

# State of Wisconsin



1997 Senate Bill 470

Date of enactment: April 13, 1998  
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## 1997 WISCONSIN ACT 84

AN ACT *to repeal* 85.515, 343.18 (3) (b), 343.30 (6) (e), 343.31 (1) (h), 343.31 (1m), 343.31 (3) (g), 343.31 (3) (h), 343.31 (4), 343.315 (1) (a), 343.32 (1) (d), 343.32 (2) (g), 343.44 (2g), 343.44 (2m), 344.08 (3) and 351.02 (1) (a) 4.; *to renumber and amend* 343.30 (1g), 343.31 (1) (e), 343.315 (1) (b), 343.32 (1) (b), 343.38 (1) (c) and 343.44 (4m); *to amend* 125.07 (4) (bs) 3., 125.07 (4) (bs) 4., 125.07 (4) (c) 3., 125.07 (4) (c) 4., 341.63 (2) and (3), 343.06 (2), 343.085 (3), 343.085 (5), 343.10 (1) (e), 343.16 (5) (a), 343.18 (3) (a), 343.23 (2) (b), 343.30 (1), 343.30 (1n), 343.30 (1q) (b) 1., 343.30 (1q) (b) 2., 343.30 (1q) (b) 4m., 343.30 (1q) (c) 1. (intro.), 343.30 (1q) (d), 343.30 (1z), 343.30 (2d), 343.30 (2m), 343.30 (3), 343.30 (6) (b) (intro.), 343.30 (6) (b) 3., 343.30 (6) (c), 343.30 (6) (d), 343.305 (10) (d), 343.307 (1) (intro.), 343.31 (1) (b), 343.31 (2), 343.31 (2m), 343.31 (3) (b), 343.31 (3) (bm) 1., 343.31 (3) (bm) 2., 343.31 (3) (bm) 4m., 343.32 (1m) (b) (intro.), 2. and 3., 343.32 (2) (a), 343.32 (2) (bg), 343.32 (2) (c), 343.32 (6), 343.38 (2), 343.38 (3), 343.39 (1) (a), 343.44 (2p) (intro.), 343.44 (2r), 343.44 (2s), 344.02 (title), 344.02 (1), 344.02 (3), 344.02 (4), 344.04 (title), 344.04 (1), 344.04 (2), 344.04 (3), 344.05 (1), 344.08 (title), 344.08 (1), 344.08 (2), 344.09 (title), 344.09 (1), 344.09 (2), 344.12, 344.13 (1), 344.13 (2), 344.13 (3), 344.14 (title), 344.14 (1), 344.14 (1g), 344.14 (1m) (intro.), 344.14 (2) (e), 344.14 (2) (h), 344.18 (title), 344.18 (1) (intro.), 344.18 (1) (a), 344.18 (1) (b), 344.18 (1) (c), 344.18 (1) (d), 344.18 (1m) (a), 344.18 (1m) (b), 344.18 (3) (intro.), 344.18 (3) (b), 344.18 (3m) (a), 344.18 (3m) (b), 344.18 (3r), 344.18 (4), 344.19 (2), 344.19 (3), 344.19 (3g), 344.19 (3m) (a), 344.19 (3m) (b), 344.24, 344.25 (intro.), 344.25 (1), 344.25 (3), 344.25 (5), 344.26 (title), 344.26 (1), 344.27 (title), 344.27 (2), 344.27 (3), 344.29, 344.40 (title), 344.40 (1) (a), 344.40 (1) (b), 344.40 (2) (a), 344.40 (2) (b), 344.41 (3) (a), 344.45 (title), 344.45 (1), 344.46 (1), 344.46 (3), 344.55 (2), 345.47 (1) (b), 351.02 (1) (a) 10., 351.11, 767.303 (1) and (2), 800.09 (1) (c), 800.095 (4) (b) 4., 938.34 (8), 938.34 (14m), 938.34 (14r) (a) and (c), 938.343 (2), 938.344 (2) (c), 938.344 (2b) (c), 938.344 (2d) (c), 938.344 (2e) (a) (intro.), 938.344 (2e) (b), 938.344 (2e) (c) and 961.50 (1) (intro.); *to repeal and recreate* 343.10 (8), 343.44 (title), 343.44 (1) and 343.44 (2); and *to create* 13.0965, 85.515, 343.10 (2) (dm), 343.30 (2g), 343.31 (1) (hm), 343.31 (2u), 343.38 (1) (c) 2. c. and d., 343.44 (1g), 343.44 (3) (title), 343.44 (4) (title), 343.44 (4r) (title), 343.44 (5) (title) and 351.09 of the statutes; **relating to:** operating a motor vehicle with a suspended or revoked operating privilege, habitual traffic offenders, penalties involving sanctions against an operating privilege or operator's license, the revocation of operating privileges and vehicle registrations for failure to deposit security and providing a penalty.

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

**SECTION 1.** 13.0965 of the statutes is created to read:

**13.0965 Review of bills proposing revocation of an operating privilege.** If any bill that is introduced in either house of the legislature proposes to revoke a person's operating privilege upon conviction of that person for

\* Section 991.11, WISCONSIN STATUTES 1995-96: 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].

any offense, the department of transportation shall, within 4 weeks after the bill is introduced, prepare a report that states whether the bill is consistent with a policy of revoking an operating privilege only for traffic violations that are likely to result in death, personal injury or serious property damage. The report shall be printed as an appendix to the bill and shall be distributed in the same manner as amendments. The report shall be distributed before any vote is taken on the bill by either house of the legislature if the bill is not referred to a standing committee, or before any public hearing is held before any standing committee or, if no public hearing is held, before any vote is taken by the committee. A bill that requires a report by the department of transportation under this section shall have that requirement noted on its jacket when the jacket is prepared. When a bill that requires a report under this section is introduced, the legislative reference bureau shall submit a copy of the bill to the department of transportation.

**SECTION 1g.** 85.515 of the statutes is created to read:

**85.515 Implementation of 1997 Wisconsin Act .... (this act).** If the secretary determines that the changes to the department's computerized information systems made necessary by 1997 Wisconsin Act .... (this act) will be operational before the first day of the 25th month beginning after the effective date of this section .... [revisor inserts date], the secretary shall publish a notice in the Wisconsin Administrative Register that states the date on which the changes to the department's computerized information system will begin operating, and that the revisions to the operator's license suspension and revocation law made by 1997 Wisconsin Act .... (this act) will become effective on that date.

**SECTION 1j.** 85.515 of the statutes, as created by 1997 Wisconsin Act .... (this act), is repealed.

**SECTION 2.** 125.07 (4) (bs) 3. of the statutes is amended to read:

125.07 (4) (bs) 3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than \$500 nor more than \$750, ~~revocation~~ suspension of the person's operating privilege under s. 343.30 (6) (b) 3., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.

**SECTION 3.** 125.07 (4) (bs) 4. of the statutes is amended to read:

125.07 (4) (bs) 4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than \$750 nor more than \$1,000, ~~revocation~~ suspension of the person's operating privilege under s. 343.30 (6) (b) 3., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.

**SECTION 4.** 125.07 (4) (c) 3. of the statutes is amended to read:

125.07 (4) (c) 3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than \$300 nor more than \$500, ~~revocation~~ suspension of the person's operating privilege under s. 343.30 (6) (b) 3., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.

**SECTION 5.** 125.07 (4) (c) 4. of the statutes is amended to read:

125.07 (4) (c) 4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than \$500 nor more than \$1,000, ~~revocation~~ suspension of the person's operating privilege under s. 343.30 (6) (b) 3., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.

**SECTION 6.** 341.63 (2) and (3) of the statutes are amended to read:

341.63 (2) Any registration suspended pursuant to ~~under~~ this section or ch. 344 continues to be suspended until reinstated by the department. The department shall reinstate the registration when the reason for the suspension has been removed.

(3) Whenever the registration of a vehicle is suspended under this section or ch. 344, the department may order the owner or person in possession of the registration plates to return them to the department. Any person who fails to return the plates when ordered to do so by the department may be required to forfeit not more than \$200.

**SECTION 7.** 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, occupational or reinstated license, to any person during any period of disqualification under s. 343.315 or 49 CFR 383.51 or 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. Any person who is known to the department to be subject to disqualification ~~under s. 343.315 (1) (a) as described in s. 343.44 (1) (d)~~ shall be disqualified by the department, unless the required period of disqualification has already expired.

**SECTION 8.** 343.085 (3) of the statutes is amended to read:

343.085 (3) The secretary may suspend a person's operating privilege under this section when such person has been assigned sufficient demerit points after conviction for traffic violations to require suspension under the rule adopted under sub. (5) and either holds a license issued under this section or by age comes under this section. ~~The secretary may revoke such a person's operating privilege under this section if such person has a previous suspension under this section.~~

**SECTION 9.** 343.085 (5) of the statutes is amended to read:

343.085 (5) For the purpose of determining when to suspend or to continue a person on probationary status, the secretary may determine and adopt by rule a method of weighing traffic convictions by their seriousness and may change such weighted scale from time to time as experience or the accident frequency in the state makes necessary or desirable. Such scale may be weighted differently for this licensee than the scale used to determine ~~revocations~~ suspensions under s. 343.32.

**SECTION 10.** 343.10 (1) (e) of the statutes is amended to read:

343.10 (1) (e) If the applicant's commercial driver license has been suspended ~~or revoked~~ under s. 343.32 (2), an application seeking issuance of an occupational license authorizing operation of "Class A", "Class B" or "Class C" vehicles may be filed with the department. The application may also seek authorization to operate "Class D" or "Class M" vehicles.

**SECTION 11.** 343.10 (2) (dm) of the statutes is created to read:

343.10 (2) (dm) A person whose operating privilege is suspended or revoked under s. 343.30 (1q) (d) or 343.305 (10) (d) is not eligible for an occupational license.

**SECTION 12.** 343.10 (8) of the statutes is repealed and recreated to read:

343.10 (8) VIOLATION OF RESTRICTIONS. Any person who violates a restriction on an occupational license as to hours of the day, area, routes or purpose of travel, vehicles allowed to be operated, use of an ignition interlock device, sobriety or use of alcohol, controlled substances or controlled substance analogs shall be:

(a) Prosecuted under s. 343.44 (1) (a) if the occupational license was issued while the person's operating privilege was suspended.

