

# State of Wisconsin



2009 Assembly Bill 178

Date of enactment: **February 4, 2010**  
Date of publication\*: **February 18, 2010**

## 2009 WISCONSIN ACT 103

AN ACT *to repeal* 343.10 (2) (a) 3., 343.39 (1) (a) and 345.48 (3); *to renumber and amend* 343.26 and 343.39 (3); *to amend* 118.163 (2) (a), 118.163 (2m) (a), 343.03 (1) (b), 343.05 (1) (a), 343.06 (2), 343.20 (1) (a), 343.28 (2), 343.28 (3), 343.30 (4), 343.30 (6) (d), 343.305 (7) (a), 343.305 (7) (b), 343.305 (9) (a) (intro.), 343.305 (9) (am) (intro.), 343.315 (3) (a), 343.315 (3) (b), 343.32 (1m) (d), 343.38 (title), 343.38 (1) (intro.), 343.38 (1) (a), 343.38 (2), 343.38 (3), 343.39 (1) (b), 343.39 (2), 345.24 (2), 345.47 (1) (c), 345.48 (2), 345.48 (4), 800.09 (1) (c), 938.17 (2) (d) 2., 938.34 (8), 938.34 (8d) (d), 938.34 (14m), 938.34 (14r) (a), 938.34 (14r) (c), 938.342 (1g) (a), 938.343 (2), 938.344 (2e) (b), 938.344 (2e) (c), 938.355 (6) (d) 2., 938.355 (6m) (a) 1m., 961.50 (1) (intro.) and 961.50 (3); *to repeal and recreate* 343.20 (1) (a) and 343.26 (1); and *to create* 343.26 (2) and 343.38 (3g) and (3r) of the statutes; **relating to:** motor vehicle operating privileges, seizures by courts or law enforcement officers of operator's licenses, and reinstatement of canceled identification cards.

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

**SECTION 1.** 118.163 (2) (a) of the statutes is amended to read:

118.163 (2) (a) Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court shall immediately may take possession of any suspended license ~~and forward it.~~ If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation ~~together~~ with a notice stating the reason for and the duration of the suspension.

**SECTION 2.** 118.163 (2m) (a) of the statutes is amended to read:

118.163 (2m) (a) A county, city, village or town may enact an ordinance permitting a court to suspend the operating privilege of a person who is at least 16 years of age but less than 18 years of age and is a dropout. The

ordinance shall provide that the court may suspend the person's operating privilege until the person reaches the age of 18. The court shall immediately may take possession of any suspended license ~~and forward it.~~ If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation ~~together with~~ a notice stating the reason for and the duration of the suspension.

**SECTION 3.** 343.03 (1) (b) of the statutes is amended to read:

343.03 (1) (b) The department shall issue operator's licenses in conformity with the classified driver license system to each licensee upon renewal, ~~reinstatement or initial application,~~ or cancellation under s. 343.26 (1).

**SECTION 4.** 343.05 (1) (a) of the statutes is amended to read:

343.05 (1) (a) Except as provided in this subsection, no person may at any time have more than one operator's license. This prohibition includes, without limitation,

\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

having licenses from more than one state, having licenses under more than one name or birthdate, ~~having an occupational license without having surrendered the revoked or suspended license document,~~ and having more than one license issued for the operation of different types or classes of vehicles. This paragraph does not apply to any person who has only operator's licenses issued by this state and by a country, province, or subdivision that is a party to an agreement under s. 343.16 (1) (d).

**SECTION 5.** 343.06 (2) of the statutes is amended to read:

343.06 (2) The department shall not issue a commercial driver license, including a renewal or reinstated license, to any person, or reinstate a person's authorization to operate a commercial motor vehicle, during any period of disqualification under s. 343.315 or 49 CFR 383.51 ~~or, under the law of another jurisdiction in substantial conformity therewith, as the result of one or more disqualifying offenses committed on or after July 1, 1987, disqualifying a person from operating a commercial motor vehicle under circumstances similar to those specified in s. 343.315 or 49 CFR 383.51, or under a determination by the federal motor carrier safety administration that the person is no longer qualified to operate a commercial motor vehicle under 49 CFR 391,~~ or to any person whose operating privilege is revoked, suspended, or canceled. Any person who is known to the department to be subject to disqualification as described in s. 343.44 (1) (d) shall be disqualified by the department as provided in s. 343.315.

