. The hearing examiner shall enter an order revoking or

not revoking parole ~~or extended supervision~~. Upon request by either party, the administrator of the division of hearings and appeals shall review the order. The hearing examiner may order that a deposition be taken by audiovisual means and allow the use of a recorded deposition under s. 967.04 (7) to (10). If the parolee ~~or person on extended supervision~~ waives the final administrative hearing, the secretary of corrections shall enter an order revoking or not revoking parole ~~or extended supervision~~. If the examiner, the administrator upon review, or the secretary in the case of a waiver finds that the prisoner has violated the rules or conditions of parole ~~or extended supervision~~, the examiner, the administrator upon review, or the secretary in the case of a waiver, may order the prisoner returned to prison to continue serving his or her sentence, or to continue on parole ~~or extended supervision~~. If the prisoner claims or appears to be indigent, the department shall refer the prisoner to the authority for indigency determinations specified under s. 977.07 (1).

***-0829/P6.78* SECTION 3180.** 304.06 (3e) of the statutes is amended to read:

304.06 **(3e)** The division of hearings and appeals in the department of administration shall make either an electronic or stenographic record of all testimony at each parole ~~or extended supervision~~ revocation hearing. The division shall prepare a written transcript of the testimony only at the request of a judge who has granted a petition for judicial review of the revocation decision. Each hearing notice shall include notice of the provisions of this subsection and a statement that any person who wants a written transcript may record the hearing at his or her own expense.

***-0829/P6.79* SECTION 3181.** 304.06 (3m) of the statutes is amended to read:

304.06 **(3m)** If the convicting court is informed by the department that a prisoner on parole ~~or extended supervision~~ has absconded and that the prisoner's whereabouts are unknown, the court may issue a capias for execution by the sheriff.

***-0829/P6.80* SECTION 3182.** 304.071 (1) of the statutes is amended to read:

304.071 **(1)** The ~~earned release review~~ parole commission may at any time grant a parole ~~or release to extended supervision~~ to any prisoner in any penal institution of this state, or the department may at any time suspend the supervision of any person who is on probation~~,~~ or parole~~, or extended supervision~~ to the department, if the prisoner or person on probation~~,~~ or parole~~, or extended supervision~~ is eligible for induction into the U.S. armed forces. The suspension of parole~~, extended supervision,~~ or probation shall be for the duration of his or her service in the armed forces; and the parole~~, extended supervision,~~ or probation shall again become effective upon his or her discharge from the armed forces in accordance with regulations prescribed by the department. If he or she receives an honorable discharge from the armed forces, the governor may discharge him or her and the discharge has the effect of a pardon. Upon the suspension of parole~~, extended supervision,~~ or probation by the department, the department shall issue an order setting forth the conditions under which the parole~~, extended supervision,~~ or probation is suspended, including instructions as to where and when and to whom the person on parole ~~or extended supervision~~ shall report upon discharge from the armed forces.

***-1187/P4.511* SECTION 3183.** 321.40 (1) (c) 1m. of the statutes is created to read:

321.40 **(1)** (c) 1m. The University of Wisconsin–Madison.

***-0191/P1.1* SECTION 3184.** 321.40 (3) (b) 1. of the statutes is amended to read:

321.40 **(3)** (b) 1. Be submitted to the department for approval of payment no later than ~~60~~ 90 days after the completion date of the course;

***-1187/P4.512* SECTION 3185.** 321.65 (1) (a) 2. of the statutes is amended to read:

321.65 **(1)** (a) 2. Active service with the state laboratory of hygiene under s. ~~36.25 (11) (em)~~ 37.57 (5m) for the purpose of assisting the department of health services under s. 250.042 during a state of emergency relating to public health declared by the governor under s. 323.10.

***-0040/P1.1* SECTION 3186.** 340.01 (18j) of the statutes is created to read:

340.01 **(18j)** "Federal out-of-service order for unsatisfactory safety compliance" means an out-of-service order issued by the federal motor carrier safety administration under 49 CFR 385.13 (a), 385.105 (b), 385.111 (a) or (c), 385.325 (c), 385.337 (b), 386.72 (b) (2), 386.83 (a) (1), or 386.84 (a) (1).

***-0040/P1.2* SECTION 3187.** 341.10 (16) of the statutes is created to read:

341.10 **(16)** The applicant has applied for registration under the international registration plan specified in s. 341.405 and, in the registration application, the applicant has identified as the motor carrier responsible for the safety of the motor vehicle to be registered a motor carrier for which the department has received notice that the motor carrier is subject to a federal out-of-service order for unsatisfactory safety compliance. This subsection does not prohibit the applicant from registering the motor vehicle under any applicable provision of this chapter other than s. 341.405.

***-0040/P1.3* SECTION 3188.** 341.10 (17) of the statutes is created to read:

341.10 **(17)** The applicant has applied for registration under the international registration plan specified in s. 341.405 and the motor vehicle for which application

is made has been identified by the federal motor carrier safety administration as having been assigned for safety to a motor carrier whose business is operated, managed, or otherwise controlled or affiliated with a person that has been issued a federal out-of-service order for unsatisfactory safety compliance. This subsection does not prohibit the applicant from registering the motor vehicle under any applicable provision of this chapter other than s. 341.405.

***-0318/2.1* SECTION 3189.** 341.12 (2) of the statutes is amended to read:

341.12 **(2)** The department shall purchase plates from the Waupun Correctional Institution unless otherwise approved by the governor. Subject to any specific requirements which may be imposed by statute, the department shall determine the size, color and design of registration plates with a view toward making them visible evidence of ~~the period for which the vehicle is registered and~~ the fee class into which the vehicle falls ~~as well as~~ and making them a ready means of identifying the specific vehicle or owner for which the plates were issued.