(b) Prosecuted under s. 343.44 (1) (b) if the occupational license was issued while the person's operating privilege was revoked.

**SECTION 13.** 343.16 (5) (a) of the statutes is amended to read:

343.16 (5) (a) The secretary may require any applicant for a license or any licensed operator to submit to a special examination by such persons or agencies as the secretary may direct to determine incompetency, physical or mental disability, disease or any other condition which might prevent such applicant or licensed person from exercising reasonable and ordinary control over a motor vehicle. When the department requires the applicant to submit to an examination, the applicant shall pay the cost thereof. If the department receives an application for a renewal or duplicate license after voluntary surrender under s. 343.265 or receives a report from a physician or optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests within a one-year period

for any combination of violations of s. 346.63 (1) or (5) or a local ordinance in conformity therewith or a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, the department shall determine, by interview or otherwise, whether the operator should submit to an examination under this section. The examination may consist of an assessment. If the examination indicates that education or treatment for a disability, disease or condition concerning the use of alcohol, a controlled substance or a controlled substance analog is appropriate, the department may order a driver safety plan in accordance with s. 343.30 (1q). If there is noncompliance with assessment or the driver safety plan, the department shall ~~suspend~~ revoke the person's operating privilege in the manner specified in s. 343.30 (1q) (d).

**SECTION 14.** 343.18 (3) (a) of the statutes is amended to read:

343.18 (3) (a) Except as provided in ~~pars. (b) and par. (c)~~, any person who violates sub. (1) shall forfeit not more than \$200.

**SECTION 15.** 343.18 (3) (b) of the statutes is repealed.

**SECTION 16.** 343.23 (2) (b) of the statutes, as affected by 1995 Wisconsin Act 184, is amended to read:

343.23 (2) (b) The information specified in par. (a) must be filed by the department so that the complete operator's record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled or withheld in the interest of public safety. The record of suspensions, revocations and convictions that would be counted under s. 343.307 (2) and of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension ~~or revocation~~ granted under s. 343.32 (2) may consider only those reports and records entered during the 4-year period immediately preceding the exercise of such power of suspension or revocation.

**SECTION 17.** 343.30 (1) of the statutes is amended to read:

343.30 (1) A court may ~~suspend or revoke~~ a person's operating privilege for any period not exceeding one year upon such person's conviction in such court of violating

any of the state traffic laws or any local ordinance enacted under ch. 349. ~~In exercising the authority to suspend or revoke an operating privilege, the court may suspend such privilege only when the operator's operating privilege has not been suspended or revoked previously, except under s. 344.14 (1), or when the operator's present demerit point accumulation is not more than 25% above the demerit point accumulation set for suspension or revocation. In all other cases under this section, the court shall revoke the operating privilege of such operator.~~

**SECTION 18.** 343.30 (1g) of the statutes is renumbered 343.30 (1g) (a) and amended to read:

343.30 (1g) (a) ~~A~~ Except as provided in par. (b), a court may revoke ~~suspend~~ a person's operating privilege for any period not exceeding 6 months upon the person's conviction for violating s. 343.44 (1) (a), (b) or (d) or a local ordinance in conformity therewith ~~by operating a motor vehicle while operating privileges are suspended or revoked.~~

(b) ~~A court shall revoke a person's operating privilege upon the person's conviction for violating s. 343.44 (1) (a), (b) or (d) or a local ordinance in conformity therewith by operating a motor vehicle while operating privileges are suspended or revoked if the suspension or revocation was for improperly refusing to take a test under s. 343.305, violating s. 346.63 (1) or (5) or a local ordinance in conformity therewith, or violating s. 346.63 (2) or (6), 940.09 (1) or 940.25 if the person has been convicted of 3 or more prior violations of s. 343.44 (1) (a), (b) or (d), or a local ordinance in conformity therewith, within the 5-year period preceding the violation. The revocation shall be for any a period not exceeding of 6 months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.~~

**SECTION 19.** 343.30 (1n) of the statutes is amended to read:

343.30 (1n) A court shall suspend the operating privilege of a person for a period of 15 days upon the person's conviction by the court of exceeding the applicable speed limit as established by s. 346.57 (4) (gm) or (h), by 25 or more miles per hour. ~~If the conviction makes the person subject to revocation under s. 343.32 or suspension or revocation under s. 343.085 or 343.32, the court shall immediately suspend the license, taking possession of the license and shall forward it to order the suspension of the person's operating privilege and notify the department which secretary of the order. Upon receiving the notice, the secretary shall proceed to act as authorized under s. 343.32 or 343.085, but any revocation or. Any suspension by the secretary under this subsection shall date from the day the court took possession secretary acts on the order of suspension of the license operating privilege.~~

**SECTION 20.** 343.30 (1q) (b) 1. of the statutes is amended to read:

343.30 (1q) (b) 1. The court shall ~~suspend or~~ revoke the person's operating privilege under this paragraph according to the number of previous suspensions, revocations or convictions that would be counted under s. 343.307 (1). Suspensions, revocations and convictions arising out of the same incident shall be counted as one. If a person has a conviction, suspension or revocation for any offense that is counted under s. 343.307 (1), that conviction, suspension or revocation shall count as a prior conviction, suspension or revocation under this subdivision.

**SECTION 21.** 343.30 (1q) (b) 2. of the statutes is amended to read:

343.30 (1q) (b) 2. Except as provided in subd. 3., 4. or 4m., for the first conviction, the court shall ~~suspend~~ revoke the person's operating privilege for not less than 6 months nor more than 9 months. The person is eligible for an occupational license under s. 343.10 at any time.

**SECTION 22.** 343.30 (1q) (b) 4m. of the statutes is amended to read:

343.30 (1q) (b) 4m. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (1) or a local ordinance in conformity with s. 346.63 (1), the applicable minimum and maximum ~~suspension or~~ revocation periods under subd. 2., 3. or 4. for the conviction are doubled.

**SECTION 23.** 343.30 (1q) (c) 1. (intro.) of the statutes is amended to read:

343.30 (1q) (c) 1. (intro.) Except as provided in subd. 1. a. or b., the court shall order the person to submit to and comply with an assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of alcohol, controlled substances or controlled substance analogs and development of a driver safety plan for the person. The court shall notify the department of transportation of the assessment order. The court shall notify the person that noncompliance with assessment or the driver safety plan will result in ~~license suspension~~ revocation of the person's operating privilege until the person is in compliance. The assessment order shall:

**SECTION 24.** 343.30 (1q) (d) of the statutes is amended to read:

343.30 (1q) (d) The assessment report shall order compliance with a driver safety plan. The report shall inform the person of the fee provisions under s. 46.03 (18) (f). The driver safety plan may include a component that makes the person aware of the effect of his or her offense on a victim and a victim's family. The driver safety plan may include treatment for the person's misuse, abuse or dependence on alcohol, controlled substances or controlled substance analogs, or attendance at a school under s. 345.60, or both. If the plan requires inpatient treatment, the treatment shall not exceed 30 days. A driver

safety plan under this paragraph shall include a termination date consistent with the plan which shall not extend beyond one year. The county department under s. 51.42 shall assure notification of the department of transportation and the person of the person's compliance or non-compliance with assessment and with treatment. The school under s. 345.60 shall notify the department, the county department under s. 51.42 and the person of the person's compliance or noncompliance with the requirements of the school. Nonpayment of the assessment fee or, if the person has the ability to pay, nonpayment of the driver safety plan fee is noncompliance with the court order. If the department is notified of any noncompliance, other than for nonpayment of the assessment fee or driver safety plan fee, it shall ~~suspend~~ revoke the person's operating privilege until the county department under s. 51.42 or the school under s. 345.60 notifies the department that the person is in compliance with assessment or the driver safety plan. If the department is notified that a person has not paid the assessment fee, or that a person with the ability to pay has not paid the driver safety plan fee, the department shall suspend the person's operating privilege for a period of 2 years or until it receives notice that the person has paid the fee, whichever occurs first. The department shall notify the person of the suspension or revocation, the reason for the suspension or revocation and the person's right to a review. A person may request a review of a ~~suspension~~ revocation based upon failure to comply with a driver safety plan within 10 days of notification. The review shall be handled by the subunit of the department of transportation designated by the secretary. The issues at the review are limited to whether the driver safety plan, if challenged, is appropriate and whether the person is in compliance with the assessment order or the driver safety plan. The review shall be conducted within 10 days after a request is received. If the driver safety plan is determined to be inappropriate, the department shall order a reassessment and if the person is otherwise eligible, the department shall reinstate the person's operating privilege. If the person is determined to be in compliance with the assessment or driver safety plan, and if the person is otherwise eligible, the department shall reinstate the person's operating privilege. If there is no decision within the 10-day period, the department shall issue an order reinstating the person's operating privilege until the review is completed, unless the delay is at the request of the person seeking the review.

**SECTION 25.** 343.30 (1z) of the statutes is amended to read:

343.30 (1z) If a court imposes a driver improvement surcharge under s. 346.655 and the person fails to pay the surcharge within 60 days after the date by which the court ordered the surcharge to be paid, the court may suspend the person's operating privilege until the person pays the surcharge, except that the suspension period may not ex-

ceed 5 2 years. ~~Any period of suspension under this subsection is subject to sub. (1q) (h).~~

**SECTION 26.** 343.30 (2d) of the statutes is amended to read:

343.30 (2d) A court may suspend ~~or revoke~~ a person's operating privilege upon conviction of any offense specified under ss. 940.225, 948.02, 948.025 and 948.07, if the court finds that it is inimical to the public safety and welfare for the offender to have operating privileges. The suspension ~~or revocation~~ shall be for one year or until discharge from prison or jail sentence or probation or parole with respect to the offenses specified, whichever date is later. Receipt of a certificate of discharge from the department of corrections or other responsible supervising agency, after one year has elapsed since the suspension ~~or revocation~~, entitles the holder to reinstatement of operating privileges. The holder may be required to present the certificate to the secretary if the secretary deems necessary.

**SECTION 27.** 343.30 (2g) of the statutes is created to read:

343.30 (2g) A court may suspend or revoke a person's operating privilege for any period not exceeding one year upon conviction of that person for violating s. 346.67, 346.68 or 346.69. This subsection does not apply to circumstances that require the department to revoke a person's operating privilege under s. 343.31 (1) (d) or (3) (i) or (j).