**SECTION 6.** 343.10 (2) (a) 3. of the statutes is repealed.

**SECTION 7.** 343.20 (1) (a) of the statutes is amended to read:

343.20 (1) (a) Except as otherwise expressly provided in this chapter, ~~reinstated licenses,~~ probationary licenses issued under s. 343.085, licenses issued after cancellation under s. 343.26 (1), and original licenses other than instruction permits shall expire 2 years from the date of the applicant's next birthday. Subject to s. 343.125 (3), all other licenses and license endorsements shall expire 8 years after the date of issuance. The department may institute any system of initial license issuance which it deems advisable for the purpose of gaining a uniform rate of renewals. In order to put such a system into operation, the department may issue licenses which are valid for any period less than the ordinary effective period of such license. If the department issues a license that is valid for less than the ordinary effective period as authorized by this paragraph, the fees due under s. 343.21 (1) (a), (b) and (d) shall be prorated accordingly.

**SECTION 8.** 343.20 (1) (a) of the statutes, as affected by 2007 Wisconsin Act 20 and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

343.20 (1) (a) Except as otherwise expressly provided in this chapter, probationary licenses issued under

s. 343.085, licenses issued after cancellation under s. 343.26 (1), and original licenses other than instruction permits shall expire 2 years from the date of the applicant's next birthday. Subject to s. 343.125 (3), all other licenses and license endorsements shall expire 8 years after the date of issuance. The department may institute any system of initial license issuance which it deems advisable for the purpose of gaining a uniform rate of renewals. In order to put such a system into operation, the department may issue licenses which are valid for any period less than the ordinary effective period of such license. If the department issues a license that is valid for less than the ordinary effective period as authorized by this paragraph, the fees due under s. 343.21 (1) (b) and (d) shall be prorated accordingly.

**SECTION 9.** 343.26 of the statutes is renumbered 343.26 (1) and amended to read:

343.26 (1) Any Except as provided in sub. (2), any person whose license has been canceled, whether the license has been canceled by the secretary or stands canceled as a matter of law, may apply for a new license at any time. Upon receipt of the application and all required fees, the department shall issue or refuse issuance of the license as upon an original application. The department may, but need not, require the applicant to submit to an examination as provided in s. 343.16.

**SECTION 10.** 343.26 (1) of the statutes, as affected by 2007 Wisconsin Act 20, section 3291, and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

343.26 (1) Except as provided in sub. (2), any person whose license has been canceled, whether the license has been canceled by the secretary or stands canceled as a matter of law, may apply for a new license at any time. Upon receipt of the application and all required fees, and after processing the application as provided in s. 343.165, the department shall issue or refuse issuance of the license as upon an original application. The department may, but need not, require the applicant to submit to an examination as provided in s. 343.16.

**SECTION 11.** 343.26 (2) of the statutes is created to read:

343.26 (2) If a person's license has been canceled under s. 343.25 (2) or (3), or canceled because of the person's nonpayment of a fee, the person's license may be reinstated as provided in s. 343.38 (3g).

**SECTION 12.** 343.28 (2) of the statutes is amended to read:

343.28 (2) Whenever a person is convicted of any offense for which s. 343.31 makes mandatory the revocation by the secretary of such person's operating privilege, the court in which the conviction occurred ~~shall~~ may require the surrender to it of any license then held by such person. If the court requires surrender of a license, the court shall destroy the license. The clerk of the court, or the justice, judge or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the department

the record of conviction and any surrendered licenses. ~~The record of conviction forwarded to the department, which shall state whether the offender was involved in an accident at the time of the offense, whether the offender was operating a commercial motor vehicle at the time of the offense and, if so, whether the offender was transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver.~~

**SECTION 13.** 343.28 (3) of the statutes is amended to read:

343.28 (3) If a person is convicted of committing a violation as defined by s. 343.30 (6) (a), the clerk of the court, or the justice, judge or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the department the record of conviction and any surrendered licenses.

**SECTION 14.** 343.30 (4) of the statutes is amended to read:

343.30 (4) Whenever a court or judge suspends or revokes an operating privilege under this section, the court or judge shall immediately may take possession of any suspended or revoked license and, if the court takes possession of a license, it shall destroy the license. ~~The court shall forward it,~~ as provided in s. 345.48, ~~to the department together with the record of conviction and notice of suspension or revocation.~~ Whenever a court or judge restricts the operating privilege of a person, the court or judge shall forward notice of the restriction to the department.