***-0318/2.2* SECTION 3190.** 341.12 (3) (c) of the statutes is repealed.

***-0318/2.3* SECTION 3191.** 341.13 (title) of the statutes is amended to read:

341.13 (title) **Additional ~~specifications for~~ plate design ~~of certain plates~~ and certificate of registration requirements.**

***-0318/2.4* SECTION 3192.** 341.13 (1) (intro.) and (a) of the statutes are consolidated, renumbered 341.13 (1) and amended to read:

341.13 **(1)** In addition to the matter specified in s. 341.12 (3), registration plates for automobiles registered pursuant to the registration system under s. 341.27, except automobiles registered under s. 341.14 (6r) or 341.145 (1) (c), shall ~~comply with the following specifications: (a) The~~ display the words "America's Dairyland"

~~shall be displayed~~ across either the lower or upper portion of the plate at the discretion of the secretary.

***-0318/2.5* SECTION 3193.** 341.13 (1) (b) of the statutes is repealed.

***-0318/2.6* SECTION 3194.** 341.13 (2) of the statutes is amended to read:

341.13 **(2)** ~~In addition to the matter specified in s. 341.12 (3), the registration plates for~~ For a vehicle registered on the basis of gross weight ~~except a dual purpose motor home or a motor home, motor truck, farm truck, or dual purpose farm truck registered under s. 341.14 (1), (1a), (1m), (1q), (2), (6m), or (6r) or 341.145 (1) (a), (b), (c), (d), or (e) or a motor truck or dual purpose farm truck registered under s. 341.14 (6) shall indicate the weight class into which the vehicle falls in a manner prescribed by the department. The~~, the gross weight ~~which~~ that determines the registration fee ~~for a dual purpose motor home or a motor home, motor truck, farm truck, or dual purpose farm truck registered under s. 341.14 (1), (1a), (1m), (1q), (2), (6m), or (6r) or 341.145 (1) (a), (b), (c), (d), or (e) or a motor truck or dual purpose farm truck registered under s. 341.14 (6)~~ shall be shown on its certificate of registration.

***-0318/2.7* SECTION 3195.** 341.13 (3) of the statutes is amended to read:

341.13 **(3)** ~~In lieu of issuing~~ The department is not required to issue a new plate upon each renewal of registration of a vehicle~~, the department may issue one insert tag, decal or other evidence of registration per vehicle to indicate the period of registration. The tag, decal or other evidence of registration shall be provided by the department and used only if the outstanding plate is in suitable condition for further usage. A decal shall be displayed as provided in s. 341.15 (1m)~~.

***-0056/1.8* SECTION 3196.** 341.13 (3m) of the statutes is repealed.

***-0318/2.8* SECTION 3197.** 341.13 (3m) of the statutes is repealed.

***-0318/2.9* SECTION 3198.** 341.13 (4) of the statutes is amended to read:

341.13 **(4)** ~~A~~ The certificate of registration for a specially designed vehicle which is authorized for operation under s. 343.135 (2) (a) 2. shall ~~bear a tag, decal or other identification issued by the department to~~ indicate that the vehicle may be subject to special equipment standards under s. 347.02 (6) and that the vehicle may be operated only by a person authorized to do so under s. 343.135 (2) (b).

***-1187/P4.513* SECTION 3199.** 341.14 (6r) (b) 4. of the statutes is amended to read:

341.14 **(6r)** (b) 4. An additional fee of $20 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for a special group specified under par. (f) 35. to ~~47.~~ 47m. An additional fee of $40 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on a biennial basis for a special group specified under par. (f) 35. to ~~47.~~ 47m. if the plate is issued or renewed during the first year of the biennial registration period or $20 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. The fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71.

***-1187/P4.514* SECTION 3200.** 341.14 (6r) (c) of the statutes is amended to read:

341.14 **(6r)** (c) Special group plates shall display the word "Wisconsin", the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The department shall specify the design for special group plates, but the department shall consult the president of the University of Wisconsin System before specifying the word or symbol used to

identify the special groups under par. (f) 35. to 47., the chancellor of the University of Wisconsin–Madison before specifying the word or symbol used to identify the special group under par. (f) 47m., the secretary of natural resources before specifying the word or symbol used to identify the special groups under par. (f) 50. and 59., the chief executive officer of the professional football team and an authorized representative of the league of professional football teams described in s. 229.823 to which that team belongs before specifying the design for the applicable special group plate under par. (f) 55., the chief trademark officer of Harley-Davidson Michigan, LLC before specifying the design for the applicable special group plate under par. (f) 61r., the department of veterans affairs before specifying the design for the special group plates under par. (f) 49d., 49h., and 49s., and the department of tourism and chief executive officer of the organization specified in par. (f) 55m. before specifying the design and word or symbol used to identify the special group name for special group plates under par. (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design. The department shall make available 2 designs for the special group plates under par. (f) 60. The department may not specify any design for the special group plates under par. (f) 60. unless the design is approved by the executive vice president of the Milwaukee Brewers Baseball Club LP. The word or symbol used to identify the special group under par. (f) 59. shall be different from the word or symbol used to identify the special group under par. (f) 50. and the design shall cover the entire plate. Special group plates under par. (f) 61m. shall display a logo or image of the lion associated with the Lions Clubs International. Special group plates under par. (f) 61r. shall display a bar and shield logo associated with Harley-Davidson, Inc., on the left

portion of the plates and the words "share the road" on the bottom portion of the plates.