**SECTION 28.** 343.30 (2m) of the statutes is amended to read:

343.30 (2m) A court may suspend a person's operating privilege upon ~~such person's first conviction of the person~~ for violating s. 346.93 and may revoke a person's operating privilege upon such person's second or subsequent conviction for violating s. 346.93. Such suspension ~~or revocation~~ shall be for a period of not less than 30 days nor more than one year.

**SECTION 29.** 343.30 (3) of the statutes is amended to read:

343.30 (3) The court that ordered the issuance of an occupational license under ~~sub. (4) s. 343.10 (4) (b)~~ may revoke withdraw the order to issue the license whenever the court, upon the facts, does not see fit to permit the licensee to retain the occupational license. ~~The revocation shall be for a period of one year~~ Upon receiving notice that a court has withdrawn its order to issue an occupational license, the department shall cancel that license.

**SECTION 30.** 343.30 (6) (b) (intro.) of the statutes is amended to read:

343.30 (6) (b) (intro.) If a court imposes suspension ~~or revocation~~ of a person's operating privilege under s. 125.07 (4) (c) or 938.344 (2), (2b) or (2d), the suspension ~~or revocation~~ imposed shall be one of the following:

**SECTION 31.** 343.30 (6) (b) 3. of the statutes is amended to read:

343.30 (6) (b) 3. For a violation committed within 12 months of 2 or more previous violations, ~~revocation~~ suspension for not more than 2 years.

**SECTION 32.** 343.30 (6) (c) of the statutes is amended to read:

343.30 (6) (c) Except as provided by par. (d), the suspension ~~or revocation~~ of the operating privilege under this subsection shall commence on the date of disposition.

**SECTION 33.** 343.30 (6) (d) of the statutes is amended to read:

343.30 (6) (d) If the person subject to suspension ~~or revocation~~ 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 ~~or revocation~~ 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.

**SECTION 34.** 343.30 (6) (e) of the statutes is repealed.

**SECTION 35.** 343.305 (10) (d) of the statutes is amended to read:

343.305 (10) (d) The assessment report shall order compliance with a driver safety plan. The report shall inform the person of the fee provisions under s. 46.03 (18) (f). The driver safety plan may include a component that makes the person aware of the effect of his or her offense on a victim and a victim's family. The driver safety plan may include treatment for the person's misuse, abuse or dependence on alcohol, controlled substances or controlled substance analogs, attendance at a school under s. 345.60, or both. If the plan requires inpatient treatment, the treatment shall not exceed 30 days. A driver safety plan under this paragraph shall include a termination date consistent with the plan which shall not extend beyond one year. The county department under s. 51.42 shall assure notification of the department of transportation and the person of the person's compliance or noncompliance with assessment and treatment. The school under s. 345.60 shall notify the department, the county department under s. 51.42 and the person of the person's compliance or noncompliance with the requirements of the school. Nonpayment of the assessment fee or, if the person has the ability to pay, nonpayment of the driver safety plan fee is noncompliance with the court order. If the department is notified of noncompliance, other than for nonpayment of the assessment fee or driver safety plan fee, it shall suspend ~~revoke~~ the person's operating privilege until the county department under s. 51.42 or the school under s. 345.60 notifies the department that the person is in compliance with assessment or the driver safety plan. If the department is notified that a person has not paid the assessment fee, or that a person with the ability to pay has not paid the driver safety plan fee, the department shall suspend the person's operating privilege

for a period of 2 years or until it receives notice that the person has paid the fee, whichever occurs first. The department shall notify the person of the suspension or revocation, the reason for the suspension or revocation and the person's right to a review. A person may request a review of a ~~suspension~~ revocation based upon failure to comply with a driver safety plan within 10 days of notification. The review shall be handled by the subunit of the department of transportation designated by the secretary. The issues at the review are limited to whether the driver safety plan, if challenged, is appropriate and whether the person is in compliance with the assessment order or the driver safety plan. The review shall be conducted within 10 days after a request is received. If the driver safety plan is determined to be inappropriate, the department shall order a reassessment and if the person is otherwise eligible, the department shall reinstate the person's operating privilege. If the person is determined to be in compliance with the assessment or driver safety plan, and if the person is otherwise eligible, the department shall reinstate the person's operating privilege. If there is no decision within the 10-day period, the department shall issue an order reinstating the person's operating privilege until the review is completed, unless the delay is at the request of the person seeking the review.

**SECTION 36.** 343.307 (1) (intro.) of the statutes is amended to read:

343.307 (1) (intro.) The court shall count the following to determine the length of a revocation ~~or suspension~~ under s. 343.30 (1q) (b) and to determine the penalty under s. 346.65 (2):

**SECTION 37.** 343.31 (1) (b) of the statutes is amended to read:

343.31 (1) (b) Upon ~~the 2nd or any subsequent~~ conviction for operation of a motor vehicle while under the influence of an intoxicant, controlled substance, controlled substance analog or a combination thereof, under the influence of any other drug to a degree which renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving, in accordance with the order of the court. ~~This paragraph does not apply to a law of a federally recognized American Indian tribe or band in this state.~~

**SECTION 38.** 343.31 (1) (e) of the statutes is renumbered 343.31 (2r) and amended to read:

343.31 (2r) Perjury ~~The department shall suspend a person's operating privilege upon receiving a record of conviction showing that the person has been convicted of perjury or the making of a false affidavit or the making of a false statement or certification to the department under this chapter or any other law relating to the ownership or operation of motor vehicles.~~

**SECTION 39.** 343.31 (1) (h) of the statutes is repealed.

**SECTION 40.** 343.31 (1) (hm) of the statutes is created to read:

343.31 (1) (hm) A violation of s. 343.44 (1) (a), (b) or (d), or a local ordinance in conformity therewith, if the person has been convicted of 3 or more prior violations of s. 343.44 (1) (a), (b) or (d) or a local ordinance in conformity therewith within the 5-year period preceding the violation. Revocation under this paragraph shall be for a period of 6 months unless a lesser period of revocation is ordered under s. 343.30 (1g) (b).

**SECTION 41.** 343.31 (1m) of the statutes is repealed.

**SECTION 42.** 343.31 (2) of the statutes is amended to read:

343.31 (2) The department shall revoke ~~or suspend, respectively,~~ the operating privilege of any resident upon receiving notice of the conviction of such person in another jurisdiction for an offense therein which, if committed in this state, would have been cause for revocation ~~or suspension~~ under this section or for revocation under s. 343.30 (1q). Such offenses shall include violation of any law of another jurisdiction that prohibits use of a motor vehicle while intoxicated or under the influence of a controlled substance or controlled substance analog, or a combination thereof, or with an excess or specified range of alcohol concentration, or under the influence of any drug to a degree that renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws. Upon receiving similar notice with respect to a nonresident, the department shall revoke ~~or suspend, respectively,~~ the privilege of the nonresident to operate a motor vehicle in this state. Such ~~suspension or~~ revocation shall not apply to the operation of a commercial motor vehicle by a nonresident who holds a valid commercial driver license issued by another state.

**SECTION 43.** 343.31 (2m) of the statutes is amended to read:

343.31 (2m) The department may suspend or revoke, respectively, the operating privilege of any resident upon receiving notice of the conviction of that person ~~of~~ under a law of another jurisdiction or a federally recognized American Indian tribe or band in this state for an offense which, if the person had committed the offense in this state and been convicted of the offense under the laws of this state, would have permitted suspension or revocation of the person's operating privilege under s. 343.30 (1g). Upon receiving similar notice with respect to a nonresident, the department may suspend or revoke the privilege of the nonresident to operate a motor vehicle in this state. The suspension or revocation shall not apply to the operation of a commercial motor vehicle by a nonresident who holds a valid commercial driver license issued by another state. A suspension or revocation under this subsection shall be for any period not exceeding 6 months.

**SECTION 44.** 343.31 (2u) of the statutes is created to read:

343.31 (2u) The department shall suspend the operating privilege of a person who has been issued an occupational license upon receiving a record of conviction

showing that the person has been convicted of any of the following offenses.

(a) Any offense that may be counted under s. 351.02 (1) (a), other than s. 351.02 (1) (a) 5.

(b) Exceeding by 20 or more miles per hour any lawful or posted maximum speed limit.

(c) Participating in any race or speed or endurance contest.

**SECTION 45.** 343.31 (3) (b) of the statutes is amended to read:

343.31 (3) (b) If the ~~suspension~~ revocation results from a first conviction of operation of a motor vehicle while under the influence of an intoxicant, controlled substance, controlled substance analog or a combination thereof, under the influence of any other drug to a degree which renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving and the conviction occurs in another jurisdiction, the period of ~~suspension~~ revocation shall be 6 months.

**SECTION 46.** 343.31 (3) (bm) 1. of the statutes is amended to read:

343.31 (3) (bm) 1. The department shall ~~suspend or~~ revoke the person's operating privilege under this paragraph according to the number of previous suspensions, revocations or convictions that would be counted under s. 343.307 (1). Suspensions, revocations and convictions arising out of the same incident shall be counted as one. If a person has a conviction, suspension or revocation for any offense that is counted under s. 343.307 (1), that conviction, suspension or revocation shall count as a prior conviction, suspension or revocation under this subdivision.

**SECTION 47.** 343.31 (3) (bm) 2. of the statutes is amended to read:

343.31 (3) (bm) 2. Except as provided in subd. 3., 4. or 4m., for the first conviction, the department shall ~~suspend~~ revoke the person's operating privilege for not less than 6 months nor more than 9 months. If an Indian tribal court in this state ~~suspends~~ revokes the person's privilege to operate a motor vehicle on tribal lands for not less than 6 months nor more than 9 months for the conviction specified in par. (bm) (intro.), the department shall impose the same period of ~~suspension~~ revocation. The person is eligible for an occupational license under s. 343.10 at any time.

**SECTION 48.** 343.31 (3) (bm) 4m. of the statutes is amended to read:

343.31 (3) (bm) 4m. If the Indian tribal court that convicted the person determined that there was a minor passenger under 16 years of age in the motor vehicle at the time of the incident that gave rise to the conviction, the applicable minimum and maximum ~~suspension or~~ revocation periods under subd. 2., 3. or 4. for the conviction are doubled.

