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State of Misconsin 2011 - 2012 LEGISLATURE



2011 ASSEMBLY BILL 698

March 15, 2012 – Introduced by Representative VAN ROY. Referred to Committee on Transportation.

1 AN ACT to create 343.10 (5m) of the statutes; relating to: limitations on the use

of an occupational license.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions and limitations, a person may apply to the Wisconsin Department of Transportation for an occupational license if the person's operating privilege is revoked or suspended for various specified offenses and the person is engaged in an occupation, including homemaking, trade, or study, making it essential that he or she operate a motor vehicle. The occupational license must contain definite restrictions as to hours of the day, hours per week, type of occupation, and areas or routes of travel that are permitted under the occupational license. The occupational license may allow travel to and from church.

Current federal law requires a state to enact and enforce a repeat intoxicated driver law that meets certain requirements. Among the requirements is that, as a minimum penalty, persons convicted of a second or subsequent offense for driving while intoxicated may receive a reinstatement of "limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program." Failure to meet the federal repeat intoxicated driver law requirements subjects the state to a transfer of 3 percent of federal funds apportioned to the state for federal-aid highways to the state's apportionment of funds for certain highway safety programs. In September 2011, the federal Department of Transportation determined that Wisconsin is not in compliance with federal repeat intoxicated driver law requirements and ordered a transfer of funds.

This bill allows the state secretary of transportation, if he or she determines that the imposition of restrictions is necessary to avoid a transfer of funds due to

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noncompliance with federal repeat intoxicated driver law requirements, to impose restrictions on the use of an occupational license by a person who has two or more driving while intoxicated offenses in any five-year period, until the restrictions are no longer necessary to avoid a transfer of funds. Under this bill the secretary may restrict use of an occupational license for 1) occupational travel other than to or from work; 2) occupational travel for the occupation of homemaking; and 3) travel to or from church.

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:

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1	SECTION 1. 343.10 (5m) of the statutes is created to read:
2	343.10 (5m) FEDERAL LIMITATIONS ON OCCUPATIONAL LICENSE. Notwithstanding
3	subs. (1) (a) and (5) (a) 1., if the secretary determines that the imposition of the
4	restrictions is necessary to avoid a transfer of funds under 23 USC 164, the secretary
5	may impose the following restrictions on the use of occupational licenses issued to
6	persons who have 2 or more prior convictions, suspensions, or revocations, as
7	counted under s. 343.307 (1), within any 5-year period, until the restrictions are no
8	longer necessary to avoid a transfer of funds under 23 USC 164:
9	(a) The license may not permit operation of a motor vehicle for the person's
10	occupation other than to drive to or from work.
11	(b) The license may not permit operation of a motor vehicle for the occupation
12	of homemaking.
13	(c) The license may not permit travel to or from church.
14	SECTION 2. Initial applicability.
15	(1) This act first applies to occupational licenses held on the effective date of
16	this subsection.
17	(END)