***-1187/P4.515* SECTION 3201.** 341.14 (6r) (e) of the statutes is amended to read:

341.14 **(6r)** (e) The department shall specify one combination of colors for special group plates for groups or organizations which are not military in nature and not special group plates under par. (f) 35. to ~~47.~~ 47m., 50., and 59., for each professional football team under par. (f) 55., and for each professional baseball team under par. (f) 60. The department shall specify one combination of colors for special group plates under par. (f) 35. to ~~47~~ 47m. Subject to par. (c), the department shall specify the word or words comprising the special group name and the symbol to be displayed upon special group plates for a group or organization which is not military in nature after consultation with the chief executive officer in this state of the group or organization. The department shall require that the word or words and symbol for a university specified under par. (f) 35. to 47. be a registration decal or tag and affixed to the special group plate and be of the colors for a university specified under par. (f) 35. to 47. that the president of the University of Wisconsin System specifies. The department shall require that the word or words and symbol for the university specified under par. (f) 47m. be a registration decal or tag affixed to the special group plate and be of the colors for the university specified under par. (f) 47m. that the chancellor of the University of Wisconsin–Madison specifies. The department shall consult the chief trademark officer of Harley-Davidson Michigan, LLC before specifying the colors for the special group plate under par. (f) 61r.

***-1187/P4.516* SECTION 3202.** 341.14 (6r) (f) 38. of the statutes is renumbered 341.14 (6r) (f) 47m.

***-1187/P4.517* SECTION 3203.** 341.14 (10) of the statutes is created to read:

341.14 **(10)** From the appropriation under s. 20.395 (5) (ef), the department shall make payments to the University of Wisconsin-Madison for the scholarship program under s. 37.44.

***-0318/2.10* SECTION 3204.** 341.145 (1r) of the statutes is repealed.

***-0318/2.11* SECTION 3205.** 341.15 (1m) of the statutes is repealed.

***-0318/2.12* SECTION 3206.** 341.15 (3) (a) of the statutes is amended to read:

341.15 **(3)** (a) A person who operates a vehicle for which a current registration plate~~, insert tag, decal~~ or other evidence of registration has been issued without such plate~~, tag, decal~~ or other evidence of registration being attached to the vehicle, except when such vehicle is being operated pursuant to a temporary operation permit or plate;

***-1187/P4.518* SECTION 3207.** 341.16 (1) (b) of the statutes is amended to read:

341.16 **(1)** (b) Upon satisfactory proof of the loss or destruction of a special plate issued under s. 341.14 (6m) (a), (6r) (b), or (6w) or a special personalized plate issued under s. 341.145 (1) (b), (c), or (f) and upon payment of a fee of $5 for each plate or, if the plate is for a special group specified under s. 341.14 (6r) (f) 35. to ~~47.~~ 47m. or 53., $6 for each plate, the department shall issue a replacement.

***-0040/P1.4* SECTION 3208.** 341.405 (3m) of the statutes is created to read:

341.405 **(3m)** (a) If the registration of a motor vehicle registered under this section is suspended under s. 341.63 (1) (f), (1m), or (1r), or if an application for registration is refused under s. 341.10 (16) or (17), the motor vehicle may be registered, subject to all applicable requirements and fees, under any applicable provision of this chapter other than this section.

(b) All of the following apply to a person who registers a motor vehicle under another applicable provision of this chapter as described in par. (a):

1. The person is not entitled to credit for any registration fee previously paid to register the motor vehicle under this section.

2. If the motor vehicle's registration under this section is reinstated after this registration period has expired, in renewing the motor vehicle's registration under this section the person is entitled to credit for the registration fee paid to register the motor vehicle as described in par. (a), calculated based upon the unused portion of that registration period.

(c) Notwithstanding s. 341.10 (16) and (17), the department may refuse registration of a motor vehicle under this section if the department determines that the motor carrier identified on the motor vehicle's registration application as the motor carrier responsible for safety of the vehicle is the same or substantially the same business, or that elements of the motor carrier operation are the same or substantially the same business elements, as a motor carrier that has been issued a federal out-of-service order for unsatisfactory safety compliance.

***-0040/P1.5* SECTION 3209.** 341.41 (7) of the statutes is amended to read:

341.41 **(7)** Except as to foreign owned vehicles required by s. 341.07 to be registered in this state, vehicles owned or operated by a nonresident in interstate or intrastate movement may be qualified by advance purchase of a trip permit which authorizes operation for a 72-hour period when the vehicle is not eligible for reciprocal privileges. Unless waived by the secretary, the fee for the trip permit shall be not less than $15. The secretary may, upon determining that a special transportation need exists, waive the fee for the trip permit. The secretary shall make rules and regulations for the issuance and use of the permits. <u>No permit may</u>

be issued under this subsection for any motor vehicle for which the motor carrier identified on the permit application as the motor carrier responsible for safety of the vehicle has been issued a federal out-of-service order for unsatisfactory safety compliance.

***-0056/1.9* SECTION 3210.** 341.52 of the statutes is amended to read:

341.52 Design of registration plates. Registration plates for dealers, distributors, manufacturers, and transporters are subject to the provisions of s. 341.12 (2) and (3) except s. 341.12 (3) (c). In addition, each plate shall have displayed upon it a symbol capable of distinguishing it from any other plate which may be issued to the same dealer, distributor, manufacturer, or transporter.

***-0056/1.10* SECTION 3211.** 341.53 of the statutes is amended to read:

341.53 Expiration of registration; transferability of plates. Certificates of registration and registration plates issued to dealers, distributors, manufacturers, or transporters shall be issued for the calendar year and are valid only during the calendar year for which issued. Notwithstanding s. 341.13 (3), the department may renew registration plates issued to dealers, distributors, manufacturers, or transporters without issuing new plates or insert tags, decals, or other evidence of registration. Registration plates are transferable from one motor vehicle, trailer or semitrailer to another motor vehicle, trailer or semitrailer and from one recreational vehicle to another.