**SECTION 49.** 343.31 (3) (g) of the statutes is repealed.

**SECTION 50.** 343.31 (3) (h) of the statutes is repealed.

**SECTION 51.** 343.31 (4) of the statutes is repealed.

**SECTION 52.** 343.315 (1) (a) of the statutes is repealed.

**SECTION 53.** 343.315 (1) (b) of the statutes is renumbered 343.315 (1) and amended to read:

343.315 (1) (title) ~~GENERAL EMPLOYER RESPONSIBILITY~~. An employer may not allow, permit or authorize a driver who is disqualified to operate a commercial motor vehicle during a period of disqualification after March 31, 1992. An employer who knowingly violates this ~~paragraph subsection~~ shall be fined not more than \$5,000 or imprisoned for not more than 90 days or both. An employer who negligently violates this ~~paragraph subsection~~ shall forfeit not more than \$2,500.

**SECTION 54.** 343.32 (1) (b) of the statutes is renumbered 343.32 (1s) and amended to read:

343.32 (1s) ~~Such~~ The secretary shall suspend the operating privilege of any person who has been convicted under state law or under a local ordinance which is in conformity therewith or under a law of a federally recognized American Indian tribe or band in this state which is in conformity with state law of altering the person's license, loaning the person's license to another or unlawfully or fraudulently using or permitting an unlawful or fraudulent use of a license.

**SECTION 55.** 343.32 (1) (d) of the statutes is repealed.

**SECTION 56.** 343.32 (1m) (b) (intro.), 2. and 3. of the statutes are amended to read:

343.32 (1m) (b) (intro.) The secretary shall suspend ~~or revoke~~ a person's operating privilege for not less than 6 months nor more than 5 years whenever notice has been received of the conviction of such person under federal law or the law of a federally recognized American Indian tribe or band in this state or the law of another jurisdiction for any offense therein which, if the person had committed the offense in this state and been convicted of the offense under the laws of this state, would have required suspension ~~or revocation~~ of such person's operating privilege under s. 961.50. The person is eligible for an occupational license under s. 343.10 as follows:

2. For a 2nd conviction within a 5-year period, after the first 60 days of the suspension ~~or revocation~~ period.

3. For a 3rd or subsequent conviction within a 5-year period, after the first 90 days of the suspension ~~or revocation~~ period.

**SECTION 57.** 343.32 (2) (a) of the statutes is amended to read:

343.32 (2) (a) The secretary may suspend ~~or revoke~~ a person's operating privilege if the person appears by the records of the department to be a habitually reckless or negligent operator of a motor vehicle or to have repeatedly violated any of the state traffic laws, any local ordinance enacted under ch. 349 or any traffic laws enacted by a federally recognized American Indian tribe or band

in this state if the tribal traffic laws violated strictly conform to provisions in chs. 341 to 348 or, if the offense occurred on a federal military installation located in this state, any federal law which is in strict conformity with a state traffic law. For the purpose of determining when to suspend ~~or revoke~~ an operating privilege under this subsection, the secretary may determine and adopt by rule a method of weighing traffic convictions by their seriousness and may, subject to the limitations in this subsection, change such weighted scale as experience or the accident frequency in the state makes necessary or desirable.

**SECTION 58.** 343.32 (2) (bg) of the statutes is amended to read:

343.32 (2) (bg) The scale adopted by the secretary shall assign, for each conviction, ~~6~~ 3 demerit points for operating a ~~commercial~~ motor vehicle while disqualified, revoked, suspended or out-of-service under s. 343.44 ~~or a local ordinance in conformity therewith~~.

**SECTION 59.** 343.32 (2) (c) of the statutes is amended to read:

343.32 (2) (c) In order for the secretary to suspend ~~or revoke~~ an operating privilege under this subsection, the operator must have accumulated 12 demerit points in any 12-month period.

**SECTION 60.** 343.32 (2) (g) of the statutes is repealed.

**SECTION 61.** 343.32 (6) of the statutes is amended to read:

343.32 (6) There shall be no minimum waiting period before issuance of an occupational license under s. 343.10 to a person whose operating privilege has been suspended ~~or revoked~~ under sub. (2) if the person is otherwise eligible for issuance of an occupational license.

**SECTION 62.** 343.38 (1) (c) of the statutes is renumbered 343.38 (1) (c) 1. and amended to read:

343.38 (1) (c) 1. ~~Unless 3 years have elapsed since the expiration of the period of revocation~~ Except as provided in subd. 2., files and maintains with the department proof of financial responsibility in the amount, form and manner specified in ch. 344. ~~Such proof of financial responsibility shall be maintained at all times during such 3-year period when the license is in effect. This subdivision does not apply after 3 years have elapsed since the expiration of the period of revocation.~~

2. No such proof under subd. 1. shall be required for any of the following:

a. A vehicle subject to the requirements of s. 121.53, 194.41 or 194.42 ~~or a~~

b. A vehicle owned by or leased to the United States, this state or any county or municipality of this state.

**SECTION 63.** 343.38 (1) (c) 2. c. and d. of the statutes are created to read:

343.38 (1) (c) 2. c. Reinstatement of an operating privilege revoked under s. 343.30 (1q) (b) 2. or (d), 343.305 (10) (d) or 343.31 (3) (b) or (bm) 2.



d. Reinstatement of an operating privilege revoked under s. 343.31 (1) (b) or (2) if, within the 5-year period preceding the violation, the person has not been convicted of a prior offense that may be counted under s. 343.307 (2) and if, within the 10-year preceding the violation, the person has not been convicted of 2 or more prior offenses that may be counted under s. 343.307 (2).

**SECTION 64.** 343.38 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

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

**SECTION 65.** 343.38 (3) of the statutes is amended to read:

343.38 (3) REINSTATEMENT AFTER SUSPENSION. 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 the suspension remains in effect. Upon the expiration of the period of suspension, the person's operating privilege is ~~automatically~~ reinstated as provided in s. 343.39.

**SECTION 66.** 343.39 (1) (a) of the statutes is amended to read:

343.39 (1) (a) When, in the case of a suspended operating privilege, the period of suspension has terminated and, the reinstatement fee specified in s. 343.21 (1) (j) has been paid to the department and, for reinstatement of an operating privilege suspended under ch. 344, the person files with the department proof of financial responsibility, if required, in the amount, form and manner specified under ch. 344.

**SECTION 67.** 343.44 (title) of the statutes is repealed and recreated to read:

**343.44 (title) Operating while suspended, revoked, ordered out-of-service or disqualified.**

**SECTION 68.** 343.44 (1) of the statutes is repealed and recreated to read:

343.44 (1) OPERATING OFFENSES. (a) *Operating while suspended.* No person whose operating privilege has been duly suspended under the laws of this state may operate a motor vehicle upon any highway in this state during the period of suspension or in violation of any restriction on an occupational license issued to the person during the period of suspension. A person's knowledge that his or her operating privilege is suspended is not an element of the offense under this paragraph. In this paragraph, "restriction on an occupational license" means restrictions imposed under s. 343.10 (5) (a) as to hours of the day, area, routes or purpose of travel, vehicles allowed to be operated, use of an ignition interlock device,

sobriety or use of alcohol, controlled substances or controlled substance analogs.

(b) *Operating while revoked.* No person whose operating privilege has been duly revoked under the laws of this state may knowingly operate a motor vehicle upon any highway in this state during the period of revocation or in violation of any restriction on an occupational license issued to the person during the period of revocation. In this paragraph, "restriction on an occupational license" means restrictions imposed under s. 343.10 (5) (a) as to hours of the day, area, routes or purpose of travel, vehicles allowed to be operated, use of an ignition interlock device, sobriety or use of alcohol, controlled substances or controlled substance analogs.

(c) *Operating while ordered out-of-service.* No person may operate a commercial motor vehicle while ordered out-of-service under state or federal law.

(d) *Operating while disqualified.* No person may operate a commercial motor vehicle while disqualified under s. 343.315 or 49 CFR 383.51, under the law of another jurisdiction or Mexico that provides for disqualification of commercial drivers in a manner similar to 49 CFR 383.51, or under a determination by the federal highway administration under the federal rules of practice for motor carrier safety contained in 49 CFR 386 that the person is no longer qualified to operate a vehicle under 49 CFR 391.

**SECTION 69.** 343.44 (1g) of the statutes is created to read:

343.44 (1g) REINSTATEMENT REQUIRED. Notwithstanding any specified term of suspension, revocation, cancellation or disqualification, the period of any suspension, revocation, cancellation or disqualification of an operator's license issued under this chapter or of an operating privilege continues until the operator's license or operating privilege is reinstated.

**SECTION 70.** 343.44 (2) of the statutes is repealed and recreated to read:

343.44 (2) PENALTIES. (a) Any person who violates sub. (1) (a) shall be required to forfeit not less than \$50 nor more than \$200.

(am) Any person who violates sub. (1) (b) before the first day of the 13th month beginning after publication ... [revisor inserts date], may be required to forfeit not more than \$600, except that, if the person has been convicted of a previous violation described in sub. (1) (b) within the preceding 5-year period, the penalty under par. (b) shall apply.

(b) Except as provided in par. (am), any person who violates sub. (1) (b), (c) or (d) shall be fined not more than \$2,500 or imprisoned for not more than one year or both. In imposing a sentence under this paragraph, or a local ordinance in conformity with this paragraph, the court shall review the record and consider the following:

1. The aggravating and mitigating circumstances in the matter, using the guidelines described in par. (d).

2. The class of vehicle operated by the person.

3. The number of prior convictions of the person for violations of this section within the 5 years preceding the person's arrest.

4. The reason that the person's operating privilege was revoked, or the person was disqualified or ordered out of service, including whether the person's operating privilege was revoked for an offense that may be counted under s. 343.307 (2).

5. Any convictions for moving violations arising out of the incident or occurrence giving rise to sentencing under this section.

(d) The chief judge of each judicial administrative district shall adopt guidelines, under the chief judge's authority to adopt local rules under SCR 70.34, for the consideration of aggravating and mitigating factors. Such guidelines shall treat operators of commercial motor vehicles at least as stringently as operators of other classes of motor vehicles.