**SECTION 15.** 343.30 (6) (d) of the statutes is amended to read:

343.30 (6) (d) If the person subject to suspension under this subsection does not hold a valid license under this chapter other than a license under s. 343.07 or 343.08 on the date of disposition, the suspension under par. (b) shall commence on the date that such a license would otherwise be reinstated or issued after the person applies and qualifies for issuance or 2 years from the date of disposition, whichever occurs first on which the person is first eligible for issuance, renewal, or reinstatement of an operator's license under this chapter.

**SECTION 16.** 343.305 (7) (a) of the statutes is amended to read:

343.305 (7) (a) If a person submits to chemical testing administered in accordance with this section and any test results indicate the presence of a detectable amount of a restricted controlled substance in the person's blood or a prohibited alcohol concentration, the law enforcement officer shall report the results to the department and ~~take possession of the person's license and forward it to the department.~~ The person's operating privilege is administratively suspended for 6 months.

**SECTION 17.** 343.305 (7) (b) of the statutes is amended to read:

343.305 (7) (b) If a person who was driving or operating or on duty time with respect to a commercial motor vehicle submits to chemical testing administered in accordance with this section and any test results indicate an alcohol concentration above 0.0, the law enforcement officer ~~may take possession of the person's license and retain the license for 24 hours.~~ ~~The person may reclaim a seized license in person or request return of the license by mail.~~ The law enforcement officer shall issue a citation for violation of s. 346.63 (7) (a) 1., issue citations for such other violations as may apply and issue an out-of-service order to the person for the 24 hours after the testing, and report both the out-of-service order and the test results to the department in the manner prescribed by the department. If the person is a nonresident, the department shall report issuance of the out-of-service order to the driver licensing agency in the person's home jurisdiction.

**SECTION 18.** 343.305 (9) (a) (intro.) of the statutes is amended to read:

343.305 (9) (a) (intro.) If a person refuses to take a test under sub. (3) (a), the law enforcement officer shall immediately ~~take possession of the person's license and~~ prepare a notice of intent to revoke, by court order under sub. (10), the person's operating privilege. If the person was driving or operating a commercial motor vehicle, the officer shall issue an out-of-service order to the person for the 24 hours after the refusal and notify the department in the manner prescribed by the department. The officer shall issue a copy of the notice of intent to revoke the privilege to the person and submit or mail a copy ~~with the person's license~~ to the circuit court for the county in which the arrest under sub. (3) (a) was made or to the municipal court in the municipality in which the arrest was made if the arrest was for a violation of a municipal ordinance under sub. (3) (a) and the municipality has a municipal court. The officer shall also mail a copy of the notice of intent to revoke to the attorney for that municipality or to the district attorney for that county, as appropriate, and to the department. Neither party is entitled to pretrial discovery in any refusal hearing, except that, if the defendant moves within 30 days after the initial appearance in person or by an attorney and shows cause therefor, the court may order that the defendant be allowed to inspect documents, including lists of names and addresses of witnesses, if available, and to test under s. 804.09, under such conditions as the court prescribes, any devices used by the plaintiff to determine whether a violation has been committed. The notice of intent to revoke the person's operating privilege shall contain substantially all of the following information:

**SECTION 19.** 343.305 (9) (am) (intro.) of the statutes is amended to read:

343.305 (9) (am) (intro.) If a person driving or operating or on duty time with respect to a commercial motor vehicle refuses a test under sub. (3) (am), the law enforcement officer shall immediately ~~take possession of the person's license~~, issue an out-of-service order to the person for the 24 hours after the refusal and notify the department in the manner prescribed by the department, and prepare a notice of intent to revoke, by court order under sub. (10), the person's operating privilege. The officer shall issue a copy of the notice of intent to revoke the privilege to the person and submit or mail a copy ~~with the person's license~~ to the circuit court for the county in which the refusal is made or to the municipal court in the municipality in which the refusal is made if the person's refusal was in violation of a municipal ordinance and the municipality has a municipal court. The officer shall also mail a copy of the notice of intent to revoke to the attorney for that municipality or to the district attorney for that county, as appropriate, and to the department. Neither party is entitled to pretrial discovery in any refusal hearing, except that, if the defendant moves within 30 days after the initial appearance in person or by an attorney and shows cause therefor, the court may order that the defendant be allowed to inspect documents, including lists of names and addresses of witnesses, if available, and to test under s. 804.09, under such conditions as the court prescribes, any devices used by the plaintiff to determine whether a violation has been committed. The notice of intent to revoke the person's operating privilege shall contain substantially all of the following information:

**SECTION 20.** 343.315 (3) (a) of the statutes is amended to read:

343.315 (3) (a) ~~Notwithstanding s. 343.39, if~~ If a person's license or operating privilege is revoked or suspended as the result of an offense committed after March 31, 1992, which results in disqualification under sub. (2), the department shall immediately disqualify the person from operating a commercial motor vehicle for the period required under sub. (2). ~~The Notwithstanding s. 343.38 (3r), the~~ person's authorization to operate a commercial motor vehicle shall not be reinstated upon expiration of the period of revocation or suspension unless the period of disqualification has also expired. During any period of disqualification in which the person's license or operating privilege is not revoked or suspended, the department may issue an operator's license to the person for the operation of vehicles other than commercial motor vehicles.

**SECTION 21.** 343.315 (3) (b) of the statutes is amended to read:

343.315 (3) (b) If a person's license or operating privilege is not otherwise revoked or suspended as the result of an offense committed after March 31, 1992, which results in disqualification under sub. (2) (a) to (f), (h), (i), or (j), the department shall immediately disqualify the person from operating a commercial motor vehicle for

the period required under sub. (2) (a) to (f), (h), (i), or (j). Upon proper application by the person and payment of the fees specified in s. 343.21 (1) (L) and (n), the department may issue a separate license authorizing only the operation of vehicles other than commercial motor vehicles. ~~Upon expiration of the period of disqualification, the person may apply for authorization to operate commercial motor vehicles under s. 343.26.~~

**SECTION 22.** 343.32 (1m) (d) of the statutes is amended to read:

343.32 (1m) (d) If the person's license or operating privilege is currently suspended or revoked or the person does not currently possess a valid operator's license issued under this chapter, the suspension or revocation under this subsection is effective on the date on which the person is first eligible ~~and applies~~ for issuance, renewal, or reinstatement of an operator's license under this chapter.

**SECTION 23.** 343.38 (title) of the statutes is amended to read:

**343.38 (title) License Reinstatement after revocation or suspension; reinstatement of nonresident's operating privilege, cancellation, or disqualification.**

**SECTION 24.** 343.38 (1) (intro.) of the statutes is amended to read:

343.38 (1) ~~LICENSE REINSTATEMENT AFTER REVOCATION.~~ (intro.) Except as provided in ss. 343.10, 343.39, and 351.07, the department shall not ~~issue a license to~~ reinstatement of the operating privilege of a person whose operating privilege has been duly revoked unless the period of revocation has expired and ~~such~~ the person:

**SECTION 25.** 343.38 (1) (a) of the statutes is amended to read:

343.38 (1) (a) ~~Files with Pays to~~ the department an application for license together with all required fees; and

**SECTION 26.** 343.38 (2) of the statutes is amended to read:

343.38 (2) ~~REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER REVOCATION BY WISCONSIN.~~ A nonresident's operating privilege revoked ~~or suspended~~ under the laws of this state is reinstated as a matter of law when the period of revocation ~~or suspension~~ has expired and ~~such~~ the nonresident obtains a valid operator's license issued by the jurisdiction of the nonresident's residence and pays the fees specified in s. 343.21 (1) (j) and (n).

**SECTION 27.** 343.38 (3) of the statutes is amended to read:

343.38 (3) ~~REINSTATEMENT AFTER SUSPENSION.~~ Except as provided in sub. (2) and s. 343.10, the department shall not ~~issue a license to~~ reinstatement of the operating privilege of a person whose operating privilege has been duly suspended while the suspension remains in effect. Upon the expiration of the period of suspension, the person's operating privilege is reinstated ~~as provided in s. 343.39~~ upon receipt by the department of the fees speci-

fied in s. 343.21 (1) (j) and (n) and, for reinstatement of an operating privilege suspended under ch. 344, the filing with the department of proof of financial responsibility, if required, in the amount, form, and manner specified under ch. 344.

