



1995 ASSEMBLY BILL 515

August 21, 1995 - Introduced by Representatives CARPENTER, BOYLE and NOTESTEIN. Referred to Committee on Highways and Transportation.

1 **AN ACT to amend** 343.23 (2), 343.32 (2) (e) and 343.32 (5); and **to create** 84.01
2 (30) and 343.38 (1) (d) of the statutes; **relating to:** reduction of demerit point
3 assessments for state and local traffic law violations, traffic safety refresher
4 courses and operating privilege revocations, and granting rule-making
5 authority.

Analysis by the Legislative Reference Bureau

Under current law, the secretary of transportation may suspend or revoke a person's operating privilege for repeated violations of state or local traffic laws. The secretary establishes by rule a schedule of demerit points based on the seriousness of various traffic convictions. A person must have accumulated 12 demerit points within a 12-month period before his or her operating privilege may be revoked or suspended. The secretary may by rule provide for a reduction of demerit points assessed against a person if the person completes a traffic safety or defensive driving course or similar course or driver improvement counseling approved by the secretary.

This bill limits the demerit point reduction for completion of a course or counseling to not more than 4 demerit points. Completion of any such course or counseling shall, upon request of the person, be included on the person's driving record maintained by the department of transportation (DOT), regardless of whether demerit point reduction occurred. The bill also prohibits point reduction for any demerit points assessed for certain alcohol-related offenses, including the operating of a motor vehicle while under the influence of alcohol or a controlled substance or both ("OWI").

Under current law, DOT may not issue an operator's license to a person whose operating privilege has been revoked until the period of revocation has expired and the person satisfies certain conditions, including payment of a \$50 reinstatement fee to DOT. A person who has had his operating privilege revoked also may be required to participate in driver improvement counseling.

The bill requires a person whose operating privilege has been revoked to complete a traffic safety refresher course before the person may be eligible for issuance of an operator's license after the period of revocation has expired. The course must be approved by DOT and must satisfy standards established by the department by rule, including standards regulating the curriculum and minimum number of hours of instruction. The bill directs DOT to monitor the driving records of persons who have completed such courses in order to evaluate their effectiveness in promoting traffic safety and improving driver performance.

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

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

1 **SECTION 1.** 84.01 (30) of the statutes is created to read:

2 84.01 (30) TRAFFIC SAFETY REFRESHER COURSES. The department shall monitor
3 the driving records of persons who have received instruction in traffic safety
4 refresher courses as required under s. 343.38 (1) (d) in order to evaluate the
5 effectiveness of such courses in improving driver performance and promoting traffic
6 safety.

7 **SECTION 2.** 343.23 (2) of the statutes is amended to read:

8 343.23 (2) The department shall maintain a file for each licensee containing
9 the application for license, permit or endorsement, a record of reports or abstract of
10 convictions, the status of the licensee's authorization to operate different vehicle
11 groups, a record of any out-of-service orders issued under s. 343.305 (7) (b) or (9)
12 (am) and a record of any reportable accident in which the licensee has been involved,
13 including specification of the type of license and endorsements issued under this
14 chapter under which the licensee was operating at the time of the accident and an
15 indication whether or not the accident occurred in the course of the licensee's
16 employment as a law enforcement officer, fire fighter or emergency medical
17 technician — paramedic or as a person engaged, by an authority in charge of the

1 maintenance of the highway, in highway winter maintenance snow and ice removal
2 during either a storm or cleanup following a storm. The file of a licensee shall also
3 contain, upon request of the licensee and a showing of satisfactory evidence, a record
4 of completion by the licensee of a course of instruction in traffic safety, defensive
5 driving or similar course or driver improvement counseling approved by the
6 secretary, regardless of whether or not such completion results in a reduction of any
7 points under s. 343.32 (5). This information must be filed by the department so that
8 the complete operator's record is available for the use of the secretary in determining
9 whether operating privileges of such person shall be suspended, revoked, canceled
10 or withheld in the interest of public safety. The record of suspensions, revocations
11 and convictions that would be counted under s. 343.307 (2) shall be maintained for
12 at least 10 years. The record of convictions for disqualifying offenses under s.
13 343.315 (2) (f) shall be maintained for at least 3 years. The record of convictions for
14 disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently,
15 except that 5 years after a licensee transfers residency to another state such record
16 may be transferred to another state of licensure of the licensee if that state accepts
17 responsibility for maintaining a permanent record of convictions for disqualifying
18 offenses. Such reports and records may be cumulative beyond the period for which
19 a license is granted, but the secretary, in exercising the power of revocation granted
20 under s. 343.32 (2) may consider only those reports and records entered during the
21 4-year period immediately preceding the exercise of such power of revocation. For
22 purposes of this subsection, "highway winter maintenance snow and ice removal"
23 includes plowing, sanding, salting and the operation of vehicles in the delivery of
24 those services.

25 **SECTION 3.** 343.32 (2) (e) of the statutes is amended to read:

1 343.32 (2) (e) The In addition to any traffic safety refresher course required
2 under s. 343.38 (1) (d) of a person who has had his or her operating privilege revoked,
3 the secretary may require any person who has had his or her operating privilege
4 suspended or revoked, whether the suspension or revocation is the result of action
5 under this section or s. 343.30, or conviction for an offense which requires mandatory
6 revocation under s. 343.31 to participate in driver improvement counseling,
7 consisting of either group or individual counseling, reexamination or both.

8 **SECTION 4.** 343.32 (5) of the statutes is amended to read:

9 343.32 (5) In adopting rules for weighing traffic convictions by their
10 seriousness under sub. (2), the secretary also may provide by rule for a reduction of
11 4 points or the number of points accumulated up to 4 points if a person shows to the
12 department satisfactory evidence of completion of a course of instruction in traffic
13 safety, defensive driving or similar course or driver improvement counseling
14 approved by the secretary. If the secretary provides for point reduction under this
15 subsection, completion by a person of such course or driver improvement counseling
16 shall, upon request of the person, be recorded on the person's driving record under
17 s. 343.23 (2). No point reduction authorized under this subsection may reduce any
18 demerit points assessed for a violation of any of the provisions of s. 346.63.

19 **SECTION 5.** 343.38 (1) (d) of the statutes is created to read:

20 343.38 (1) (d) Files with the department satisfactory evidence of completion of
21 a traffic safety refresher course approved by rule of the department. The rule shall
22 specify the criteria that a course must satisfy in order to be approved by the
23 department, including curriculum requirements and a minimum number of hours
24 of instruction. The department shall consult with the technical college system board

1 regarding the availability of traffic safety refresher courses in technical colleges,
2 including the enrollment capacity in such courses.

3 **SECTION 6. Initial applicability; transportation.**

4 (1) TRAFFIC SAFETY REFRESHER COURSES. The treatment of sections 84.01 (30)
5 and 343.38 (1) (d) of the statutes first applies to persons whose operating privilege
6 has been revoked by the department of transportation on the effective date of this
7 subsection.

8 **SECTION 7. Effective date.**

9 (1) This act takes effect on the first day of the 7th month beginning after
10 publication.

11 (END)