**SECTION 71.** 343.44 (2g) of the statutes is repealed.

**SECTION 72.** 343.44 (2m) of the statutes is repealed.

**SECTION 73.** 343.44 (2p) (intro.) of the statutes is amended to read:

343.44 (2p) (title) SENTENCING OPTION. (intro.) The legislature intends that courts use the sentencing option under s. 973.03 (4) whenever appropriate for persons subject to sub. (2) ~~or (2m)~~ to provide cost savings for the state and for local governments. This option shall not be used if the suspension or revocation was for one of the following:

**SECTION 74.** 343.44 (2r) of the statutes is amended to read:

343.44 (2r) (title) PRIOR CONVICTIONS. For purposes of determining prior convictions under this section, the 5-year period shall be measured from the dates of the violations that resulted in the convictions and each conviction under sub. (2) ~~or (2m)~~ shall be counted. ~~The vehicle operated at the time of the offense shall determine whether the penalties of sub. (2) or (2m) apply.~~

**SECTION 75.** 343.44 (2s) of the statutes is amended to read:

343.44 (2s) Within 30 days after receipt by the department of a report from a law enforcement officer under s. 343.305 (7) or a court order under s. 343.28 of a violation committed by a person operating a commercial motor vehicle while subject to an out-of-service order under s. 343.305 (7) (b) or (9) (am), a traffic officer employed under s. 110.07 may prepare a uniform traffic citation under s. 345.11 for a violation of sub. (1) ~~(c) or (d)~~ and serve it on the person. The citation may be served anywhere in this state and shall be served by delivering a copy to the person personally or by leaving a copy at the person's usual place of abode with a person of discretion residing therein or by mailing a copy to the person's last-

known residence address. The venue for prosecution may be the county where the alleged offense occurred or in the person's county of residence.

**SECTION 76.** 343.44 (3) (title) of the statutes is created to read:

343.44 (3) (title) FAILURE TO RECEIVE NOTICE.

**SECTION 77.** 343.44 (4) (title) of the statutes is created to read:

343.44 (4) (title) IMPOUNDMENT.

**SECTION 78.** 343.44 (4m) of the statutes is renumbered 343.44 (2) (c) and amended to read:

343.44 (2) (c) In addition to other penalties for violation of this section, if a person ~~has violated~~ violates this section ~~after~~ while his or her operating privilege ~~was is~~ revoked as provided in ch. 351, the penalties ~~shall~~ may be enhanced by imprisonment and additional fines as provided in s. 351.08. For the purpose of enforcing this ~~subsection~~ paragraph, in any case in which the accused is charged with operating a motor vehicle while his or her operator's license, permit or privilege to operate is suspended or revoked or is charged with operating without a valid operator's license, the court, before hearing the charge, shall determine whether the person is a habitual traffic offender or repeat habitual traffic offender and therefore barred from operating a motor vehicle on the highways of this state.

**SECTION 79.** 343.44 (4r) (title) of the statutes is created to read:

343.44 (4r) (title) VIOLATION OF OUT-OF-SERVICE ORDER.

**SECTION 80.** 343.44 (5) (title) of the statutes is created to read:

343.44 (5) (title) VEHICLE IMPOUNDMENT; LESSORS AND SECURED CREDITORS.

**SECTION 81.** 344.02 (title) of the statutes is amended to read:

**344.02 (title) Hearing on revocation suspension or impoundment.**

**SECTION 82.** 344.02 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

344.02 (1) Whenever the department under s. 344.13 gives notice of the amount of security required to be deposited and that an order of ~~revocation~~ suspension or impoundment will be made if such security is not deposited, it shall afford the person so notified an opportunity for a hearing on the proposed action, if written request for a hearing is received by the department prior to the date specified in the notice, or prior to the postponed effective date of ~~revocation~~ suspension if postponement has been granted under s. 344.14 (1). Upon receipt of timely request for hearing, the department shall fix the time and place of the hearing and give notice thereof to such person by regular mail. The scope of the hearing is limited to the matter set forth in s. 344.14 (2) (k) and, subject to s. 344.14 (2m), to whether or not the person is the owner of the motor vehicle to be impounded. Any person who

fails without reasonable cause to appear at the time and place specified in the notice shall forfeit the right to a hearing.

**SECTION 83.** 344.02 (3) of the statutes is amended to read:

344.02 (3) Upon completion of the hearing, the department shall make findings of fact, conclusions of law, and a decision, and shall either proceed to order ~~revocation~~ suspension of the person's operating privilege, or registrations, or both, and may also order the impoundment of the person's motor vehicle, in accordance with s. 344.14, or upon good cause appearing therefor, shall terminate the proceedings.

**SECTION 84.** 344.02 (4) of the statutes is amended to read:

344.02 (4) The time during which enforcement of an order of ~~revocation~~ suspension or impoundment is stayed pending completion of court review thereof shall not be included as part of the one-year period fixed by s. 344.18 (1) (d) for ~~revocation~~ suspension or the period fixed under s. 344.185 (2) (a) or (b) for impoundment.

**SECTION 85.** 344.04 (title) of the statutes is amended to read:

**344.04 (title) Power of court to stay revocation suspension of registration or impoundment of vehicles.**

**SECTION 86.** 344.04 (1) of the statutes is amended to read:

344.04 (1) Notwithstanding any other provision of this chapter, the secretary shall not ~~revoke~~ suspend the registration of a vehicle when ordered not to do so by the court wherein the judgment for damages was had or, in a case not involving a judgment, when ordered not to do so by a court ~~pursuant to~~ under petition of the registrant in accordance with sub. (2).

**SECTION 87.** 344.04 (2) of the statutes is amended to read:

344.04 (2) Upon receiving information, other than of a judgment for damages in a court of this state, that would be cause for ~~revocation~~ suspension of registration or impoundment of the vehicle, the secretary shall notify the registrant of the intention to ~~revoke~~ suspend such registration or impound the vehicle. The registrant may thereupon petition any court of record in the registrant's county for an order enjoining the secretary's contemplated action, whereupon the judge of such court shall grant an order restraining the secretary in the matter until the petition is finally determined by the court. If such petition and order are served upon the secretary within 10 days after the date of the secretary's notice or in any event before the secretary has ~~revoked~~ suspended the registration or impounded the vehicle, the secretary shall await the final determination of the court. The secretary shall be given notice of the hearing. Upon a showing that it would result in undue hardship upon the petitioner to have any such registration ~~revoked~~ suspended or the ve-

hicle impounded, the court shall issue an order restraining the secretary from ~~revoking~~ suspending the registration or impounding the vehicle.

**SECTION 88.** 344.04 (3) of the statutes is amended to read:

344.04 (3) This section does not authorize a court to stay suspension or revocation of an operator's license.

**SECTION 89.** 344.05 (1) of the statutes is amended to read:

344.05 (1) If a judgment ~~in excess of~~ \$500 or more for damages arising out of a motor vehicle accident is not satisfied within 30 days after its having become final by expiration without appeal of the time within which an appeal might have been taken or by final affirmation on appeal, the clerk of the court in which the judgment was rendered, or the judge if the court has no clerk, shall ~~forthwith~~ immediately forward to the secretary a certified copy of the judgment upon request of the judgment creditor or the attorney of record for the judgment creditor.

**SECTION 90.** 344.08 (title) of the statutes is amended to read:

**344.08 (title) Revocation Suspension for failure to report accident.**

**SECTION 91.** 344.08 (1) of the statutes is amended to read:

344.08 (1) The secretary may ~~revoke~~ suspend the operating privilege or registration of any person who fails to report an accident as required by s. 346.70 or to give correctly the information requested by the secretary in connection with such report unless, in the judgment of the secretary, there was excusable cause for such failure or unless the accident did not result in injury or damage to the person or property of anyone other than the person so required to report.

**SECTION 92.** 344.08 (2) of the statutes is amended to read:

344.08 (2) Any operating privilege suspended or ~~revoked~~ under this section, or suspended or ~~revoked~~ under any other section for failure to report an accident, shall be reinstated in accordance with s. 344.09 at the end of one year following the effective date of the suspension or revocation order if, during such one-year period, no notice of action has been filed with the department in the manner specified in s. 344.18 (1) (d).

**SECTION 93.** 344.08 (3) of the statutes is repealed.

**SECTION 94.** 344.09 (title) of the statutes is amended to read:

**344.09 (title) Reinstatement of revoked operating privilege and registration.**

**SECTION 95.** 344.09 (1) of the statutes is amended to read:

344.09 (1) Whenever the secretary is satisfied that the reason for ~~revocation~~ of suspending or revoking an operating privilege under this chapter has been removed, including satisfaction of any of the requirements of s.

344.18, the secretary shall order reinstatement of the operating privilege. The department shall give notice of the reinstatement to the person whose operating privilege has been was suspended or revoked in the manner it deems appropriate. The order reinstating a suspended operating privilege has the same effect as an automatic reinstatement under s. 343.39.

**SECTION 96.** 344.09 (2) of the statutes is amended to read:

344.09 (2) Whenever an operating privilege suspended or revoked pursuant to under this chapter is reinstated, any registration which that was suspended or revoked along with the operating privilege is reinstated and the department shall return any surrendered and unexpired registration plate in its possession.

**SECTION 97.** 344.12 of the statutes is amended to read:

**344.12 Applicability of provisions relating to deposit of security for past accidents.** Subject to the exceptions contained in s. 344.14, the provisions of this chapter requiring deposit of security and requiring revocation suspension for failure to deposit security apply to the operator and owner of every motor vehicle which is in any manner involved in an accident in this state which has resulted in bodily injury to or death of any person or damage to property of any other person in excess of \$1,000 or more.

**SECTION 98.** 344.13 (1) of the statutes is amended to read:

344.13 (1) The secretary after receipt of a report of an accident of the type specified in s. 344.12 shall determine, with respect to such accident, the amount of security which is sufficient in the secretary's judgment to satisfy any judgment for damages resulting from such accident which may be recovered against either operator or owner of the vehicles involved in such accident. Such determination shall be based upon the total property damage suffered by other persons whose property was involved in the accident, not including the vehicle a person was operating when such operation was with the owner's permission, and on the extent of personal injuries, including deaths, involving other parties to the accident. The determination as to the amount of security required shall not be made with respect to operators or owners who are exempt from the requirements of security and revocation suspension under s. 344.14 (2).

