



1995 ASSEMBLY BILL 557

September 12, 1995 - Introduced by Representative BRANCEL, cosponsored by Senator WEEDEN, by request of Governor Tommy G. Thompson. Referred to Joint survey committee on Tax Exemptions.

1 **AN ACT to repeal** 20.395 (2) (bt), 20.395 (4) (bh), 85.20 (4m) (am), 85.20 (4m) (e),
2 85.50, 86.30 (2) (a) 3. c., 86.32 (2) (am) 5. and 6., 114.002 (4), 114.002 (13), 114.20
3 (2) (c), 114.20 (7), 114.20 (13) (b) 3., 166.20 (7g), 341.14 (6r) (b) 3., 343.03 (1) (c),
4 343.03 (8), 343.14 (4) and 343.265 (1) (a) and (b); **to renumber** 20.395 (1) (bs),
5 85.085 (1) and 343.14 (3); **to renumber and amend** 20.395 (1) (bw), 85.20 (4m)
6 (a), 85.26 (2) (a), 114.20 (9) (a) to (c), 341.297 (2), 343.05 (4) (a) 3. and 343.265
7 (1) (intro.); **to amend** 20.395 (1) (bq), 20.395 (1) (bu), 20.395 (2) (bu), 20.395 (3)
8 (bq), 20.395 (3) (bv), 20.395 (3) (bx), 20.395 (3) (cq), 20.395 (3) (cv), 20.395 (3)
9 (cx), 20.395 (3) (eq), 20.395 (3) (ev), 20.395 (3) (ex), 20.395 (5) (cq), 20.395 (5)
10 (dk), 20.505 (1) (md), 20.566 (1) (u), 20.866 (2) (uv), 20.866 (2) (uw), 25.29 (1) (c),
11 25.29 (1) (d) 1., 25.29 (1) (dm), 25.40 (1) (a) 3., 70.337 (7), 73.01 (4) (a), 78.01 (2)
12 (e), 78.01 (2m) (f), 78.015 (1), 78.12 (2) (intro.), 78.12 (5) (a), 78.40 (1), 78.49 (1)
13 (a), 78.49 (1) (b), 78.75 (1m) (a) 2., 78.75 (1m) (a) 3., 84.013 (3) (ye), 84.076 (5),
14 84.59 (2), 84.59 (6), 85.08 (4m) (e) 1., 85.085 (3), 85.20 (4m) (em) 1., 85.20 (4s),
15 85.24 (3) (d) (intro.), 85.243 (title), 85.243 (2) (a), 86.30 (2) (a) 3. d., 86.30 (9),
16 86.31 (3m), 86.315 (1), 110.08 (2), 114.002 (11), 114.20 (1) (title), 114.20 (1) (a),
17 114.20 (1) (b), 114.20 (2) (intro.), 114.20 (5), 114.20 (9) (d), 114.20 (12), 114.20

1 (13) (b) 1., 114.20 (13) (b) 2., 114.20 (13) (b) 5., 114.20 (15) (b), 121.555 (2) (c) 1.,
2 218.01 (2) (bd) 1g., 218.01 (2) (bd) 1r., 218.01 (2c) (c), 218.01 (3) (a) 24., 218.01
3 (3x) (b) 2., 218.01 (3x) (b) 3., 218.01 (3x) (c) 1. (intro.), 218.01 (3x) (c) 2., 218.01
4 (7m) (a), 218.01 (7m) (c), 340.01 (7m), 340.01 (7r), 341.08 (4), 341.14 (6r) (b) 2.,
5 341.14 (6r) (b) 4., 341.26 (3) (a) 1., 341.43, 341.45 (title), 341.45 (1g) (a), 341.45
6 (1g) (b), 341.45 (2), 341.45 (3), 341.45 (5), 343.02 (1), 343.03 (1) (a), 343.03 (1)
7 (b), 343.03 (5), 343.05 (2) (a) 2., 343.05 (2) (c), 343.055 (5), 343.06 (1) (c), 343.06
8 (2), 343.065 (title), 343.065 (1), 343.065 (2), 343.10 (2) (a) 1., 343.10 (10) (a),
9 343.12 (2) (h), 343.16 (1) (a), 343.17 (3) (e) 1., 343.21 (1) (g), 343.23 (2), 343.24
10 (2m), 343.245 (3) (b) 3. and 4., 343.245 (4) (b), 343.28 (1), 343.28 (2), 343.305 (10)
11 (em), 343.315 (2) (f) (intro.), 343.315 (3) (a), 343.315 (3) (b), 343.32 (4), 343.325
12 (title), 343.325 (2), 343.325 (3), 343.325 (3m), 343.325 (4), 343.325 (5), 343.325
13 (6) (a), 343.44 (title), 343.44 (1), 343.44 (3), 344.12, 344.14 (2) (e), 346.70 (1),
14 348.15 (3) (bg), (br), (bv) and (e), 348.175, 348.19 (2) (b) and (4), 348.27 (4), (9m)
15 and (9r) and 967.055 (2) (a); **to repeal and recreate** 20.395 (2) (bq) (title) and
16 343.03 (1) (title); and **to create** 20.395 (1) (bs), 20.395 (1) (bw), 20.395 (3) (aq),
17 20.566 (1) (ge), 20.835 (4) (ge), 25.40 (1) (a) 12., 25.40 (2) (b) 15g., 70.429, 73.03
18 (29m), 78.005 (13g), 84.01 (30), 84.013 (3) (kb) to (km), 85.085 (1b), 85.20 (4m)
19 (a) 1. to 3., 85.20 (7), 85.243 (2) (b) 5., 85.26 (2) (a) 2., 86.30 (2) (a) 3. e., 86.30
20 (2) (a) 3. f., 86.32 (2) (am) 8., 86.32 (2) (am) 9., 114.20 (9m) (intro.), chapter 140,
21 341.08 (2) (am), 341.08 (2) (cm), 341.08 (8), 341.21, 341.297 (2) (b), 341.45 (4g),
22 341.45 (4m), 343.01 (2) (cb), 343.01 (2) (d), 343.05 (2) (c) 2., 343.14 (3) (b) and
23 (c), 343.21 (1) (jm), 343.21 (1) (m), 343.245 (3) (b) 5., 343.315 (2) (fm), 343.315
24 (2) (h), 343.315 (2) (i) and 343.44 (4r) of the statutes; **relating to:** state finances
25 and appropriations for the department of transportation; imposing an oil