**SECTION 28.** 343.38 (3g) and (3r) of the statutes are created to read:

343.38 (3g) REINSTATEMENT AFTER CERTAIN CANCELLATIONS. (a) The department may reinstate the operator's license of a person whose operator's license has been duly canceled under s. 343.25 (2) or (3) if the person pays the fees specified in s. 343.21 (1) (m) and (n) and either the person is at least 18 years of age or the requirements specified in s. 343.15 are satisfied.

(b) The department may reinstate the operator's license or identification card of a person whose operator's license or identification card has been duly canceled because of the person's nonpayment of a fee if the person pays that fee, pays any fee required by the department under s. 20.905 (2), and pays the fees specified in s. 343.21 (1) (m) and (n).

(3r) REINSTATEMENT OF COMMERCIAL DRIVING PRIVILEGES FOLLOWING DISQUALIFICATION. (a) Except as provided in pars. (b) and (c), upon application for reinstatement after a person's disqualification by the department, the department may issue a commercial driver license to the person if the person has paid the fees required under s. 343.21 (1) (jm) and (n), taken any examination required by the department under s. 343.16, and satisfied any other requirement under this chapter for reinstatement.

(b) Any disqualification under s. 343.315 (2) (g) terminates at the beginning of the 25th hour following issuance of the citation specified in s. 343.315 (2) (g). If a person has been disqualified solely on the basis of s. 343.315 (2) (g), the person's authorization to operate a commercial motor vehicle is automatically reinstated upon termination of the disqualification, as provided in this paragraph, and no application or fee is required for reinstatement.

(c) If a person is authorized to operate a commercial motor vehicle under s. 343.055, the person's authorization to operate a commercial motor vehicle may be reinstated without issuance of a commercial driver license to the person.

**SECTION 29.** 343.39 (1) (a) of the statutes is repealed.

**SECTION 30.** 343.39 (1) (b) of the statutes is amended to read:

343.39 (1) (b) When, in the case of a revocation ~~or~~ suspension, or disqualification based on a conviction, the conviction is reversed, set aside or vacated. This paragraph applies whether or not the conviction occurred in this state and whether or not the conviction was cause for revocation ~~or~~ suspension, or disqualification only when considered in connection with the person's previous entire operating record.

**SECTION 31.** 343.39 (2) of the statutes is amended to read:

343.39 (2) Whenever a person's operating privilege is automatically reinstated, the department shall forthwith notify such person thereof ~~and shall return any surrendered and unexpired license in its possession.~~ If the person's license is expired during the period of revocation or suspension, such, the person may renew the license at the standard renewal fee at any time ~~within 30 days~~ after the reinstatement of the person's operating privilege. If the person states to the department that he or she no longer possesses the license because the license was surrendered to a court, and the person has satisfied all requirements under sub. (1), the department shall issue a new license without any additional fee for the license.

**SECTION 32.** 343.39 (3) of the statutes is renumbered 343.13 (3) and amended to read:

343.13 (3) If a court has ordered that ~~the a~~ person's operating privilege be restricted for a period of time after the suspension person's operating privilege revocation period is completed to operating vehicles equipped with an ignition interlock device, the license shall include that restriction.

**SECTION 33.** 345.24 (2) of the statutes is amended to read:

345.24 (2) If the person was issued an out-of-service order under s. 343.305 (7) (b), the person may be released as provided under sub. (1) ~~but the person's license may be retained until the out-of-service period has expired.~~

**SECTION 34.** 345.47 (1) (c) of the statutes is amended to read:

345.47 (1) (c) If a court ~~or judge~~ suspends an operating privilege under this section, the court ~~or judge~~ shall ~~immediately may~~ take possession of the suspended license and, if the court takes possession of a license, it shall destroy the license. The court shall forward it to the department ~~together with~~ the notice of suspension, which shall clearly state that the suspension was for failure to pay a forfeiture, plus costs, fees, and surcharges imposed under ch. 814. The notice of suspension ~~and the suspended license, if it is available,~~ shall be forwarded to the department within 48 hours after the order of suspension. If the forfeiture, plus costs, fees, and surcharges imposed under ch. 814, are paid during a period of suspension, the court ~~or judge~~ shall immediately notify the department. ~~Upon receipt of the notice and payment of the fees under s. 343.21 (1) (j) and (n), the department shall return the surrendered license.~~

**SECTION 35.** 345.48 (2) of the statutes is amended to read:

345.48 (2) If the defendant is found guilty of a traffic violation for which revocation of his or her operating privilege is mandatory under s. 343.31, or for which the court revokes or suspends his or her operating privilege under s. 343.30, the court shall ~~immediately may~~ take

possession of the suspended or revoked license. If the court takes possession of a license, it shall destroy the license. The revocation or suspension is effective immediately. The court ordered suspension or revocation shall be included as part of the report of conviction under sub. (1m).