**SECTION 99.** 344.13 (2) of the statutes is amended to read:

344.13 (2) The secretary shall determine the amount of security required to be deposited by each person on the basis of the accident reports or other information submitted. In addition to the accident reports required by law, the secretary may request from any of the persons, including passengers and pedestrians, involved in such accident such further information, sworn statements or

other evidence relating to property damage, personal injury or death in motor vehicle accidents as deemed necessary to aid in determining the amount to be deposited as security under s. 344.14. Failure of a person to comply with such request is grounds for revoking suspending such person's operating privilege but no revocation suspension shall be made on such grounds until one follow-up request has been made and at least 20 days have elapsed since the mailing of the first request.

**SECTION 100.** 344.13 (3) of the statutes is amended to read:

344.13 (3) The secretary within 90 days after receipt of a report of an accident of the type specified in s. 344.12 and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident, shall give at least 10 days' written notice to every such person of the amount of security required to be deposited by the person. The notice also shall state that an order of revocation suspension will be made as provided in s. 344.14, unless within such time security is deposited as required by the notice. The order of revocation suspension may be made a part of the notice, with a provision that it will take effect on the date specified in this subsection unless security is deposited prior to that date.

**SECTION 101.** 344.14 (title) of the statutes is amended to read:

**344.14 (title) Revocation Suspension for failure to deposit security; impoundment of vehicle; exceptions.**

**SECTION 102.** 344.14 (1) of the statutes is amended to read:

344.14 (1) If a person who was given notice pursuant to under s. 344.13 (3) fails to deposit security in the amount and by the time specified in the notice, the secretary shall forthwith revoke immediately suspend the person's operating privilege if the person was the operator of a motor vehicle involved in the accident and all the person's registrations if the person was the owner of a motor vehicle involved in the accident unless the person furnishes proof satisfactory to the secretary that the person comes within one of the exceptions set forth in sub. (2). If the owner and operator are separate persons, only one of them need deposit security or the 2 persons may cooperate in depositing security. Upon request of the owner or operator in question, the secretary may postpone the effective date of a revocation suspension under this section not to exceed 20 days.

**SECTION 103.** 344.14 (1g) of the statutes is amended to read:

344.14 (1g) The secretary shall refuse registration of any vehicle owned by a person whose registration has been suspended or revoked under sub. (1).

**SECTION 104.** 344.14 (1m) (intro.) of the statutes is amended to read:

344.14 (1m) (intro.) In addition to the ~~revocations~~ suspensions under sub. (1), the secretary may order the impoundment of any motor vehicle which is:

**SECTION 105.** 344.14 (2) (e) of the statutes is amended to read:

344.14 (2) (e) To the operator or owner of a vehicle involved in an accident wherein no injury was caused to the person of anyone other than such operator or owner and wherein damage to property of any one person other than such operator or owner did not equal or exceed \$1,000.

**SECTION 106.** 344.14 (2) (h) of the statutes is amended to read:

344.14 (2) (h) To any person who would otherwise have to deposit security if, prior to the date the secretary would otherwise ~~revoke~~ suspend the person's operating privilege and registrations under sub. (1) or order the impoundment of the motor vehicle under sub. (1m), there is filed with the secretary evidence satisfactory to the secretary that the person has been released from liability or has been finally adjudicated not to be liable or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in instalments with respect to all claims for injuries or damage resulting from the accident. The secretary may accept a release from liability executed by a parent as natural guardian on behalf of a minor child with respect to property damage or personal injuries sustained by the minor, provided that the total damages, including the cost of medical care, do not exceed \$5,000 and that, in case of personal injury, the doctor's certificate of injury filed with the department certifies that the minor received no permanent injury.

**SECTION 107.** 344.18 (title) of the statutes is amended to read:

**344.18 (title) Duration of revocation suspension for failure to deposit security.**

**SECTION 108.** 344.18 (1) (intro.) of the statutes is amended to read:

344.18 (1) (intro.) Any registration suspended or revoked as ~~provided in~~ under s. 344.14 shall remain suspended or revoked and shall not be renewed or reinstated until the person pays the fee required under s. 341.36 (1m) ~~has been paid, one, meets one~~ of the requirements under pars. (a) to (d) ~~has been met~~ and satisfies the requirements of sub. (1m) ~~are satisfied~~. Any operating privilege suspended or revoked as ~~provided in~~ under s. 344.14 shall remain suspended or revoked and shall not be ~~renewed or reinstated until the person pays the~~ fee required under s. 343.21 (1) (j) ~~has been paid, the, complies with the~~ applicable provisions of s. 343.38 ~~have been complied with and one meets any~~ of the following requirements ~~has been met~~:

**SECTION 109.** 344.18 (1) (a) of the statutes is amended to read:

344.18 (1) (a) The person whose operating privilege or registration was suspended or revoked deposits the security required under s. 344.14.

**SECTION 110.** 344.18 (1) (b) of the statutes is amended to read:

344.18 (1) (b) There is filed with the secretary evidence satisfactory to the secretary that the person whose operating privilege or registration was suspended or revoked has been released from liability or has been finally adjudicated not to be liable. The secretary may accept a release executed by a parent on behalf of a minor child only if the release satisfies the requirements specified in s. 344.14 (2) (h).

**SECTION 111.** 344.18 (1) (c) of the statutes is amended to read:

344.18 (1) (c) There is filed with the secretary evidence satisfactory to the secretary that the person whose operating privilege or registration was suspended or revoked has executed a duly acknowledged written agreement in accordance with s. 344.14 (2) (h) and subject to sub. (3).

**SECTION 112.** 344.18 (1) (d) of the statutes is amended to read:

344.18 (1) (d) One year has elapsed since the effective date of the suspension or revocation order and, during such period, no notice has been filed with the secretary by any claimant that an action was commenced by a party in interest. If the action was commenced in a court of record, the notice required by this paragraph shall include a certified copy of the summons and complaint or counterclaim or cross-complaint and proof of service filed therein. In all cases of service under s. 345.09, an additional notice and service must be made under this chapter to avail oneself of the provisions of this chapter.

**SECTION 113.** 344.18 (1m) (a) of the statutes is amended to read:

344.18 (1m) (a) Unless 3 years have elapsed since the date that a requirement under sub. (1) (a), (b), (c) or (d) has been met, the person whose ~~registration was suspended or revoked under sub. (1) or whose~~ operating privilege or registration was suspended or revoked under s. 344.14, ~~1989 stats.,~~ shall file with the department and maintain in effect proof of financial responsibility in the amount, form and manner specified in this chapter. ~~The person shall maintain the proof of financial responsibility at all times for 3 years following reinstatement or renewal of the registration while the registration of any vehicle owned by the person is in effect or, for suspension of operating privilege, for 3 years following reinstatement or renewal of the license while the license is in effect.~~

**SECTION 114.** 344.18 (1m) (b) of the statutes is amended to read:

344.18 (1m) (b) This subsection applies as a condition precedent to ~~renewal or~~ reinstatement of an operat-

ing privilege or registration suspended or revoked under s. 344.14, 1989 stats.

**SECTION 115.** 344.18 (3) (intro.) of the statutes is amended to read:

344.18 (3) (intro.) If ~~there is any default~~ a person defaults in the payment of any instalment under a duly acknowledged written agreement, the secretary, upon notice of such default given in no event later than 30 days after the time for final instalment, shall ~~forthwith revoke~~ immediately suspend the registrations and operating privilege of the defaulting person, ~~which. A suspension or revocation of registration under this subsection shall remain in effect until the person pays the fee required under s. 341.36 (1m) has been paid, the, meets the~~ requirement under par. (a) or (b) ~~has been met and satisfies~~ the requirements of sub. (3m) ~~are satisfied, and shall forthwith revoke the operating privilege of the defaulting person, which. A suspension or revocation of an operating privilege under this subsection shall remain in effect until the person pays the fee required in s. 343.21 (1) (j) has been paid, the, complies with the~~ applicable provisions of s. 343.38 ~~have been complied with and one meets any of the following requirements has been met:~~

**SECTION 116.** 344.18 (3) (b) of the statutes is amended to read:

344.18 (3) (b) One year has elapsed since the effective date of the suspension or revocation order and, during such period, no notice has been filed with the secretary by any claimant that an action was commenced by a party in interest. The notice required by this paragraph shall comply with sub. (1) (d).

**SECTION 117.** 344.18 (3m) (a) of the statutes is amended to read:

344.18 (3m) (a) Unless 3 years have elapsed since the date that a requirement under sub. (3) (a) or (b) has been met, the person whose operating privilege or registration was suspended or revoked under sub. (3) ~~or whose operating privilege or registration was suspended under s. 344.18 (3), 1989 stats., shall file with the department and maintain in effect proof of financial responsibility in the amount, form and manner specified in this chapter. The person shall maintain the proof of financial responsibility at all times for 3 years following reinstatement or renewal of the registration while the registration of any vehicle owned by the person is in effect or, for suspension of operating privilege, for 3 years following reinstatement or renewal of the license while the license is in effect.~~

**SECTION 118.** 344.18 (3m) (b) of the statutes is amended to read:

344.18 (3m) (b) This subsection applies as a condition precedent to ~~renewal or~~ reinstatement of an operating privilege or registration suspended or revoked under s. 344.18 (3), 1989 stats sub. (3).

**SECTION 119.** 344.18 (3r) of the statutes is amended to read:

344.18 (3r) The secretary shall refuse registration of any vehicle owned by a person whose registration has been suspended or revoked under sub. (3).

**SECTION 120.** 344.18 (4) of the statutes is amended to read:

344.18 (4) The secretary shall not ~~revoke~~ suspend, as required by sub. (3), if the defaulting person has made payments to the extent specified in s. 344.15 (1) with reference to the acceptable limits of a policy or bond.

**SECTION 121.** 344.19 (2) of the statutes is amended to read:

344.19 (2) If the operating privilege or registration of a nonresident is ~~revoked pursuant to~~ suspended under s. 344.14, the secretary shall transmit a certified copy of the record of such action to the administrator of the division of motor vehicles or equivalent official of the state in which that person resides if the law of the state in which that person resides provides for similar action by the administrator or equivalent official of that state in the event that a resident of this state has a nonresident's operating privilege or registration in that state suspended or revoked for failure to comply with the safety responsibility law of that state.