***-0056/1.11* SECTION 3212.** 341.57 (2) of the statutes is amended to read:

341.57 **(2)** A finance company licensed under ss. 138.09 or 218.0101 to 218.0163, a credit union licensed under ch. 186, a savings bank organized under ch. 214, a savings and loan association organized under ch. 215 or a state bank or a national bank with offices in this state may apply to the department for registration

on such form as the department provides. Upon receipt of the application together with a registration fee of $75, the department shall register the applicant and shall issue one registration plate containing the registration number assigned to the applicant. The department, upon receiving a fee of $5 for each additional plate desired by the applicant, shall issue additional plates as the applicant orders. Section 341.52 applies to the design of the plates. The registration and plates are valid only during the calendar year for which issued. Notwithstanding s. 341.13 (3), the department may renew registration plates issued under this subsection without issuing new plates or insert tags, decals, or other evidence of registration. A plate is transferable from one motor vehicle to another. The department may charge a fee of $2 per plate for replacing lost, damaged or illegible plates issued under this subsection.

***-0318/2.13* SECTION 3213.** 341.605 (1) of the statutes is amended to read:

341.605 **(1)** Except as authorized by the department, no person may transfer to another person or offer for sale a registration plate~~, insert tag, decal~~ or other evidence of registration issued by the department. This subsection does not apply to transfers of vehicles under s. 342.15 (4) (c).

***-0318/2.14* SECTION 3214.** 341.605 (2) of the statutes is amended to read:

341.605 **(2)** No person may transfer to another person or offer for sale a counterfeit, forged or fictitious registration plate~~, insert tag, decal~~ or other evidence of registration.

***-0318/2.15* SECTION 3215.** 341.61 (title) of the statutes is amended to read:

341.61 (title) **Improper use of ~~evidence of~~ registration plate.**

***-0318/2.16* SECTION 3216.** 341.61 (1) of the statutes is amended to read:

341.61 **(1)** Lends to another a registration plate~~, insert tag, decal or other evidence of registration~~ for display upon a vehicle for which the plate~~, tag, decal or other evidence of registration~~ has not been issued.

***-0318/2.17* SECTION 3217.** 341.61 (2) of the statutes is amended to read:

341.61 **(2)** Displays upon a vehicle a registration plate~~, insert tag, decal or other evidence of registration~~ not issued for such vehicle or not otherwise authorized by law to be used thereon.

***-0318/2.18* SECTION 3218.** 341.61 (3) of the statutes is amended to read:

341.61 **(3)** Willfully twists, paints, alters or adds to or cuts off any portion of a registration plate~~, insert tag, decal or other evidence of registration~~; or who places or deposits, or causes to be placed or deposited on such plate~~, insert tag, decal or other evidence of registration~~ any substance to hinder the normal reading of such plate~~, insert tag, decal or other evidence of registration~~; or who defaces, disfigures, covers, obstructs, changes or attempts to change any letter or figure thereon; or who causes such plate~~, insert tag, decal or other evidence of registration~~ to appear to be a different color.

***-0318/2.19* SECTION 3219.** 341.61 (4) of the statutes is amended to read:

341.61 **(4)** Possesses a fraudulently or unlawfully obtained registration plate~~, insert tag, decal or other evidence of registration~~.

***-0318/2.20* SECTION 3220.** 341.61 (5) of the statutes is amended to read:

341.61 **(5)** Possesses a counterfeit registration plate~~, insert tag, decal or other evidence of registration~~.

***-0318/2.21* SECTION 3221.** 341.615 of the statutes is amended to read:

341.615 Reproducing evidence of registration prohibited. Except as authorized by the department, any person who reproduces, by any means whatever,

a registration plate~~, insert tag, decal~~ or other evidence of registration shall forfeit not less than $200 nor more than $500.

***-0040/P1.6* SECTION 3222.** 341.63 (1) (f) of the statutes is created to read:

341.63 **(1)** (f) The motor vehicle is registered under the international registration plan specified in s. 341.405 and the motor vehicle has been identified by the federal motor carrier safety administration as having been assigned for safety to a motor carrier whose business is operated, managed, or otherwise controlled or affiliated with a person that has been issued a federal out-of-service order for unsatisfactory safety compliance.

***-0040/P1.7* SECTION 3223.** 341.63 (1m) of the statutes is created to read:

341.63 **(1m)** Upon receiving notice that a motor carrier has been issued a federal out-of-service order for unsatisfactory safety compliance, the department shall suspend the registration of each motor vehicle to which all of the following apply:

(a) The motor carrier is identified on the motor vehicle's registration application as the motor carrier responsible for the safety of the vehicle.

(b) The motor vehicle is registered under the international registration plan specified in s. 341.405.

***-0040/P1.8* SECTION 3224.** 341.63 (1r) of the statutes is created to read:

341.63 **(1r)** The department may suspend the registration of a motor vehicle registered under the international registration plan specified in s. 341.405 if the department determines that the motor carrier identified on the motor vehicle's registration application as the motor carrier responsible for safety of the vehicle is the same or substantially the same business, or that elements of the motor carrier operation are the same or substantially the same business elements, as a motor

carrier that has been issued a federal out-of-service order for unsatisfactory safety compliance.

***-0040/P1.9* SECTION 3225.** 341.63 (3) of the statutes is renumbered 341.63 (3) (a).

***-0040/P1.10* SECTION 3226.** 341.63 (3) (b) of the statutes is created to read:

341.63 **(3)** (b) In addition to or in lieu of ordering the return of registration plates under par. (a), the department may seize and destroy the registration plates of any motor vehicle for which all of the following apply:

1. The motor carrier identified on the motor vehicle's registration application as the motor carrier responsible for safety of the vehicle has been issued a federal out-of-service order for unsatisfactory safety compliance.

2. The motor vehicle is registered under the international registration plan specified in s. 341.405 or under a similar international registration plan under the law of another jurisdiction.

