

CHAPTER 316, Laws of 1979

AN ACT to amend 343.10 (1), (3), (4) and (7) and 343.38 (3) of the statutes, relating to issuance of an occupational license if operating privileges are suspended.

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

SECTION 1. 343.10 (1), (3), (4) and (7) of the statutes are amended to read:

343.10 (1) If a person has had his or her chauffeur's license revoked he or she may file a petition with the department for a limited chauffeur's license under s. 343.126. If a person has had his or her license revoked or suspended under this chapter and if the person is engaged in an occupation or trade making it essential that he or she operate a motor vehicle, the person may after complying with sub. (2) file with a judge of a court of record in the county of his or her residence or of a municipal court in the county of his or her residence a petition setting forth in detail the need for operating a motor vehicle. Thereupon, if the petitioner has not had his or her license revoked or suspended under this chapter within the one-year period immediately preceding the present revocation or suspension, the judge may order the department to issue an occupational license to the person. For the purpose of determining whether a person has had his or her license revoked or suspended under this chapter within the one-year period immediately preceding the present revocation or suspension, the court shall not consider a prior revocation under s. 343.30 (1q) or 343.305 if the present revocation is under s. 343.30 (1q) or 343.305 and both the prior and present revocations arose out of the same incident or occurrence. The order for issuance of an occupational license shall contain definite restrictions as to hours of the day, not to exceed 12, type of occupation and areas or routes of travel to be permitted under the license. If the petitioner holds a valid chauffeur's license at the time of filing petition the order for issuance shall further restrict operation under the occupational license to travel only between the licensee's place of residence and his or her place of employment, in addition to operation permitted under the chauffeur's license. The order may permit travel to and from church but the order shall specify the hours during which the travel is to be permitted. The order may permit travel necessary to comply with a rehabilitation plan ordered under s. 343.30 (1q) or 343.305. A copy of the petition and the order for the occupational license shall be forwarded to the department. If a certificate of insurance issued by the insuring company or an agent of the insuring company is submitted to the court and at least 15 days have elapsed since the date of conviction or, in the case of an appeal which is subsequently dismissed or affirmed, until at least 15 days have elapsed since the date of revocation or suspension following the dismissal or affirmation of the appeal, the court may issue a 30-day temporary occupational license. The license shall be on forms provided to the court by the department.

(3) The department shall issue an occupational license upon receipt of an order for such a license if at least 30 days have elapsed since the date of revocation or suspension, or, in the case of an appeal which is subsequently dismissed or affirmed, if at least 30 days have elapsed since the date of revocation or suspension following the dismissal or affirmation of the appeal and if proof of financial responsibility covering all vehicles which the applicant will be permitted to operate has been furnished as specified in s. 343.38 (1) (c).

(4) The occupational license issued by the department shall contain such restrictions as are ordered by the judge. In addition to such restrictions an occupational license authorizes the licensee to operate a motor vehicle not to exceed 12 hours per day and then

only when such operation is an essential part of the licensee's occupation or trade. Unless sooner revoked, suspended or canceled, an occupational license is valid from the date of issuance until termination of the period of revocation or suspension, as provided by law.

(7) The department shall inform a person whose operating privilege has been revoked or suspended under this chapter of his or her right to petition the court for issuance of an occupational license under this section.

SECTION 2. 343.38 (3) of the statutes is amended to read:

343.38 (3) REINSTATEMENT AFTER SUSPENSION. ~~The~~ Except as provided in s. 343.10, the department shall not issue a license to a person whose operating privilege has been duly suspended while ~~such~~ the suspension remains in effect ~~but, upon.~~ Upon the expiration of the period of suspension, ~~such~~ the person's operating privilege is automatically reinstated as provided in s. 343.39.