**SECTION 36.** 345.48 (3) of the statutes is repealed.

**SECTION 37.** 345.48 (4) of the statutes is amended to read:

345.48 (4) If notice of appeal is filed the court shall, within 5 working days after it is filed, forward to the department a certificate stating that a notice of appeal has been filed ~~and shall return any surrendered license.~~ Thereafter, the court shall notify the department as required under s. 343.325 (1) (b) and (c).

**SECTION 38.** 800.09 (1) (c) of the statutes is amended to read:

800.09 (1) (c) The court may suspend the defendant's operating privilege, as defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments and costs are paid, if the defendant has not done so within 60 days after the date the restitution or payments or both are to be made under par. (a) and has not notified the court that he or she is unable to comply with the judgment, as provided under s. 800.095 (4) (a), except that the suspension period may not exceed 2 years. The court ~~shall~~ may take possession of the suspended license ~~and shall.~~ If the court takes possession of a license, it shall destroy the license. The court shall forward the license, ~~along with~~ a notice of the suspension clearly stating that the suspension is for failure to comply with a judgment of the court, to the department of transportation. This paragraph does not apply if the forfeiture is assessed for violation of an ordinance that is unrelated to the violator's operation of a motor vehicle.

**SECTION 39.** 938.17 (2) (d) 2. of the statutes is amended to read:

938.17 (2) (d) 2. If a court suspends a license or privilege under subd. 1., the court shall immediately take possession of the applicable license ~~and forward it if issued under ch. 29 or, if the license is issued under ch. 343, the court may take possession of, and if possession is taken, shall destroy, the license. The court shall forward~~ to the department that issued the license, ~~together with~~ the notice of suspension stating that the suspension is for failure to pay a forfeiture imposed by the court, ~~together with any license issued under ch. 29 of which the court takes possession.~~ If the forfeiture is paid during the period of suspension, the court shall immediately notify the department, which shall then, if the license is issued under ch. 29, return the license to the person.

**SECTION 40.** 938.34 (8) of the statutes is amended to read:

938.34 (8) Impose a forfeiture based upon a determination that this disposition is in the best interest of the juvenile and the juvenile's rehabilitation. The maximum

forfeiture that the court may impose under this subsection for a violation by a juvenile is the maximum amount of the fine that may be imposed on an adult for committing that violation or, if the violation is applicable only to a person under 18 years of age, \$100. The order shall include a finding that the juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months for payment. If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order other alternatives under this section; or the court may suspend any license issued under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more than 2 years. If the court suspends any license under this subsection, the clerk of the court shall immediately take possession of the suspended license ~~and forward it if issued under ch. 29 or, if the license is issued under ch. 343, the court may take possession of, and if possession is taken, shall destroy, the license. The court shall forward~~ to the department which issued the license, ~~together with~~ a notice of suspension stating that the suspension is for failure to pay a forfeiture imposed by the court, together with any license issued under ch. 29 of which the court takes possession. If the forfeiture is paid during the period of suspension, the suspension shall be reduced to the time period which has already elapsed and the court shall immediately notify the department which shall then, if the license is issued under ch. 29, return the license to the juvenile. Any recovery under this subsection shall be reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

**SECTION 41.** 938.34 (8d) (d) of the statutes is amended to read:

938.34 (8d) (d) If the juvenile fails to pay the surcharge under par. (a), the court may vacate the surcharge and order other alternatives under this section, in accordance with the conditions specified in this chapter; or the court may suspend any license issued under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years. If the court suspends any license under this subsection, the clerk of the court shall immediately take possession of the suspended license ~~and forward it if issued under ch. 29 or, if the license is issued under ch. 343, the court may take possession of, and if possession is taken, shall destroy, the license. The court shall forward~~ to the department which issued the license, ~~together with~~ a notice of suspension stating that the suspension is for failure to pay a surcharge imposed by the court, together with any license issued under ch. 29 of which the court takes possession. If the surcharge is paid during the period of suspension, the suspension shall be reduced to the time period which has already elapsed and the court shall immediately notify the department which shall then, if

the license is issued under ch. 29, return the license to the juvenile.