***-0318/2.22* SECTION 3227.** 341.65 (1) (b) of the statutes is amended to read:

341.65 **(1)** (b) "Unregistered motor vehicle" means any motor vehicle that is located upon a highway and that is not displaying ~~valid registration plates,~~ a temporary operation plate~~,~~ or ~~other evidence of registration~~ a registration plate for which the department's vehicle registration records indicate valid registration as provided under s. 341.18 (1) for the vehicle's current registration period or for a registration period for the vehicle that expired within the immediately preceding 31 days.

***-0056/1.12* SECTION 3228.** 342.09 (1) of the statutes is renumbered 342.09 (1) (a) and amended to read:

342.09 **(1)** (a) The department shall maintain a record of each application for certificate of title received by it and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue and, except as provided in par. (b), deliver a certificate to the owner of the vehicle.

***-0056/1.13* SECTION 3229.** 342.09 (1) (b) of the statutes is created to read:

342.09 **(1)** (b) If there is a perfected security interest in a vehicle, the department shall deliver the certificate of title to the secured party having the primary perfected security interest in the vehicle.

***-0056/1.14* SECTION 3230.** 342.13 (1) of the statutes is amended to read:

342.13 **(1)** If a certificate of title is lost, stolen, mutilated, or destroyed, or becomes illegible, the owner or ~~legal representative of the owner named in~~ person in possession of the certificate, as shown by the records of the department, shall promptly make application for and may obtain a replacement upon furnishing information satisfactory to the department. The replacement certificate of title shall contain a notation, in a form determined by the department, identifying the certificate as a replacement certificate that may be subject to the rights of a person under the original certificate.

***-0803/2.5* SECTION 3231.** 342.14 (1) of the statutes is amended to read:

342.14 **(1)** For filing an application for the first certificate of title, ~~$53.00~~ $62, by the owner of the vehicle.

***-0803/2.6* SECTION 3232.** 342.14 (1r) of the statutes is repealed.

***-0803/2.7* SECTION 3233.** 342.14 (3) of the statutes is amended to read:

342.14 **(3)** For a certificate of title after a transfer, ~~$53.00~~ $62, by the owner of the vehicle.

***-0056/1.15* SECTION 3234.** 342.15 (1) (a) of the statutes is amended to read:

342.15 **(1)** (a) If an owner transfers an interest in a vehicle, other than by the creation of a security interest, the owner shall comply with the requirements of s. 342.155 and, at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate, and the owner or person in possession of the certificate, as shown by the records of the department, shall cause the certificate to be mailed or delivered to the transferee, except that if the vehicle being transferred is a junk vehicle or has been junked, the owner shall return the certificate to the department in accordance with s. 342.34.

***-0056/1.16* SECTION 3235.** 342.15 (1) (c) of the statutes is amended to read:

342.15 **(1)** (c) If an owner transfers his or her interest in a salvage vehicle, the owner shall at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate, and the owner or person in possession of the certificate, as shown by the records of the department, shall cause the certificate to be mailed or delivered to the transferee.

***-0056/1.17* SECTION 3236.** 342.15 (5) of the statutes is amended to read:

342.15 **(5)** Any owner of a vehicle for which a certificate of title has been issued, who upon transfer of the vehicle fails to execute ~~and deliver~~ the assignment and warranty of title required by sub. (1), or the owner or person in possession of such certificate of title, as shown by the records of the department, who fails to deliver the assignment and warranty of title required by sub. (1), may be required to forfeit not more than $500.

***-0056/1.18* SECTION 3237.** 342.20 (1) of the statutes is amended to read:

342.20 **(1)** The owner shall immediately execute, in the space provided therefor on the certificate of title or on a separate form or in an automated format prescribed

by the department, an application to name the secured party on the certificate, showing the name and address of the secured party, and the owner or person in possession of the owner's certificate, as shown by the records of the department, shall cause the certificate, application and the required fee to be delivered to the secured party.

***-0056/1.19* SECTION 3238.** 342.20 (3) of the statutes is amended to read:

342.20 **(3)** Upon receipt of the certificate of title, application, and the required fee, or upon receipt of the security interest statement and required fee if the secured party has utilized the process specified in s. 342.245 (1), the department shall issue to the owner a new certificate containing the name and address of the new secured party. The department shall deliver to such new secured party, unless the secured party utilized the process specified in s. 342.245 (1), and to the register of deeds of the county of the owner's residence, memoranda, in such form as the department prescribes, evidencing the notation of the security interest upon the certificate; and thereafter, upon any assignment, termination or release of the security interest, additional memoranda evidencing such action.

***-0056/1.20* SECTION 3239.** 342.22 (1) (intro.) of the statutes is amended to read:

342.22 **(1)** (intro.) Within one month or within 10 days following written demand by the debtor after there is no outstanding obligation and no commitment to make advances, incur obligations or otherwise give value, secured by the security interest in a vehicle under any security agreement between the owner and the secured party, the secured party shall mail or deliver the certificate of title for the vehicle to the department if the secured party is in possession of the certificate and shall also do one of the following:

***-0056/1.21* SECTION 3240.** 342.22 (2) of the statutes is amended to read:

342.22 **(2)** ~~An~~ If an owner, other than a dealer holding the vehicle for resale, is in possession of the owner's certificate of title, the owner, upon receipt of the release and notice of obligation delivered under sub. (1) (a), shall promptly cause the certificate and release to be mailed or delivered to the department, which shall release the secured party's rights on the certificate and issue a new certificate. Upon receipt of the notice under sub. (1) (b), the owner may, in the form and manner prescribed by the department and without additional fee, deliver an application and the certificate of title to the department and the department shall issue a new certificate of title free of the security interest notation.