1 company franchise fee; authorizing populous counties to impose a petroleum
2 products storage fee; the reporting date and payment date for the motor vehicle
3 fuel tax; taxation of motor vehicle fuel that is not sold for use on highways;
4 motor vehicle fuel and alternate fuel taxes and qualified motor vehicles; the
5 formula for indexing the fuel taxes; the international fuel tax agreement and
6 the petroleum product inspection and oil company franchise fees; authorizing
7 construction of additional major highway projects; aids for county forest roads;
8 environmental clean-up activities on lands acquired by the department of
9 transportation; vehicle weight limit exceptions on a part of the national system
10 of interstate and defense highways; numerous changes to the classified driver
11 license system and commercial motor vehicle operation; eligibility for an
12 occupational license; demerit point reduction for completion of a rider course
13 relating to Type 1 motorcycle operation; vehicle accidents resulting in property
14 damage; performance of motor vehicle registration and titling functions by
15 motor vehicle dealers; farm truck registration; the fee for issuance or
16 reissuance of special distinguishing motor vehicle registration plates; the fee
17 for furnishing certain operators' records; permitting the department of
18 transportation to make, record and use digitized images of applicants for
19 operators' licenses and identification cards; local transportation and
20 connecting highway aids; the funding of the urban mass transit operating
21 assistance program; repaving a portion of I 43 in Milwaukee County;
22 authorizing the department of transportation to conduct projects under the
23 surface transportation discretionary grants program; railroad rehabilitation
24 and construction loans; rehabilitation of private road crossings; the
25 employment transit assistance program; the registration period and fees

1 applicable to aircraft; eliminating hazardous materials transportation fees;
2 delaying the expiration date of the disadvantaged business demonstration and
3 training program; exempting railroad property acquired by the department of
4 transportation from the tax-exempt property reporting requirement; granting
5 bonding authority; granting rule-making authority; making appropriations;
6 and providing penalties.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill contains the governor's recommendations for appropriations from segregated funds and from the general fund for the department of transportation (DOT) for the 1995-97 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes as it relates to s. 20.395, stats., thereby setting the appropriation levels for DOT for the 1995-97 fiscal biennium. With minor exceptions, the bill does not affect appropriations other than those for DOT. The descriptions that follow relate to the most significant changes in the law proposed in the bill. In many cases, changes in the amounts of existing spending authority are not discussed.

For additional information concerning this bill, see the legislative reference bureau's drafting files that contain separate drafts on many of the policy items.