**SECTION 122.** 344.19 (3) of the statutes is amended to read:

344.19 (3) Upon receipt of such certification from another state to the effect that the operating privilege or registration of a resident of this state has been suspended or revoked in such other state ~~pursuant to~~ under a law providing for its suspension or revocation for failure to deposit security for payment of judgments arising out of a motor vehicle accident, under circumstances which would require the secretary to ~~revoke~~ suspend a nonresident's operating privilege or registration had the accident occurred in this state, the secretary shall ~~revoke~~ suspend the ~~license~~ operating privilege of such resident if he or she was the operator and all of his or her registrations if he or she was the owner of a motor vehicle involved in such accident. The department may accept a certification which is in the form of a combined notice of required security and suspension ~~or revocation~~ order, but shall not ~~revoke~~ suspend a resident's operating privilege or registration on the basis of such order until at least 30 days have elapsed since the time for depositing security in the other state expired. A suspension or revocation of operating privilege under this section shall continue until such resident furnishes evidence of his or her compliance with the law of the other state relating to the deposit of security, pays the fee required under s. 343.21 (1) (j) ~~has been paid and complies with~~ the applicable provisions of s. 343.38 ~~have been complied with.~~ A suspension or revocation of registration under this section shall continue until such resident furnishes evidence of his or her compliance with the law of the other state relating to the deposit of security, pays the fee required under s. 341.36

(1m) has been paid and satisfies the requirements of sub. (3m) are satisfied.

**SECTION 123.** 344.19 (3g) of the statutes is amended to read:

344.19 (3g) The secretary shall refuse registration of any vehicle owned by a person whose registration has been suspended or revoked under sub. (3).

**SECTION 124.** 344.19 (3m) (a) of the statutes is amended to read:

344.19 (3m) (a) Unless 3 years have elapsed since compliance of the resident with the law of the other state relating to the deposit of security, the resident whose operating privilege or registration was suspended or revoked under sub. (3) ~~or whose operating privilege or registration was suspended under s. 344.19 (3), 1989 stats.,~~ shall file with the department and maintain in effect proof of financial responsibility in the amount, form and manner specified in this chapter. ~~The person shall maintain the proof of financial responsibility at all times for 3 years following reinstatement or renewal of the registration while the registration of any vehicle owned by the resident is in effect or, for suspension of operating privilege, for 3 years following reinstatement or renewal of the license while the license is in effect.~~

**SECTION 125.** 344.19 (3m) (b) of the statutes is amended to read:

344.19 (3m) (b) This subsection applies as a condition precedent to ~~renewal or~~ reinstatement of an operating privilege or registration suspended or revoked under s. 344.19 (3), 1989 stats sub. (3).

**SECTION 126.** 344.24 of the statutes is amended to read:

**344.24 Applicability of sections relating to proof of financial responsibility for the future.** Sections 344.29 to 344.41 are applicable in all cases in which a person is required to deposit proof of financial responsibility for the future, including those cases in which a person is required to deposit proof of financial responsibility for the future under ss. 344.25 to 344.27, those cases in which the deposit of proof of financial responsibility for the future is a condition precedent to ~~renewal or~~ reinstatement of an operating privilege or registration suspended or revoked under s. 344.14, 344.18 (3) or 344.19 (3) and those cases in which the deposit of proof of financial responsibility for the future is a condition precedent to issuance of an operator's license under s. 343.38 (4) or reinstatement of an operating privilege revoked ~~pursuant to~~ under ch. 343.

**SECTION 127.** 344.25 (intro.) of the statutes is amended to read:

**344.25 (title) Revocation of license and registration Suspension for nonpayment of judgment; exceptions.** (intro.) Upon the receipt, under s. 344.05, of a certified copy of a judgment for damages ~~in excess of~~ \$500 or more arising out of a motor vehicle accident, the secretary shall ~~forthwith revoke~~ immediately suspend the op-

erating privilege and all registrations of the person against whom such judgment was rendered, subject to the following exceptions:

**SECTION 128.** 344.25 (1) of the statutes is amended to read:

344.25 (1) If the judgment arose out of an accident caused by the ownership or operation, with permission, of a vehicle owned by or leased to the United States, this state or any county or municipality of this state or a vehicle subject to the requirements of s. 121.53, 194.41 or 194.42, the secretary shall not ~~revoke such license~~ suspend such operating privilege or registration.

**SECTION 129.** 344.25 (3) of the statutes is amended to read:

344.25 (3) The secretary shall not ~~revoke such license~~ suspend such operating privilege or registrations if the judgment debtor obtains a court order for instalment payments and furnishes proof of financial responsibility as provided in s. 344.27.

**SECTION 130.** 344.25 (5) of the statutes is amended to read:

344.25 (5) When the secretary receives certification of the entry of a damage judgment in accordance with s. 344.05 against a resident of this state which has been entered by an Indian tribal court in this state or by a court in another jurisdiction, the secretary shall give notice to the person of the receipt of the certification of judgment. If satisfaction of such judgment is not made and copy of such satisfaction filed with the secretary within 30 days from the date such notice was given, the secretary shall ~~revoke the license~~ suspend the operating privilege and registrations of such judgment debtor.

**SECTION 131.** 344.26 (title) of the statutes is amended to read:

**344.26 (title) Revocation Suspension to continue until judgment paid and proof of financial responsibility given.**

**SECTION 132.** 344.26 (1) of the statutes is amended to read:

344.26 (1) Subject to the exceptions stated in ss. 344.25 (2) and 344.27 (2), any operating privilege or registration suspended or revoked ~~pursuant to~~ under s. 344.25 shall remain suspended or revoked until every judgment mentioned in s. 344.25 is stayed, satisfied or discharged and, unless 3 years have elapsed since the date of entry of the judgment which was the cause for suspension or revocation, until the person whose operating privilege and registration was suspended or revoked furnishes and maintains in effect proof of financial responsibility for the future ~~and maintains such proof at all times during such 3-year period when the operating privilege or registration is in effect.~~

**SECTION 133.** 344.27 (title) of the statutes is amended to read:

**344.27 (title) Instalment payment of judgments; revocation suspension upon default.**

**SECTION 134.** 344.27 (2) of the statutes is amended to read:

344.27 (2) The secretary shall not ~~revoke~~ suspend the operating privilege or registration and shall restore any operating privilege or registration ~~revoked~~ suspended following nonpayment of a judgment when the judgment debtor obtains such order permitting the payment of the judgment in instalments and, unless 3 years have elapsed since the entry of judgment, furnishes and maintains proof of financial responsibility for the future.

**SECTION 135.** 344.27 (3) of the statutes is amended to read:

344.27 (3) If the judgment debtor fails to pay any instalment as specified by such order, the secretary, upon notice of such default, shall ~~forthwith revoke~~ immediately suspend the operating privilege and registrations of the judgment debtor until such judgment is satisfied as provided in s. 344.26.

**SECTION 136.** 344.29 of the statutes is amended to read:

**344.29 Proof of financial responsibility for the future required.** Proof of financial responsibility for the future shall be furnished by any person required to give such proof under ss. 344.25 to 344.27, those cases in which the deposit of proof of financial responsibility for the future is a condition precedent to ~~renewal or~~ reinstatement of an operating privilege or registration suspended or revoked under s. 344.14, 344.18 (3) or 344.19 (3) and in those cases in which the deposit of proof of financial responsibility for the future is a condition precedent to issuance of an operator's license under s. 343.38 (4) or reinstatement of an operating privilege revoked under ch. 343.

**SECTION 137.** 344.40 (title) of the statutes is amended to read:

**344.40 (title) Revocation or suspension for failure to maintain proof; other proof may be required.**

**SECTION 138.** 344.40 (1) (a) of the statutes is amended to read:

344.40 (1) (a) Except as provided in par. (b), whenever any person whose operating privilege was suspended or revoked who has furnished proof of financial responsibility fails to maintain such proof at any time during the period when proof of financial responsibility is required, the secretary shall suspend or revoke such person's operating privilege for a period of time running from the date of suspension or revocation until such time as either satisfactory proof of financial responsibility is again furnished or the period during which proof was required to be furnished has expired.

**SECTION 139.** 344.40 (1) (b) of the statutes is amended to read:

344.40 (1) (b) Whenever any person who has furnished proof of financial responsibility fails to maintain such proof at any time during the period when proof of financial responsibility is required under s. 344.18 (1m)

or (3m) or 344.19 (3m), the secretary shall ~~revoke~~ suspend all of the person's registrations for a period of time running from the date of ~~revocation~~ suspension until such time as either satisfactory proof of financial responsibility is again furnished or the period during which proof was required to be furnished has expired.

**SECTION 140.** 344.40 (2) (a) of the statutes is amended to read:

344.40 (2) (a) Except as provided in par. (b), whenever any proof of financial responsibility filed under this chapter no longer fulfills the purposes for which required, the secretary shall require other proof meeting the requirements of this chapter and shall suspend or revoke the operating privilege pending the filing of such other proof.

**SECTION 141.** 344.40 (2) (b) of the statutes is amended to read:

344.40 (2) (b) Whenever any proof of financial responsibility filed under s. 344.18 (1m) or (3m) or 344.19 (3m) no longer fulfills the purposes for which required, the secretary shall require other proof meeting the requirements of this chapter and shall ~~revoke~~ suspend all of the person's registrations pending the filing of such other proof.

**SECTION 142.** 344.41 (3) (a) of the statutes is amended to read:

344.41 (3) (a) Whenever any person whose proof has been canceled or returned under sub. (1) (c) desires reinstatement of that person's license operating privilege prior to the expiration of the period during which proof of financial responsibility is required, that person shall again furnish proof of financial responsibility. Thereupon that person's license operating privilege is reinstated as provided in s. 343.38.

**SECTION 143.** 344.45 (title) of the statutes is amended to read:

**344.45 (title) Surrender of license and registration upon ~~revocation or~~ suspension.**

**SECTION 144.** 344.45 (1) of the statutes is amended to read:

344.45 (1) Whenever a person's operating privilege or registration is ~~revoked or~~ suspended under this chapter, the department may also order the person to surrender to the department his or her operator's license and the registration ~~plate or~~ plates of the vehicle or vehicles for which registration was ~~revoked or~~ suspended. If the person fails ~~forthwith~~ immediately to return the operator's license, or registration ~~plate or~~ plates to the department, the department may direct a traffic officer to take possession thereof and return them to the department.