***-0056/1.22* SECTION 3241.** 342.23 (2) (a) of the statutes is renumbered 342.23 (2) and amended to read:

342.23 **(2)** An owner or person in possession of the owner's certificate of title, as shown by the records of the department, shall promptly deliver the ~~owner's~~ certificate of title to any secured party who is named on it or who has a security interest in the vehicle described in it under any other applicable prior law of this state, upon receipt of a notice from such secured party that the security interest is to be assigned, extended or perfected.

***-0056/1.23* SECTION 3242.** 342.23 (2) (b) of the statutes is repealed.

***-0056/1.24* SECTION 3243.** 342.23 (4) of the statutes is amended to read:

342.23 **(4)** Any owner or other person in possession of the owner's certificate of title who fails to deliver the certificate of title to a secured party requesting it pursuant to sub. (2) ~~(a)~~ shall be liable to such secured party for any loss caused to the secured party thereby and may be required to forfeit not more than $200.

***-0321/2.1* SECTION 3244.** 343.03 (3r) of the statutes is created to read:

343.03 **(3r)** REAL ID NONCOMPLIANT LICENSE. If any license described under sub. (3) is issued based upon the exception specified in s. 343.165 (7), the license shall, in addition to any legend or label described in sub. (3), be marked in a manner consistent with requirements under applicable federal law and regulations to indicate that the license is issued in accordance with P.L. 109-13, section 202 (d) (11), and is not intended to be accepted by any federal agency for federal identification or any other official purpose.

***-0321/2.2* SECTION 3245.** 343.06 (1) (L) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

343.06 **(1)** (L) To any person who does not satisfy the requirements under s. 343.165 (1).

***-0429/2.1* SECTION 3246.** 343.065 (3) of the statutes is created to read:

343.065 **(3)** (a) If a person issued any commercial driver license under this chapter authorizing operation of commercial motor vehicles in interstate commerce does not have on file with the department a current certification specified in s. 343.14 (2) (i) 1. covering the person's physical qualifications, the department may downgrade the commercial driver license to a restricted commercial driver license under this section and impose a "K" restriction on the license.

(b) The department shall promulgate rules to define "downgrade" in accordance with federal law and regulations or guidance from the applicable federal agency, to establish the process for downgrading a commercial driver license and whether or not a new commercial driver license document will be issued after a commercial driver license is downgraded, and to establish the process for reinstating a downgraded commercial driver license after the department receives from the

licensee a valid medical certification or other appropriate certification of physical qualifications.

***-0321/2.3* SECTION 3247.** 343.10 (7) (d) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

343.10 **(7)** (d) An occupational license issued by the department under this subsection shall be in the form of a license that includes a photograph described in s. 343.14 (3), unless the exception under s. 343.14 (3m) applies, and any special restrictions cards under s. 343.17 (4). The license shall clearly indicate that restrictions on a special restrictions card apply and that the special restrictions card is part of the person's license.

***-0321/2.4* SECTION 3248.** 343.11 (1) of the statutes is amended to read:

343.11 **(1)** The department shall not issue a license to a person previously licensed in another jurisdiction unless such person surrenders to the department all valid operator's licenses possessed by the person issued by any other jurisdiction, which surrender operates as a cancellation of the surrendered licenses insofar as the person's privilege to operate a motor vehicle in this state is concerned. When such applicant surrenders the license to the department, the department shall issue a receipt therefor, which receipt shall constitute a temporary license to operate a motor vehicle for a period not to exceed 60 days if the applicant meets the standard required for eyesight and, in the opinion of the examiner, is not a dangerous hazard to the applicant and other users of the highways. ~~Except as provided in s. 343.055, the temporary license shall not be valid authorization for the operation of commercial motor vehicles.~~ The temporary license shall be surrendered to the examiner for cancellation by the department if the 3rd attempt at the driving test is failed and the

applicant shall be required to secure a temporary instruction permit for further practice driving.

***-0321/2.5* SECTION 3249.** 343.11 (3) of the statutes is amended to read:

343.11 **(3)** Except as provided in sub. (1), the department may issue a receipt to any applicant for a license, which receipt shall constitute a temporary license to operate a motor vehicle while the application for license is being processed. Such temporary license shall be valid for a period not to exceed ~~30~~ 60 days.

***-0321/2.6* SECTION 3250.** 343.11 (3) of the statutes, as affected by 2011 Wisconsin Act .... (this act), is amended to read:

343.11 **(3)** Except as provided in sub. (1), the department may issue a receipt to any applicant for a license, which receipt shall constitute a temporary license to operate a motor vehicle while the application for license is being processed. Such temporary license shall be valid for a period not to exceed 60 days. If the application for a license is processed under the exception specified in s. 343.165 (7), the receipt shall include the marking specified in s. 343.03 (3r).

***-0321/2.7* SECTION 3251.** 343.14 (3) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

343.14 **(3)** ~~The~~ Except as provided in sub. (3m), the department shall, as part of the application process, take a digital photograph including facial image capture of the applicant to comply with s. 343.17 (3) (a) 2. ~~No~~ Except as provided in sub. (3m), no application may be processed without the photograph being taken. Except as provided in sub. (3m) and s. 343.165 (4) (d), in the case of renewal licenses, the photograph shall be taken once every 8 years, and shall coincide with the appearance for examination which is required under s. 343.16 (3).

***-0321/2.8* SECTION 3252.** 343.14 (3m) of the statutes is created to read:

343.14 **(3m)** If the application for a license is processed under the exception specified in s. 343.165 (7), the application may be processed and the license issued or renewed without a photograph being taken of the applicant if the applicant provides to the department an affidavit stating that the applicant has a sincerely held religious belief against being photographed; identifying the religion to which he or she belongs or the tenets of which he or she adheres to; and stating that the tenets of the religion prohibit him or her from being photographed.