TRANSPORTATION

TRANSPORTATION REVENUE

This bill creates an oil company franchise fee, which is imposed on persons who import motor vehicle fuel into this state; produce, refine or manufacture motor vehicle fuel in this state; or acquire motor vehicle fuel immediately after it is imported into this state. The rate for the fee is 3.5% of the average weighted retail price per gallon for the sale of motor vehicle fuel in this state. "Average weighted retail price" means \$1.10 for motor vehicle fuel received at terminals between December 1, 1995, which is the effective date of the fee, and March 31, 1997. For motor vehicle fuel received on April 1, 1997, and thereafter, "average weighted retail price" means that price per gallon as determined by a method promulgated by the department of revenue by rule within the range of \$1.10 and \$1.30, except that the lower and upper limits are indexed annually as of April 1 to reflect the change in the consumer price index during the previous year. Dyed diesel fuel; fuel exported from this state; fuel sold to farmers; and fuel shipped from storage at a refinery, marine terminal, pipeline terminal, pipeline tank farm or place of manufacture to another entity of those types are exempt. Persons who use gasoline off highways for the purpose of farming may apply for a refund of the fee.

The proceeds of this fee are part of the transportation projects fund and may be pledged for that purpose.

Under current law, the rates for the motor vehicle fuel tax and for the alternate fuels tax are indexed annually. A formula that has 2 factors, one that reflects inflation and one that reflects consumption of fuel, is used in the indexing. This bill provides that the consumption factor is not used in that indexing if the consumption during the previous year is more than the consumption during the year before the previous year.

This bill authorizes any county that has a population of at least 500,000 to impose a fee at the rate of 2 cents per gallon on the storage of petroleum products, excluding home heating fuel. The proceeds of this fee are required to be used only for the county's mass transit system and for administration of the fee.

Under current law, diesel fuel sold for off-highway use is exempt from the motor vehicle fuel tax. Under this bill, diesel fuel sold for off-highway use in a snowmobile, an all-terrain vehicle that is not registered for private use or a recreational motorboat is taxable.

Under current law, the tax on alternate fuels attaches at the time that the fuel is delivered into the tank of a motor vehicle or, if it is not delivered that way, at the time that the fuel is used. Under this bill, the tax also attaches at the time that the fuel is delivered into the fuel tank of a snowmobile, all-terrain vehicle that is not registered for private use or motorboat.

Under current law, refunds for motor vehicle fuel taxes or alternate fuel taxes paid on fuel used in motorboats, except those registered as motor vehicles, may not be claimed. This bill allows claims for taxes paid for fuel used in nonrecreational motorboats.

Under current law, interstate motor carriers are required to pay the motor vehicle fuel or alternate fuel tax imposed by this state by purchasing motor vehicle fuel or alternate fuels within this state in an amount equal to the number of gallons consumed while operating the vehicle upon the highways of this state; by remitting the tax directly to DOT; or by remitting the tax to the base jurisdiction of the carrier if that jurisdiction is a party to the international fuel tax agreement (IFTA). Carriers are eligible for a credit or a refund equal to the tax on the motor vehicle fuel or alternate fuel actually paid to the state in which it is used, but not to exceed the tax imposed on motor vehicle fuel or alternate fuels by this state. Currently, only the payment of taxes on motor fuel or alternate fuels qualifies for the credit or refund.

With certain exceptions, current law requires the department of industry, labor and human relations (DILHR) to inspect petroleum products received into this state. DILHR must assess a fee from the owner or other person for whom it inspects any petroleum product. This fee is not refundable and may not be credited under IFTA.

This bill requires motor carriers to pay the oil company franchise and petroleum product inspection fees in addition to the tax on motor vehicle fuel and alternative fuel. Carriers who have paid these fees are entitled to a refund or credit equal to the fees actually paid in the state in which it is used, but not to exceed the fees imposed by this state.

Under current law, any person who operates a certain type of motor vehicle for the transportation of persons or property in this state is required to pay a Wisconsin motor vehicle fuel or alternate fuels tax on the gallons of fuel that were purchased or obtained outside this state and which are consumed by the vehicle while being operated in this state. This bill authorizes DOT to issue a 72-hour fuel trip permit at a fee of not less than \$15 to a person who would otherwise be required to pay the Wisconsin motor vehicle fuel or alternate fuels tax. DOT is required to promulgate rules regarding the issuance and use of these permits.

HIGHWAYS

Current law requires that any major highway project, unlike other construction projects undertaken by DOT, receive the approval of the transportation projects commission (TPC) and the legislature before the project may be constructed. A major highway project is a project having a total cost of more than \$5,000,000 and involving construction of a new highway 2.5 miles or more in length; reconstruction or reconditioning of an existing highway that relocates at least 2.5 miles of the highway or adds one or more lanes 5 miles or more in length to the highway; or improvement of an existing multilane divided highway to freeway standards. There are currently 66 enumerated major highway projects approved for construction.

This bill adds 3 major highway projects recommended by TPC to the list of enumerated projects.

Under current law, a county forest road aid program annually provides \$200 per mile of qualifying road to assist counties with the costs of improving public roads in county forests. This bill increases the county forest road aid rate per mile from \$200 to \$600.

