



2021 SENATE BILL 789

December 17, 2021 - Introduced by Senators LARSON, WIRCH, CARPENTER, AGARD, L. TAYLOR, JOHNSON and SMITH, cosponsored by Representatives ANDRACA, KERKMAN, MCGUIRE, OHNSTAD, NEUBAUER, SNODGRASS, CONSIDINE, SINICKI, CONLEY, POPE, SPREITZER, SHELTON, SUBECK, HONG and STUBBS. Referred to Committee on Transportation and Local Government.

- 1 **AN ACT to create** 85.65 of the statutes; **relating to:** ratification of the Driver
2 License Compact.

Analysis by the Legislative Reference Bureau

This bill enters Wisconsin into the Driver License Compact, which establishes standards for the treatment and exchange of driver licensing and conviction information and other data pertinent to the licensing process.

The DLC requires all participating states to recognize certain kinds of violations relating mostly to operating motor vehicles and the administrative actions taken in response to those violations, such as suspension or revocation of a person's operating privilege by the appropriate state agency (DLC code violations). Under the DLC, when a person who is licensed in one state that is a party to the DLC commits a DLC code violation in another party state, the licensing state takes administrative action in response to the violation, based on information provided by the state in which the violation occurred. Any administrative action by a party state is recognized by all other party states. The DLC also generally provides that records concerning a licensed driver are maintained only by the licensing state.

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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SECTION 1

1 **SECTION 1.** 85.65 of the statutes is created to read:

2 **85.65 Driver License Compact.** The Driver License Compact is enacted into
3 law and entered into with all other jurisdictions legally joining the compact in the
4 following form:

5 **(1) ARTICLE I - FINDINGS AND DECLARATION OF POLICY.** (a) The party states find
6 that:

7 1. The safety of their streets and highways is materially affected by the degree
8 of compliance with state and local ordinances relating to the operation of motor
9 vehicles.

10 2. Violation of a law or ordinance relating to the operation of motor vehicles is
11 evidence that the violator engages in conduct which is likely to endanger the safety
12 of persons and property.

13 3. The continuance in force of a license to drive is predicated upon compliance
14 with laws and ordinances relating to the operation of motor vehicles, in whichever
15 jurisdiction the vehicle is operated.

16 (b) It is the policy of each of the party states to:

17 1. Promote compliance with the laws, ordinances, and administrative rules and
18 regulations relating to the operation of motor vehicles by their operators in each of
19 the jurisdictions where these operators drive motor vehicles.

20 2. Make the reciprocal recognition of licenses to drive and eligibility for licenses
21 to drive more just and equitable by considering the overall compliance with motor
22 vehicle laws, ordinances, and administrative rules and regulations as a condition
23 precedent to the continuance or issuance of any license by reason of which the
24 licensee is authorized or permitted to operate a motor vehicle in any of the party
25 states.

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1 **(2) ARTICLE II - DEFINITIONS.** As used in this compact:

2 (a) "State" means a state, territory, or possession of the United States, the
3 District of Columbia, or the Commonwealth of Puerto Rico.

4 (b) "Home state" means the state that has issued and has the power to suspend
5 or revoke the use of the license or permit to operate a motor vehicle.

6 (c) "Conviction" means a conviction of any offense related to the use or operation
7 of a motor vehicle that is prohibited by state law, municipal ordinance, or
8 administrative rule or regulation or a forfeiture of bail, bond, or other security
9 deposited to secure appearance by a person charged with having committed any of
10 these offenses and which conviction or forfeiture is required to be reported to the
11 licensing authority.

12 **(3) ARTICLE III - REPORTS OF CONVICTION.** The licensing authority of a party state
13 shall report each conviction of a person from another party state occurring within its
14 jurisdiction to the licensing authority of the home state of the licensee. The report
15 shall clearly identify the person convicted, describe the violation specifying the
16 section of the statute, code, or ordinance violated, identify the court in which action
17 was taken, indicate whether a plea of guilty or not guilty was entered or the
18 conviction was a result of the forfeiture of bail, bond, or other security, and shall
19 include any special findings made in connection with the conviction.

20 **(4) ARTICLE IV - EFFECT OF CONVICTION.** (a) The licensing authority in the home
21 state, for the purposes of suspension, revocation, or limitation of the license to
22 operate a motor vehicle, shall give the same effect to the conduct reported, pursuant
23 to sub. (3), as it would if the conduct had occurred in the home state in the case of
24 convictions for:

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1 1. Manslaughter or negligent homicide resulting from the operation of a motor
2 vehicle.