**SECTION 42.** 938.34 (14m) of the statutes is amended to read:

938.34 (14m) Restrict or suspend the operating privilege, as defined in s. 340.01 (40), of a juvenile who is adjudicated delinquent under a violation of any law in which a motor vehicle is involved. If the court suspends a juvenile's operating privilege under this subsection, the court ~~shall immediately may~~ take possession of the suspended license ~~and forward it. If the court takes possession of a license, it shall destroy the license. The court shall forward~~ to the department of transportation ~~together with~~ a notice stating the reason for and duration of the suspension. If the court limits a juvenile's operating privilege under this subsection, the court shall immediately notify the department of transportation of that limitation.

**SECTION 43.** 938.34 (14r) (a) of the statutes is amended to read:

938.34 (14r) (a) In addition to any other dispositions imposed under this section, if the juvenile is found to have violated ch. 961, the court shall suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months nor more than 5 years. The court ~~shall immediately may~~ take possession of any suspended license ~~and forward it. If the court takes possession of a license, it shall destroy the license. The court shall forward~~ to the department of transportation ~~together with~~ the notice of suspension stating that the suspension or revocation is for a violation of ch. 961.

**SECTION 44.** 938.34 (14r) (c) of the statutes is amended to read:

938.34 (14r) (c) If the juvenile's license or operating privilege is currently suspended or revoked or if the juvenile does not currently possess a valid operator's license issued under ch. 343, the suspension under this subsection is effective on the date on which the juvenile is first eligible ~~and applies~~ for issuance or reinstatement of an operator's license under ch. 343.

**SECTION 45.** 938.342 (1g) (a) of the statutes is amended to read:

938.342 (1g) (a) Suspend the person's operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than one year. The court ~~shall immediately may~~ take possession of the suspended license ~~and forward it. If the court takes possession of a license, it shall destroy the license. The court shall forward~~ to the department of transportation ~~together with~~ a notice stating the reason for and duration of the suspension.

**SECTION 46.** 938.343 (2) of the statutes is amended to read:

938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing that violation or, if the violation is only applicable to a person under 18 years of age, \$50. The order shall include a finding that the juvenile alone

is financially able to pay and shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may suspend any license issued under ch. 29 or suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court shall immediately take possession of the suspended license ~~and forward it if issued under ch. 29 or, if the license is issued under ch. 343, the court may take possession of, and if possession is taken, shall destroy, the license. The court shall forward~~ to the department which issued the license, ~~together with~~ the notice of suspension stating that the suspension is for failure to pay a forfeiture imposed by the court, ~~together with any license issued under ch. 29 of which the court takes possession.~~ If the forfeiture is paid during the period of suspension, the court shall immediately notify the department, which shall, ~~if the license is issued under ch. 29,~~ return the license to the person. Any recovery under this subsection shall be reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

**SECTION 47.** 938.344 (2e) (b) of the statutes is amended to read:

938.344 (2e) (b) Whenever a court suspends a juvenile's operating privilege under this subsection, the court ~~shall immediately may~~ take possession of any suspended license ~~and forward it. If the court takes possession of a license, it shall destroy the license. The court shall forward~~ to the department of transportation, ~~together with~~ the notice of suspension stating that the suspension is for a violation under s. 961.573 (2), 961.574 (2), or 961.575 (2), or a local ordinance that strictly conforms to one of those statutes.

**SECTION 48.** 938.344 (2e) (c) of the statutes is amended to read:

938.344 (2e) (c) If the juvenile's license or operating privilege is currently suspended or revoked or the juvenile does not currently possess a valid operator's license under ch. 343, the suspension under this subsection is effective on the date on which the juvenile is first eligible ~~and applies~~ for issuance or reinstatement of an operator's license under ch. 343.