This bill permits DOT to fund environmental clean-up activities on lands acquired by DOT that are not eligible to receive funding for the environmental clean-up activities as part of a highway improvement project.

Current law imposes weight limitations for vehicles operating on highways in this state and specifies exceptions to those vehicle weight limits. Certain vehicle weight limit exceptions do not apply or are further restricted on highways that are part of the national system of interstate and defense highways. These exceptions include weight limitations for the transportation of raw forest and agricultural products or of metallic or nonmetallic scrap and for transportation of materials between industrial plants.

This bill provides that, for purposes of vehicle weight limit exceptions, USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage are not part of the national system of interstate and defense highways upon their federal designation as I 39.

Under this bill, if the total amount of federal funds available to DOT is less than the amount of federal funds budgeted in this bill, DOT may increase the use of bond proceeds in the major highway development program to replace the decreased federal funding. These supplemental bond proceeds may not be used to increase the total amount budgeted for the major highway development program.

This bill requires DOT to repave approximately 1.25 miles of I 43, replacing the existing tined surface with a nontined surface, within one year.

DRIVERS AND MOTOR VEHICLES

Under current law, DOT administers a classified driver license system to implement the requirements of the federal commercial motor vehicle safety act of 1986. The classified driver license system provides a comprehensive single license authorizing the operation of specific classes and types of motor vehicles, including commercial motor vehicles. In addition, DOT disqualifies any driver who has committed certain serious traffic-related offenses from operating a commercial motor vehicle for a certain period of time, up to a lifetime disqualification.

This bill makes numerous changes to the classified driver license system. These changes include:

1. Creating new disqualifications for certain offenses relating to a commercial driver license application and for operating a commercial motor vehicle while ordered out-of-service for certain alcohol-related offenses. The bill imposes a longer period of disqualification for an out-of-service violation if the person was operating a hazardous materials transporter or a vehicle designed to carry, or which was actually carrying, 16 or more persons.

2. Requiring a person operating, upon a highway in this state, motorized construction equipment that is designed principally for off-road use, to possess a valid Wisconsin driver's license. The motorized construction equipment operator is exempt from any commercial driver licensing requirements. Current law exempts such operators from all licensing requirements of DOT.

3. Changing restricted commercial driver licenses to prohibit only the operation of commercial motor vehicles in interstate commerce, rather than prohibiting commercial motor vehicle operation outside this state and in interstate commerce.

4. Increasing the fine that may be imposed on an employer who knowingly allows or authorizes an employe to operate a commercial motor vehicle when the employe is not validly authorized to operate the commercial motor vehicle. The penalty is increased from a fine of not more than \$5,000 to a fine of not less than \$2,500 nor more than \$10,000.

5. Making ineligible for an occupational license any person whose license or operating privilege was revoked or suspended within the previous year for a controlled substances violation or a violation of the financial responsibility laws of this state.

Current law permits the secretary of transportation to suspend or revoke a person's operating privilege for repeated violations of state or local traffic laws. The secretary is authorized to establish a schedule of demerit points based on the seriousness of various traffic convictions. The secretary is required to reduce the accumulated demerit points assessed against a person by up to 3 points if the person successfully completes a rider course on motorcycle operation approved by the secretary. Point reduction applies only to demerit points assessed for violations committed before completion of the rider course while the person was driving or operating a Type 1 motorcycle and may not occur more than once.

This bill removes the prohibition against such point reduction occurring more than once per person.

Under current law, the operator of a vehicle involved in an accident resulting in total damage of \$500 or more to a publicly owned vehicle or to private property must report the accident as soon as possible to the state patrol or to the law enforcement agency of the jurisdiction where the accident occurred. Failure to report an accident may result in a forfeiture of not less than \$40 nor more than \$200 or, for a 2nd or subsequent offense within a year, a forfeiture of not less than \$200 nor more than \$500.

Current law also requires DOT to notify the operator or owner of a motor vehicle who is involved in an accident that results in property damage of \$500 or more that he or she must submit to DOT a deposit of security for the accident. A deposit of security is not required if the person can provide proof of financial responsibility (an applicable motor vehicle liability insurance policy or bond in effect at the time of the accident providing minimum levels of liability insurance for bodily injury and property damage). With certain exceptions, failure to provide a deposit of security or proof of financial responsibility after an accident results in revocation of the operator's motor vehicle operating privilege or of the registration of any vehicles registered by the owner of the vehicle involved in the accident.

This bill raises the minimum property damage for these provisions from \$500 to \$1,000.

Under current law, a motor vehicle dealer may accept from a vehicle purchaser applications and any required fees for registration or titling of the vehicle. The dealer must forward the application and fees to DOT within 7 days after the vehicle sale. DOT processes each application and forwards the applicable certificate of registration or title to the purchaser.