3 2. Driving a motor vehicle while under the influence of intoxicating liquor or
4 a narcotic drug, or under the influence of any other drug to a degree which renders
5 the driver incapable of safely driving a motor vehicle.

6 3. Any felony in the commission of which a motor vehicle is used.

7 4. Failure to stop and render aid in the event of a motor vehicle accident
8 resulting in the death or personal injury of another.

9 (b) As to other convictions, reported pursuant to sub. (3), the licensing
10 authority in the home state shall give that effect to the conduct as is provided by the
11 laws of the home state.

12 (c) If the laws of a party state do not provide for offenses or violations
13 denominated or described in precisely the words employed in par. (a) of this article,
14 the party state shall construe the denominations and descriptions appearing in par.
15 (a) of this article as being applicable to and identifying those offenses or violations
16 of a substantially similar nature and the laws of that party state shall contain those
17 provisions that are necessary to ensure that full force and effect is given to this
18 article.

19 **(5) ARTICLE V - APPLICATIONS FOR NEW LICENSES.** Upon application for a license
20 to drive, the licensing authority in a party state shall ascertain whether the applicant
21 has ever held or is the holder of a license to drive issued by any other party state. The
22 licensing authority in the state where application is made shall not issue a license
23 to drive to the applicant if:

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1 (a) The applicant has held a license issued by any other party state, but the
2 license has been suspended by reason, in whole or in part, of a violation and if the
3 suspension period has not terminated.

4 (b) The applicant has held a license issued by any other party state, but the
5 license has been revoked by reason, in whole or in part, of a violation and if the
6 revocation has not terminated, except that after the expiration of one year from the
7 date the license was revoked the person may make application for a new license if
8 permitted by law. The licensing authority may refuse to issue a license to an
9 applicant under this paragraph if, after investigation, the licensing authority
10 determines that it will not be safe to grant to the person the privilege of driving a
11 motor vehicle on the public highways.

12 (c) The applicant is the holder of a license to drive issued by another party state
13 and currently in force unless the applicant surrenders the license.

14 **(6) ARTICLE VI - APPLICABILITY OF OTHER LAWS.** Except as expressly required by
15 provisions of this compact, nothing contained in this compact shall be construed to
16 affect the right of any party state to apply any of its other laws relating to licenses
17 to drive to any person or circumstance, nor to invalidate or prevent any driver license
18 agreement or other cooperative arrangement between a party state and a nonparty
19 state.

20 **(7) ARTICLE VII - COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION.** (a)
21 The head of the licensing authority of each party state shall be the administrator of
22 this compact for his or her state. The administrators, acting jointly, shall have the
23 power to formulate all necessary and proper procedures for the exchange of
24 information under this compact.

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1 (b) The administrator of each party state shall furnish to the administrator of
2 each other party state any information or documents reasonably necessary to
3 facilitate the administration of this compact.

4 **(8) ARTICLE VIII - ENTRY INTO FORCE AND WITHDRAWAL.** (a) This compact shall
5 enter into force and become effective as to any state when it has enacted the compact
6 into law.

7 (b) Any party state may withdraw from this compact by enacting a statute
8 repealing the compact, but the withdrawal shall not take effect until 6 months after
9 the executive head of the withdrawing state has given notice of the withdrawal to the
10 executive heads of all other party states. No withdrawal shall affect the validity or
11 applicability by the licensing authorities of states remaining party to the compact of
12 any report of conviction occurring prior to the withdrawal.

13 **(9) ARTICLE IX - CONSTRUCTION AND SEVERABILITY.** This compact shall be
14 liberally construed so as to effectuate the purposes of the compact. The provisions of
15 this compact shall be severable and if any phrase, clause, sentence, or provision of
16 this compact is declared to be contrary to the constitution of any party state or of the
17 United States or the applicability thereof to any government, agency, person, or
18 circumstance is held invalid, the validity of the remainder of this compact and the
19 applicability of the compact to any government, agency, person, or circumstance
20 shall not be affected by the holding. If this compact shall be held contrary to the
21 constitution of any state party to the compact, the compact shall remain in full force
22 and effect as to the remaining states and in full force and effect as to the state affected
23 as to all severable matters.

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(END)