**SECTION 49.** 938.355 (6) (d) 2. of the statutes is amended to read:

938.355 (6) (d) 2. Suspension of or limitation on the use of the juvenile's operating privilege, as defined under s. 340.01 (40), or of any approval issued under ch. 29 for a period of not more than 3 years. If the juvenile does not hold a valid operator's license under ch. 343, other than an instruction permit under s. 343.07 or a restricted license under s. 343.08, on the date of the order issued under this subdivision, the court may order the suspension to begin on the date ~~that the operator's license would otherwise be reinstated or issued after the juvenile applies and qualifies for issuance or 2 years after the date of the order issued under this subdivision, whichever occurs first~~ on which the juvenile is first eligible for

issuance or reinstatement of an operator's license under ch. 343. If the court suspends the juvenile's operating privileges or an approval issued under ch. 29, the court shall immediately take possession of the suspended license or approval and forward it may take possession of, and if possession is taken, shall destroy the suspended license. The court shall forward to the department that issued it, together with the license or approval the notice of suspension, together with any approval of which the court takes possession.

**SECTION 50.** 938.355 (6m) (a) 1m. of the statutes is amended to read:

938.355 (6m) (a) 1m. Suspension or limitation on the use of the juvenile's operating privilege, as defined under s. 340.01 (40), or of any approval issued under ch. 29 for not more than one year. If the juvenile does not hold a valid operator's license under ch. 343, other than an instruction permit under s. 343.07 or a restricted license under s. 343.08, on the date of the order issued under this subdivision, the court may order the suspension or limitation to begin on the date that the operator's license would otherwise be reinstated or issued after the juvenile applies and qualifies for issuance or 2 years after the date of the order issued under this subdivision, whichever occurs first on which the juvenile is first eligible for issuance or reinstatement of an operator's license under ch. 343. If the court suspends a juvenile's operating privilege or an approval issued under ch. 29, the court shall immediately take possession of the suspended ~~license or approval and forward it~~ may take possession of, and if possession is taken, shall destroy the suspended license. The court shall forward to the department that issued the license or approval with a notice stating the reason for and the duration of the suspension, together with any approval of which the court takes possession.

**SECTION 51.** 961.50 (1) (intro.) of the statutes is amended to read:

961.50 (1) (intro.) If a person is convicted of any violation of this chapter, the court shall, in addition to any other penalties that may apply to the crime, suspend the person's operating privilege, as defined in s. 340.01 (40),

for not less than 6 months nor more than 5 years. The court ~~shall immediately~~ may take possession of any suspended license ~~and forward it. If the court takes possession of a license, it shall destroy the license. The court shall forward~~ to the department of transportation ~~together with the record of conviction and notice of the suspension.~~ The person is eligible for an occupational license under s. 343.10 as follows:

**SECTION 52.** 961.50 (3) of the statutes is amended to read:

961.50 (3) If the person's license or operating privilege is currently suspended or revoked or the person does not currently possess a valid operator's license issued under ch. 343, the suspension or revocation under this section is effective on the date on which the person is first eligible ~~and applies~~ for issuance, renewal, or reinstatement of an operator's license under ch. 343.

**SECTION 53. Initial applicability.**

(1) The treatment of sections 343.30 (6) (d), 343.32 (1m) (d), 938.34 (14r) (c), 938.344 (2e) (c), 938.355 (6) (d) 2. and (6m) (a) 1m., and 961.50 (3) of the statutes first applies to convictions, suspensions, revocations, and refusals occurring on the effective date of this subsection.

(2) The treatment of sections 343.03 (1) (b), 343.06 (2), 343.20 (1) (a) (by SECTION 7), 343.315 (3) (a) and (b), 343.38 (title), (1) (intro.) and (a), (2), (3), (3g), and (3r), and 343.39 (1) (a) and (b), (2), and (3) of the statutes, the renumbering and amendment of section 343.26 of the statutes, and the creation of section 343.26 (2) of the statutes first apply to reinstatements for which reinstatement fees are received by the department of transportation on the effective date of this subsection.

**SECTION 54. Effective dates.** This act takes effect on the first day of the 5th month beginning after publication, except as follows:

(1) The repeal and recreation of sections 343.20 (1) (a) and 343.26 (1) of the statutes takes effect on the first day of the 5th month beginning after publication, or on the date on which the creation of section 343.165 of the statutes by [2007 Wisconsin Act 20](#) takes effect, whichever is later.