This bill allows a motor vehicle dealer, by contract with DOT, to accept and process applications, and any applicable fees, for vehicle registration or titling, and to issue certificates of registration, certificates of title, registration stickers and license plates. DOT may allow a motor vehicle dealer to charge an applicant a fee for such services.

Under current law, farm trucks having a gross weight of 12,000 pounds or less may be registered on a biennial basis for a fee of \$42. This bill requires that each application for registration of a farm truck having a gross weight of not more than 12,000 pounds include a certification that the applicant had or expects to have at least \$6,000 in gross farm profits in the current taxable year or at least one of the 2 previous taxable years. The bill also requires the department of revenue to include a place on an appropriate tax form for a certification that the taxpayer earned at least \$6,000 in gross farm profits in the applicable taxable year.

Currently, members of authorized special groups may obtain special distinguishing registration plates for certain vehicles registered with DOT that are owned or leased by special group members. Special plates may be obtained for automobiles, station wagons, motor homes and certain dual purpose motor homes, farm trucks and dual purpose farm trucks. In addition to the regular registration fee for the particular kind of vehicle, no fee is assessed to issue or reissue special plates associated with endangered resources or Somalia War veterans, \$15 is assessed to issue or reissue special plates related to certain campuses of the

University of Wisconsin System and \$10 is assessed to issue or reissue all other special distinguishing registration plates.

This bill provides that a fee of \$15 be assessed for the issuance or reissuance of all special distinguishing registration plates, including endangered resources and Somalia War veterans special plates.

Under current law, DOT may furnish copies of its computerized driving record file to any person for a fee of \$3 for each file of such records. This bill requires DOT to charge a fee of \$3 for each computerized file that was prepared for purposes relating to maintenance of the computerized driving record file and contains information from uniform traffic citations or motor vehicle accidents.

Under current law, DOT is required to take a photograph of any applicant for a driver's license or identification card (ID card) and affix the photograph to the driver's license or identification card issued to that applicant.

This bill authorizes DOT to take and use a digitized image of an applicant in addition to, or in place of, a photograph for use on a driver's license or ID card issued to that applicant. The bill also requires that any photograph, including a digitized image, be kept confidential by DOT and be used only by DOT, by authorized law enforcement authorities, by state agencies, by federal agencies or as the applicant may direct.

TRANSPORTATION AIDS

Under current law, DOT administers a local transportation aids program. Under the program, DOT makes aid payments to a county based on a share of costs formula for counties, and to a municipality (city, village or town) based on the greater of a share of costs formula for municipalities or an aid rate per mile (\$1,350 for 1995). This bill increases the aid rate per mile to \$1,415 in 1996 and to \$1,480 for 1997 and thereafter.

Under current law, DOT reimburses municipalities for the maintenance of marked routes of the state trunk highway system designated as connecting highways. This bill authorizes a 3% annual increase in the connecting highways aid program for 1996 and 1997, increasing the connecting highway aid rate per mile to a maximum of \$11,105 per mile in 1997 for municipalities having a population over 500,000.

Under current law, DOT pays 42% of the operating expenses of an urban mass transit system if the local public body that provides the mass transit system is eligible for aid under the urban mass transit operating assistance program. DOT also makes supplemental operating assistance payments to eligible systems with annual operating expenses greater than \$20,000,000 and an annual ridership of more than 7,000,000 one-way trips.

This bill revises the funding formula for the program and eliminates supplemental operating assistance payments. Under the bill, DOT makes state aid payments sufficient to ensure that the combination of state and federal aids contributed toward the operating expenses of an urban mass transit system equals a uniform percentage established by DOT. The bill requires DOT to establish uniform percentages for each of the following: 1) mass transit systems in urban areas having a population of less than 50,000; 2) mass transit systems in urban areas

having a population between 50,000 and 200,000; and 3) mass transit systems in urban areas having a population of more than 200,000.

This bill requires DOT to establish, by rule, cost-efficiency standards for urban mass transit systems and, if a mass transit system incurs costs inconsistent with those standards, to exclude those costs from operating expenses for purposes of mass transit aid or to reduce the amount of aid for the mass transit system under the program. The bill requires DOT to establish a transit committee to assist in developing the cost-efficiency standards and to advise DOT on implementing the standards.

This bill increases the level of revenue bonding for major highway projects and transportation administrative facilities from \$950,834,000 to \$1,067,731,400, of which not more than \$1,025,434,300 may be used to fund such projects and facilities.