***-0321/2.9* SECTION 3253.** 343.165 (1) (intro.) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 **(1)** (intro.) ~~The~~ Subject to ss. 343.14 (3m) and 343.50 (4g), the department may not complete the processing of an application for initial issuance or renewal of an operator's license or identification card received by the department after ~~May 10, 2008~~ the effective date of this subsection .... [LRB inserts date], and no such license or identification card may be issued or renewed, unless the applicant presents or provides, and, subject to sub. (7), the department verifies under sub. (3), all of the following information:

***-0321/2.10* SECTION 3254.** 343.165 (2) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 **(2)** (a) ~~The~~ Subject to sub. (7), the department shall, in processing any application for an operator's license or identification card under sub. (1), capture a digital image of each document presented or provided to the department by an applicant. Images captured under this paragraph shall be maintained, in electronic storage and in a transferable format, in the applicant's file or record as provided under ss. 343.23 (2) (a) and 343.50 (8) (a).

(b) ~~The~~ Subject to sub. (7), the department shall record in the applicant's file under s. 343.23 (2) (a) or record under s. 343.50 (8) (a) the date on which verification under subs. (1) and (3) is completed.

***-0321/2.11* SECTION 3255.** 343.165 (3) (a) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 **(3)** (a) Except as provided in pars. (b) and (c) and subject to sub. (7), the department shall verify, in the manner and to the extent required under federal law, each document presented or provided to the department that is required to be presented or provided to the department by an applicant under sub. (1).

***-0321/2.12* SECTION 3256.** 343.165 (4) (a) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 **(4)** (a) Subsection (1) does not apply to an application for renewal of an operator's license or identification card received by the department after ~~May 10, 2008~~ the effective date of this paragraph .... [LRB inserts date], if in connection with a prior application after ~~May 10, 2008~~ the effective date of this paragraph .... [LRB inserts date], the applicant previously presented or provided, and the department verified under sub. (3) or (7), the information specified in sub. (1) and, if verified under sub. (3), the department recorded the date on which the verification procedures were completed as described in sub. (2) (b).

***-0321/2.13* SECTION 3257.** 343.165 (4) (c) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 **(4)** (c) Notwithstanding pars. (a) and (b), no operator's license displaying the legend required under s. 343.03 (3m) or identification card displaying the legend required under s. 343.50 (3) (a) may be renewed unless the applicant presents or provides valid documentary proof under sub. (1) (e) and this proof shows

that the status by which the applicant qualified for the license or identification card has been extended by the secretary of the federal department of homeland security.

***-0321/2.14* SECTION 3258.** 343.165 (4) (d) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 **(4)** (d) With any license or identification card renewal following a license or identification card expiration established under s. 343.20 (1m) or 343.50 (5) (c) at other than an 8-year interval, the department may determine whether the applicant's photograph is to be taken, or if the renewal is for a license the applicant is to be examined, or both, at the time of such renewal, so long as the applicant's photograph is taken, and if the renewal is for a license the applicant is examined, with a license or card renewal at least once every 8 years and the applicant's license or identification card at all times includes a photograph unless an exception under s. 343.14 (3m) or 343.50 (4g) applies.

***-0321/2.15* SECTION 3259.** 343.165 (5) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

343.165 **(5)** The department may, by rule, require that applications for reinstatement of operator's licenses or identification cards, issuance of occupational licenses, reissuance of operator's licenses, or issuance of duplicate operator's licenses or identification cards, received by the department after ~~May 10, 2008~~ the effective date of this subsection .... [LRB inserts date], be processed in a manner consistent with the requirements established under this section for applications for initial issuance or renewal of operator's licenses and identification cards.

***-0321/2.16* SECTION 3260.** 343.165 (7) of the statutes is created to read:

343.165 **(7)** (a) The department may process an application for, and issue or renew, an operator's license or identification card without meeting the requirements under subs. (2) and (3) if all of the following apply:

1. The operator's license contains the marking specified in s. 343.03 (3r) or the identification card contains the marking specified in s. 343.50 (3) (b).

2. The operator's license or identification card is processed and issued or renewed in compliance with applicable department practices and procedures that were in effect immediately prior to the effective date of this subdivision .... [LRB inserts date].

(b) In addition to other instances of original issuance or renewal, this subsection specifically applies to renewals occurring after the effective date of this paragraph .... [LRB inserts date], of operator's licenses or identification cards originally issued prior to the effective date of this paragraph .... [LRB inserts date].

***-0321/2.17* SECTION 3261.** 343.17 (3) (a) 2. of the statutes is amended to read:

343.17 **(3)** (a) 2. A color photograph of the person<u>, unless the exception under s. 343.14 (3m) applies</u>.

***-0321/2.18* SECTION 3262.** 343.17 (3) (a) 14. of the statutes is created to read:

343.17 **(3)** (a) 14. If the license contains the marking specified in s. 343.03 (3r), a distinctive appearance specified by the department that clearly distinguishes the license from other operator's licenses or identification cards issued by the department and that alerts federal agency and other law enforcement personnel that the license may not be accepted for federal identification or any other official purpose.

***-0321/2.19* SECTION 3263.** 343.17 (5) of the statutes is amended to read:

343.17 **(5)** NO PHOTOS ON TEMPORARY LICENSES. The temporary licenses issued under ss. 343.10, 343.11 (1) and (3), 343.16 (6) (b), and 343.305 (8) (a) shall be on forms provided by the department and shall contain the information required by sub. (3), except ~~the license is~~ that temporary licenses under ss. 343.16 (6) (b) and 343.305 (8) (a) are not required to include a photograph of the licensee.

