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## **1995 SENATE BILL 322**

September 6, 1995 – Introduced by Senator Adelman, by request of Muskego-Norway School Board. Referred to Committee on Transportation, Agriculture and Local Affairs.

AN ACT to amend 118.125 (2) (intro.), 118.163 (title), 118.163 (2) (a) and (2m) and 343.10 (1) (a); and to create 118.125 (2) (n), 118.163 (1) (c), 118.163 (4) and 343.32 (1g) of the statutes; relating to: suspension of motor vehicle operating privilege for habitual truancy.

## Analysis by the Legislative Reference Bureau

This bill authorizes a school board to notify the department of transportation (DOT) that a pupil enrolled in the school district is a habitual truant. (A habitual truant is a pupil who is absent from school without an acceptable excuse for part or all of 5 or more days out of 10 consecutive school days, or for part or all of 10 or more school days during a semester.) DOT is required to suspend the pupil's operating privilege for not less than 30 days nor more than 90 days, as provided in the notification from the school board. The pupil is not eligible for issuance by DOT of an occupational license (a license that permits limited operation of a motor vehicle for purposes of an occupation or trade, including full-time or part-time study).

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

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

- **Section 1.** 118.125 (2) (intro.) of the statutes is amended to read:
- 6 118.125 (2) CONFIDENTIALITY. (intro.) All pupil records maintained by a public
- school shall be confidential, except as provided in pars. (a) to  $\frac{m}{m}$  and sub. 2m.

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suspension.

1	The school board shall adopt regulations to maintain the confidentiality of such
2	records.
3	<b>Section 2.</b> 118.125 (2) (n) of the statutes is created to read:
4	118.125 (2) (n) A school board may notify the department of transportation that
5	a pupil is a habitual truant, as provided under s. 118.163 (4).
6	<b>Section 3.</b> 118.163 (title) of the statutes is amended to read:
7	118.163 (title) Municipal truancy and school dropout ordinances;
8	suspension of operating privilege.
9	<b>Section 4.</b> 118.163 (1) (c) of the statutes is created to read:
10	118.163 (1) (c) "Operating privilege" has the meaning given in s. 340.01 (40).
11	<b>Section 5.</b> 118.163 (2) (a) and (2m) of the statutes are amended to read:
12	118.163 (2) (a) Suspension of the child's operating privilege, as defined in s.
13	340.01 (40), for not less than 30 days nor more than 90 days. The court shall
14	immediately take possession of any suspended license and forward it to the
15	department of transportation together with a notice stating the reason for and the
16	duration of the suspension.
17	(2m) A county, city, village or town may enact an ordinance permitting a court
18	to suspend the operating privilege, as defined in s. 340.01 (40), of a child who is at
19	least 16 years of age but less than 18 years of age and is a dropout. The ordinance
20	shall provide that the court may suspend the child's operating privilege, as defined
21	in s. 340.01 (40), until the child reaches the age of 18. The court shall immediately
22	take possession of any suspended license and forward it to the department of

**Section 6.** 118.163 (4) of the statutes is created to read:

transportation together with a notice stating the reason for and the duration of the

118.163 (4) A school board may notify the department of transportation that
a pupil enrolled in the school district is a habitual truant for the purpose of
suspending the pupil's operating privilege under s. $343.32\ (1g)$ for not less than $30$
days nor more than 90 days. The notification shall state the reason for and the
duration of the suspension.

**SECTION 7.** 343.10 (1) (a) of the statutes is amended to read:

343.10 (1) (a) If a person's license or operating privilege is revoked or suspended under this chapter, except under s. 343.32 (1g), or s. 161.50 and if the person is engaged in an occupation, including homemaking or full-time or part-time study, or a trade making it essential that he or she operate a motor vehicle, the person, after payment of the fee provided in sub. (6), may file a petition setting forth in detail the need for operating a motor vehicle.

**SECTION 8.** 343.32 (1g) of the statutes is created to read:

343.32 (1g) The secretary shall suspend a person's operating privilege whenever notification has been received from a school board under s. 118.163 (4) that the person is a habitual truant for the period of suspension specified in the notification, but not exceeding 90 days. The person is not eligible for an occupational license under s. 343.10.

## SECTION 9. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.

22 (END)