Under current law, DOT administers a surface transportation discretionary grants program. Under the program, DOT annually may award grants to local public bodies for surface transportation projects that promote nonhighway use or otherwise supplement existing transportation activities. Specific conditions apply to the awarding of grants to any local public body in an urbanized area served by a metropolitan planning organization (an organization that develops transportation plans and programs).

This bill permits DOT to conduct surface transportation projects under the program or to award grants to other state agencies for such projects.

Under current law, DOT administers an employment transit assistance program to provide transit assistance related to access to employment locations and the development of innovative transit service methods. Under the program, DOT may conduct projects with these objectives or may contract with an eligible applicant (a local public body or a private organization) to conduct a project. DOT may make grants to eligible applicants to conduct a project or to match a federal grant for a project. Grants by DOT may not exceed 80% of the cost of a project. 1995 Wisconsin Act 27 (the executive budget) transfers the employment transit assistance program to the department of industry, labor and job development effective July 1, 1996.

This bill changes eligibility requirements for a grant or contract under the program. Eligibility is limited to applicants who provide employment, training or job placement services in a county with a population of 500,000 or more and who are local public bodies or private organizations located in the county or 2 or more state agencies coordinating such services.

Currently, the program is funded solely with federal funds, including oil overcharge funds. This bill discontinues the use of federal oil overcharge funds for the program and appropriates state funds for the program.

RAIL AND AIR TRANSPORTATION

Under current law, DOT is authorized to contract up to \$10,000,000 in public debt for the acquisition of rail property and for grants and loans awarded by DOT for certain rail property acquisitions and improvements. This bill increases this authorized general obligation bonding limit from \$10,000,000 to \$14,500,000.

Under current law, with specified exceptions, any aircraft based in this state is required to be registered annually by its owner with DOT. An annual registration

fee is collected by DOT on the basis of the maximum gross weight of the aircraft, up to a maximum of \$3,125 for aircraft with a maximum gross weight of more than 100,000 pounds. DOT collects a charge for late payment of the annual registration fee of up to 20% of the applicable fee.

This bill makes a number of changes in aircraft registration. The bill:

1. Establishes biennial registration for aircraft with a maximum gross weight of not more than 3,000 pounds, with the current annual registration fee for the aircraft doubled.

2. Requires a minimum late payment charge of \$50.

3. Eliminates an aircraft dealer exemption from aircraft registration.

4. Changes the definition of "antique aircraft" to apply to any aircraft manufactured in 1944 or earlier instead of aircraft more than 35 years old. Current law permits antique aircraft to be registered with DOT for a one-time registration fee of \$50 that remains valid while the aircraft is owned by the registrant.

This bill allows the use of state funds for freight rail infrastructure improvement loans to also be used for the loan component of the local share of rehabilitation projects on publicly owned railroad lines.

Current law requires DOT to fund the rebuilding of any private road that crosses the railroad tracks of a rail transit commission if, among other eligibility requirements, the railroad tracks were rehabilitated during fiscal year 1992-93 or thereafter. This bill specifies that "rehabilitated" means a significant rebuilding of track that increases the service standard of the track.

OTHER TRANSPORTATION

Under current law, the state is authorized to issue general obligation bonds to finance grants awarded by DOT for harbor improvements, with the principal repayment and interest payments to be made from transportation fund revenue.

This bill increases the authorized general obligation bonding limit for grants awarded by DOT for harbor improvements from \$9,000,000 to \$12,000,000.

Under current law, the state emergency response board establishes hazardous materials transportation registration fees to be paid by persons that are required to file federal hazardous materials transportation registration statements because they transport hazardous materials. The fees are based on gross revenue derived from the shipment, the type and quantity of hazardous materials transported, the number and frequency of such shipments, the potential harm threatened by release of the materials and other factors. The money received from those fees is deposited in the general fund and is used in part to fund the administration of those fees. This bill eliminates those fees.

Under current law, DOT administers a demonstration and training program for the purpose of developing the capability of disadvantaged businesses to participate in DOT construction projects. Under the program, disadvantaged businesses include those businesses that are at least 51% owned by minority group members, women or other individuals found by DOT to be socially and economically disadvantaged according to certain federal criteria. The program is scheduled to expire on June 30, 1995.

This bill extends the expiration date for the disadvantaged business demonstration and training program until September 30, 1997.