***-0321/2.20* SECTION 3264.** 343.17 (5) of the statutes, as affected by 2007 Wisconsin Act 20 and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

343.17 **(5)** NO PHOTOS ON TEMPORARY LICENSES. The temporary licenses issued under ss. 343.10, 343.11 (1) and (3), 343.16 (6) (b), and 343.305 (8) (a) shall be on forms provided by the department and shall contain the information required by sub. (3), except that temporary licenses under ss. 343.16 (6) (b) and 343.305 (8) (a) are not required to include a photograph of the licensee. This subsection does not apply to a noncitizen temporary license, as described in s. 343.03 (3m).

***-0315/2.1* SECTION 3265.** 343.20 (2) (a) of the statutes is amended to read:

343.20 **(2)** (a) ~~The~~ At least 30 days prior to the expiration of an operator's license, the department shall ~~mail to the~~ provide to the licensee notice of renewal of the license either by mail at the licensee's last-known address ~~of a licensee at least 30 days prior to the expiration of the license a notice of the date upon which the license must be renewed~~ or, if desired by the licensee, by any electronic means offered by the department.

***-0315/2.2* SECTION 3266.** 343.20 (2) (a) of the statutes, as affected by 2007 Wisconsin Act 20 and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

343.20 **(2)** (a) At least 30 days prior to the expiration of an operator's license, the department shall provide to the licensee notice of renewal of the license either by mail at the licensee's last-known address or, if desired by the licensee, by any electronic means offered by the department. If the license was issued or last renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the notice shall inform the licensee of the requirement under s. 343.165 (4) (c).

***-0315/2.3* SECTION 3267.** 343.20 (2) (b) of the statutes is amended to read:

343.20 **(2)** (b) Notwithstanding par. (a), at least 60 days prior to the expiration of an "H" endorsement specified in s. 343.17 (3) (d) 1m., the department of transportation shall ~~mail~~ provide a notice to the licensee either by mail at the licensee's last-known address ~~of the licensee~~ or, if desired by the licensee, by any electronic means offered by the department of transportation that the licensee is required to pass a security threat assessment screening by the federal transportation security administration of the federal department of homeland security as part of the application to renew the endorsement. The notice shall inform the licensee that the licensee may commence the federal security threat assessment screening at any time, but no later than 30 days before expiration of the endorsement.

***-0316/1.1* SECTION 3268.** 343.21 (2) (a) of the statutes is renumbered 343.21 (2) (a) 1. and amended to read:

343.21 **(2)** (a) 1. In addition to the fees set under sub. (1), any applicant whose application for a permit, license, upgrade or endorsement, taken together with the applicant's currently valid license, if any, requires the department to administer a driving skills test of the applicant's ability to exercise ordinary and reasonable

control in the operation of a motor vehicle shall pay to the department an examination fee of $20 for an examination in a commercial motor vehicle other than a school bus, $15 for an examination in a "Class D" vehicle, and $15 for an examination in any other vehicle. ~~Payment~~

2. Except as provided in subd. 3., payment of the applicable examination fee under subd. 1. entitles the applicant to not more than 3 tests of the applicant's ability to exercise reasonable control in the operation of a motor vehicle. If the applicant does not qualify for issuance of a license, upgraded license, or endorsement in 3 such tests, then a 2nd examination fee in the same amount shall be paid, which payment entitles the applicant to not more than 3 additional tests.

***-0316/1.2* SECTION 3269.** 343.21 (2) (a) 3. of the statutes is created to read:

343.21 **(2)** (a) 3. For an examination in a "Class D" vehicle, payment of the examination fee under subd. 1. entitles the applicant to not more than 2 tests of the applicant's ability to exercise reasonable control in the operation of a motor vehicle. If the applicant does not qualify for issuance of a license, upgraded license, or endorsement in these 2 tests, then the applicant shall pay an additional examination fee of $15 for each examination thereafter.

***-0040/P1.11* SECTION 3270.** 343.315 (2) (h) of the statutes is amended to read:

343.315 **(2)** (h) Except as provided in par. (i), a person shall be disqualified for a period of 90 days from operating a commercial motor vehicle if convicted of an out-of-service violation, or 2 years if convicted of 2 out-of-service violations, or 3 years if convicted of 3 or more out-of-service violations, arising from separate occurrences committed within a 10-year period while operating a commercial motor vehicle. A disqualification under this paragraph shall be in addition to any penalty

imposed under s. 343.44. In this paragraph, "out-of-service violation" means violating s. 343.44 (1) (c) or a law of another jurisdiction for an offense therein which, if committed in this state, would have been a violation of s. 343.44 (1) (c), ~~by operating a commercial motor vehicle while the operator or vehicle is ordered out-of-service under the law of this state or another jurisdiction or under federal law,~~ if the operator holds a commercial driver license or is required to hold a commercial driver license to operate the commercial motor vehicle.

***-0040/P1.12* SECTION 3271.** 343.44 (1) (c) of the statutes is amended to read:

343.44 **(1)** (c) *Operating while ordered out-of-service.* No person may operate a commercial motor vehicle while the person or the commercial motor vehicle is ordered out-of-service under the law of this state or another jurisdiction or under federal law. No person may operate a commercial motor vehicle for which the motor carrier identified on the motor vehicle's registration application as the motor carrier responsible for safety of the vehicle has been issued a federal out-of-service order for unsatisfactory safety compliance, while this federal out-of-service order is in effect.

***-0321/2.21* SECTION 3272.** 343.50 (1) of the statutes is renumbered 343.50 (1) (a).

***-0321/2.22* SECTION 3273.** 343.50 (1) of the statutes, as affected by 2007 Wisconsin Act 20 and 2011 Wisconsin Act .... (this act), is repealed and recreated to read:

343.50 **(1)** (a) Subject to par. (b) and s. 343.165, the department shall issue to every qualified applicant, who has paid all required fees, an identification card as provided in this section.