**SECTION 145.** 344.46 (1) of the statutes is amended to read:

344.46 (1) No owner of a motor vehicle involved in an accident in this state which is reportable under s. 346.70 shall transfer the ownership or registration of any vehicle whose registration is subject to suspension or



revocation under s. 344.14 until this chapter has been complied with or until the secretary is satisfied that such transfer is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this chapter.

**SECTION 146.** 344.46 (3) of the statutes is amended to read:

344.46 (3) This section does not apply to or affect the registration of any vehicle sold by a person who, pursuant to under the terms or conditions of any written instrument giving a right of repossession, has exercised such right and has repossessed such vehicle from a person whose registration has been suspended or revoked pursuant to under this chapter.

**SECTION 147.** 344.55 (2) of the statutes is amended to read:

344.55 (2) The department may not issue registration plates for such a vehicle unless there is on file with the department a certificate of insurance showing that the vehicle is insured in compliance with sub. (1). No such policy may be terminated prior to its expiration or canceled for any reason unless a notice thereof is filed with the department at least 30 days prior to the date of termination or cancellation. The department shall ~~revoke~~ suspend the registration of a vehicle on which the insurance policy has been terminated or canceled, effective on the date of termination or cancellation.

**SECTION 148.** 345.47 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension or revocation, that the defendant's operating privilege be suspended for 30 days or until the person pays the forfeiture, the penalty assessment, if required by s. 165.87, the jail assessment, if required by s. 302.46 (1), and the crime laboratories and drug law enforcement assessment, if required by s. 165.755, but not to exceed  $\leq 2$  years. Suspension under this paragraph shall not affect the power of the court to suspend or revoke under s. 343.30 or the power of the secretary to suspend or revoke the operating privilege.

**SECTION 149.** 351.02 (1) (a) 4. of the statutes is repealed.

**SECTION 150.** 351.02 (1) (a) 10. of the statutes is amended to read:

351.02 (1) (a) 10. Any offense under the law of another jurisdiction prohibiting conduct described in sections 6-207, 6-302, ~~6-303~~, 10-102, 10-103, 10-104, 11-901, 11-902, 11-907 or 11-908 of the uniform vehicle code and model traffic ordinance (1987), or prohibiting homicide or manslaughter resulting from the operation of a motor vehicle, use of a motor vehicle in the commission of a felony, reckless or careless driving or driving a motor vehicle with wilful or wanton disregard for the safety of persons or property, driving or operating a motor vehicle while under the influence of alcohol, a controlled substance, a controlled substance analog or any other drug or a combination thereof as prohibited, re-

fusal to submit to chemical testing, operating a motor vehicle while the operating privilege or operator's license is revoked or suspended, perjury or the making false statements or affidavits to a governmental agency in connection with the ownership or operation of a motor vehicle, failing to stop and identify oneself as the driver or operator in the event of a motor vehicle accident with a person or an attended motor vehicle or fleeing from or attempting to elude a police, law enforcement or other peace officer, as those or substantially similar terms are used in that jurisdiction's laws.

**SECTION 151.** 351.09 of the statutes is created to read:

**351.09 Recalculation of habitual traffic offender status.** Any person whose operating privilege is revoked as a habitual traffic offender or as a repeat habitual traffic offender and whose classification as a habitual traffic offender or repeat habitual traffic offender resulted from one or more convictions for violations of s. 343.44 (1), or a local ordinance in conformity therewith, or the law of another jurisdiction that prohibits the operation of a motor vehicle with a suspended or revoked operator's license, may apply to the department for recalculation of that person's status as a habitual traffic offender or repeat habitual traffic offender. Upon receiving an application under this section, the department shall recalculate whether the person's record of convictions brings the person within the definition of a habitual traffic offender or repeat habitual traffic offender. If the recalculation demonstrates that the person is not a habitual traffic offender or repeat habitual traffic offender, the department shall rescind the order declaring the applicant a habitual traffic offender or repeat habitual traffic offender. Upon the completion of the recalculation under this section, the department shall provide written notice to the person of the result of the recalculation, of the order of rescission, if any, under this section and, if appropriate, of the process for reinstating the person's operating privilege. This section does not apply on or after January 1, 2003.

**SECTION 152.** 351.11 of the statutes is amended to read:

**351.11 Application of chapter.** This chapter is in addition to and not in substitution for any provision of ch. 343 ~~or 344~~ requiring the revocation of an ~~operator's license.~~ A license operating privilege. An operating privilege may be revoked in accordance with ch. 343 ~~or 344~~ notwithstanding the fact that the revocation is not mandated by this chapter. The penalty imposed under s. 351.08 is in addition to the penalty imposed under any other law or ordinance for an offense specified in s. 351.02.

**SECTION 153.** 767.303 (1) and (2) of the statutes are amended to read:

767.303 (1) If a person fails to pay a payment ordered for support under s. 767.077, support under s. 767.08, child support or family support under s. 767.23, child support under s. 767.25, family support under s. 767.261,

revised child or family support under s. 767.32, child support under s. 767.458 (3), child support under s. 767.51, child support under ch. 769 or child support under s. 948.22 (7), the payment is 90 or more days past due and the court finds that the person has the ability to pay the amount ordered, the court may suspend the person's operating privilege, as defined in s. 340.01 (40), until the person pays all arrearages in full or makes payment arrangements that are satisfactory to the court, except that the suspension period may not exceed  $\leq 2$  years. If otherwise eligible, the person is eligible for an occupational license under s. 343.10 at any time.

(2) Whenever the court orders suspension of a person's operating privilege under sub. (1), the court shall notify the department of transportation, in the form and manner prescribed by the department. The notice to the department shall include the name and last-known address of the person against whom the support order was entered, certification by the court that the person has been notified of the entry of the support order and that there are arrearages in support payments that are 90 or more days past due, the place where the arrearages may be paid and that the person's operating privilege shall remain suspended until the person pays all arrearages in full or makes payment arrangements that are satisfactory to the court, except that the suspension period may not exceed  $\leq 2$  years.

**SECTION 154.** 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  $\leq 2$  years. The court shall take possession of the suspended license and 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.

**SECTION 155.** 800.095 (4) (b) 4. of the statutes is amended to read:

800.095 (4) (b) 4. That the defendant's operating privilege, as defined in s. 340.01 (40), be suspended until the judgment is complied with, except that the suspension period may not exceed  $\leq 2$  years.

**SECTION 156.** 938.34 (8) of the statutes, as affected by 1997 Wisconsin Act 35, is amended to read:

938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that this disposition is in the best interest of the juvenile and in aid of 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. Any such 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, 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  $\leq 2$  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 to the department which issued the license, together with a notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. 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 return the license to the juvenile.

**SECTION 157.** 938.34 (14m) of the statutes is amended to read:

938.34 (14m) VIOLATION INVOLVING A MOTOR VEHICLE. Restrict, or suspend or revoke 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 or revokes a juvenile's operating privilege under this subsection, the court shall immediately take possession of the suspended or revoked license and forward it to the department of transportation together with a notice stating the reason for and duration of the suspension or revocation. 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 158.** 938.34 (14r) (a) and (c) of the statutes are 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 or revoke 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 take possession of any suspended or revoked license and forward it to the department of transportation together with the notice of suspension or revocation clearly stating that the suspension or revocation is for a violation of ch. 961.

(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 or revocation under this subsection is effective on the date on which the juvenile is first eligible and applies for issuance, renewal or reinstatement of an operator's license under ch. 343.

**SECTION 159.** 938.343 (2) of the statutes is amended to read:

938.343 (2) 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. Any such 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 less than 30 days nor more than 5 years. The court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the period of suspension, the court shall immediately notify the department, which will thereupon return the license to the person.

**SECTION 160.** 938.344 (2) (c) of the statutes is amended to read:

938.344 (2) (c) For a violation committed within 12 months of 2 or more previous violations, a forfeiture of not more than \$500, ~~revocation~~ suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's participation in a supervised work program or other community service work under s. 938.34 (5g).

**SECTION 161.** 938.344 (2b) (c) of the statutes is amended to read:

938.344 (2b) (c) For a violation committed within 12 months of 2 or more previous violations, a forfeiture of \$500, ~~revocation~~ suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's participation in a supervised work program or other community service work under s. 938.34 (5g).

**SECTION 162.** 938.344 (2d) (c) of the statutes is amended to read:

938.344 (2d) (c) For a violation committed within 12 months of 2 or more previous violations, a forfeiture of \$500, ~~revocation~~ suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's participation in a supervised work program or other community service work under s. 938.34 (5g).

**SECTION 163.** 938.344 (2e) (a) (intro.) of the statutes is amended to read:

938.344 (2e) (a) (intro.) If a court finds a juvenile committed 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, the court shall suspend ~~or revoke~~ the juvenile's operating privilege, as defined in s. 340.01

(40), for not less than 6 months nor more than 5 years and, in addition, shall order one of the following penalties:

**SECTION 164.** 938.344 (2e) (b) of the statutes is amended to read:

938.344 (2e) (b) Whenever a court suspends ~~or revokes~~ a juvenile's operating privilege under this subsection, the court shall immediately take possession of any suspended ~~or revoked~~ license and forward it to the department of transportation, together with the notice of suspension ~~or revocation~~ clearly stating that the suspension ~~or revocation~~ 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 165.** 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 issued under ch. 343, the suspension ~~or revocation~~ under this subsection is effective on the date on which the juvenile is first eligible and applies for issuance, ~~renewal~~ or reinstatement of an operator's license under ch. 343.

**SECTION 166.** 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 ~~or revoke~~ 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 take possession of any suspended ~~or revoked~~ license and forward it to the department of transportation together with the record of conviction and notice of the suspension ~~or revocation~~. The person is eligible for an occupational license under s. 343.10 as follows:

**SECTION 167. Initial applicability.**

(1) The treatment of section 13.0965 of the statutes first applies to a bill introduced on the effective date of this subsection.

**SECTION 168. Effective dates.** This act takes effect on the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under section 85.515 of the statutes, as created by this act, or on the first day of the 25th month beginning after publication, whichever is earlier, except as follows:

(2) The treatment of sections 13.0965, 351.02 (1) (a) 4. and 10. and 351.11 of the statutes and SECTION 167 (1) of this act take effect on the first day of the 4th month beginning after publication.

(3m) The treatment of section 85.515 (by SECTION 1g) of the statutes takes effect on the day after publication.