Under current law, an owner of property that is exempt from taxes is required to file a report on that property every 2 years with the clerk of the taxation district where the property is located. Certain exceptions are made. This bill adds an exception for certain railroad property that DOT acquires.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

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.** 20.005 (3) (schedule) of the statutes, as it affects 20.395 of the
2 statutes, is repealed and recreated to read:

3	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
4	20.395 Transportation, department of				
5	(1) Aids				
6	(ar) Corrections of transportation aid				
7	payments	SEG	S	-0-	-0-
8	(as) Transportation aids to counties,				
9	state funds	SEG	A	68,809,500	73,473,900
10	(at) Transportation aids to				
11	municipalities, state funds	SEG	A	213,556,100	221,474,000
12	(bq) Small communities transit				
13	operating aids, state funds	SEG	A	53,139,900	4,374,000
14	(br) Milwaukee urban area rail transit				
15	system planning study, state funds	SEG	A	-0-	-0-

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(bs) Medium-sized communities transit				
2	operating aids, state funds	SEG	A	3,502,500	14,383,600
3	(bt) Urban rail transit system grants	SEG	C	-0-	-0-
4	(bu) Large communities transit				
5	operating aids, state funds	SEG	A	16,479,200	59,801,000
6	(bv) Transit aids, local funds	SEG-L	C	-0-	-0-
7	(bw) Employment transit aids, state				
8	funds	SEG	A	596,500	-0-
9	(bx) Transit aids, federal funds	SEG-F	C	13,800,000	6,600,000
10	(by) Employment transit aids, federal				
11	funds	SEG-F	C	-0-	-0-
12	(bz) Employment transit aids, federal				
13	oil overcharge funds	SEG-F	C	-0-	-0-
14	(cq) Elderly and disabled capital aids,				
15	state funds	SEG	A	733,700	755,700
16	(cr) Elderly and disabled county aids,				
17	state funds	SEG	A	5,355,600	5,516,300
18	(cv) Elderly and disabled aids, local				
19	funds	SEG-L	C	458,400	463,900
20	(cx) Elderly and disabled aids, federal				
21	funds	SEG-F	C	1,100,000	1,100,000
22	(ds) Demand management and				
23	ride-sharing grants, state funds	SEG	A	300,000	300,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(ex) Highway safety, local assistance,				
2	federal funds	SEG-F	C	1,700,000	1,700,000
3	(fq) Connecting highways aids, state				
4	funds	SEG	A	11,584,500	11,996,400
5	(fs) Flood damage aids, state funds	SEG	S	600,000	600,000
6	(ft) Lift bridge aids, state funds	SEG	B	1,355,300	1,494,700
7	(fu) County forest road aids, state funds	SEG	A	541,500	541,500
8	(gq) Expressway policing aids, state				
9	funds	SEG	A	828,400	853,300
(1) PROGRAM TOTALS					
	SEGREGATED FUNDS			394,441,100	405,428,300
	FEDERAL			(16,600,000)	(9,400,000)
	OTHER			(377,382,700)	(395,564,400)
	LOCAL			(458,400)	(463,900)
	TOTAL-ALL SOURCES			394,441,100	405,428,300
10	(2) LOCAL TRANSPORTATION ASSISTANCE				
11	(aq) Accelerated local bridge				
12	improvement assistance, state				
13	funds	SEG	C	7,403,000	1,000,000
14	(av) Accelerated local bridge				
15	improvement assistance, local				
16	funds	SEG-L	C	1,850,800	250,000
17	(ax) Accelerated local bridge				
18	improvement assistance, federal				
19	funds	SEG-F	C	-0-	-0-
20	(bq) Rail service assistance, state funds	SEG	C	656,400	656,400

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(br) Rail passenger service, state funds	SEG	B	572,500	572,500
2	(bu) Freight rail infrastructure				
3	improvements, state funds	SEG	C	5,579,800	5,579,800
4	(bv) Rail service assistance, local funds	SEG-L	C	500,000	500,000
5	(bw) Freight rail assistance loan				
6	repayments, local funds	SEG-L	C	-0-	-0-
7	(bx) Rail service assistance, federal				
8	funds	SEG-F	C	50,000	50,000
9	(cq) Harbor assistance, state funds	SEG	C	580,700	580,700
10	(dq) Aeronautics assistance, state funds	SEG	C	12,888,900	12,888,900
11	(dv) Aeronautics assistance, local funds	SEG-L	C	6,985,200	6,985,200
12	(dx) Aeronautics assistance, federal				
13	funds	SEG-F	C	20,000,000	20,000,000
14	(eq) Highway and local bridge				
15	improvement assistance, state				
16	funds	SEG	C	7,833,100	8,973,200
17	(ev) Local bridge improvement				
18	assistance, local funds	SEG-L	C	8,142,500	8,428,200
19	(ex) Local bridge improvement				
20	assistance, federal funds	SEG-F	C	24,538,200	24,538,200
21	(fr) Local roads improvement program,				
22	state funds	SEG	C	11,281,400	11,563,400

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(fv) Local transportation facility				
2	improvement assistance, local				
3	funds	SEG-L	C	25,778,400	26,060,400
4	(fx) Local transportation facility				
5	improvement assistance, federal				
6	funds	SEG-F	C	57,538,000	57,538,000
7	(gq) Railroad crossing improvement and				
8	protection maintenance, state funds	SEG	A	2,250,000	2,250,000
9	(gr) Railroad crossing improvement and				
10	protection installation, state funds	SEG	A	450,000	450,000
11	(gs) Railroad crossing repair assistance,				
12	state funds	SEG	C	-0-	-0-
13	(gv) Railroad crossing improvement,				
14	local funds	SEG-L	C	-0-	-0-
15	(gx) Railroad crossing improvement,				
16	federal funds	SEG-F	C	1,849,300	1,849,300
17	(hq) Multimodal transportation studies,				
18	state funds	SEG	C	750,000	750,000
19	(hx) Multimodal transportation studies,				
20	federal funds	SEG-F	C	-0-	-0-
21	(iq) Transportation facilities economic				
22	assistance and development, state				
23	funds	SEG	C	4,250,000	4,250,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(iv) Transportation facilities economic				
2	assistance and development, local				
3	funds	SEG-L	C	4,250,000	4,250,000
4	(iw) Transportation facility				
5	improvement loans, local funds	SEG-L	C	-0-	-0-
6	(ix) Transportation facilities economic				
7	assistance & development, federal				
8	funds	SEG-F	C	-0-	-0-
9	(jq) Surface transportation grants, state				
10	funds	SEG	C	-0-	-0-
11	(jv) Surface transportation grants, local				
12	funds	SEG-L	C	1,000,000	1,000,000
13	(jx) Surface transportation grants,				
14	federal funds	SEG-F	C	4,000,000	4,000,000
15	(kv) Congestion mitigation and air				
16	quality improvement, local funds	SEG-L	C	2,207,400	2,207,400
17	(kx) Congestion mitigation and air				
18	quality improvement, federal funds	SEG-F	C	8,829,500	8,829,500
19	(mq) Local assistance administration,				
20	state funds	SEG	A	1,389,900	1,387,600
21	(mv) Local assistance administration,				
22	local funds	SEG-L	C	-0-	-0-
23	(mx) Local assistance administration,				
24	federal funds	SEG-F	C	300,000	300,000
(2) PROGRAM TOTALS					
SEGREGATED FUNDS				223,705,000	217,688,700

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
	FEDERAL			(117,105,000)	(117,105,000)
	OTHER			(55,885,700)	(50,902,500)
	LOCAL			(50,714,300)	(49,681,200)
	TOTAL-ALL SOURCES			223,705,000	217,688,700
1	(3) STATE HIGHWAY FACILITIES				
2	(aq) Environmental clean-up activities,				
3	state funds	SEG	C	2,000,000	2,000,000
4	(bq) Major highway development, state				
5	funds	SEG	C	20,126,000	21,082,600
6	(br) Major highway development,				
7	service funds	SEG-S	C	98,597,900	101,950,600
8	(bv) Major highway development, local				
9	funds	SEG-L	C	-0-	-0-
10	(bx) Major highway development,				
11	federal funds	SEG-F	C	59,550,500	61,337,000
12	(cq) State highway rehabilitation, state				
13	funds	SEG	C	258,573,100	295,029,600
14	(cv) State highway rehabilitation, local				
15	funds	SEG-L	C	2,000,000	2,000,000
16	(cx) State highway rehabilitation,				
17	federal funds	SEG-F	C	162,666,000	160,879,500
18	(eq) Highway maintenance, repair and				
19	traffic operations, state funds	SEG	B	141,732,900	145,632,300
20	(ev) Highway maintenance, repair and				
21	traffic operations, local funds	SEG-L	C	250,000	250,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(ex) Highway maintenance, repair and				
2	traffic operations, federal funds	SEG-F	C	-0-	-0-
3	(iq) Administration and planning, state				
4	funds	SEG	A	17,216,300	17,216,300
5	(ir) Disadvantaged business				
6	mobilization assistance, state funds	SEG	C	-0-	-0-
7	(iv) Administration and planning, local				
8	funds	SEG-L	C	-0-	-0-
9	(ix) Administration and planning,				
10	federal funds	SEG-F	C	3,282,700	3,282,700
(3) PROGRAM TOTALS					
	SEGREGATED FUNDS			765,995,400	810,660,600
	FEDERAL			(225,499,200)	(225,499,200)
	OTHER			(439,648,300)	(480,960,800)
	SERVICE			(98,597,900)	(101,950,600)
	LOCAL			(2,250,000)	(2,250,000)
	TOTAL-ALL SOURCES			765,995,400	810,660,600
11	(4) GENERAL TRANSPORTATION OPERATIONS				
12	(aq) Departmental management and				
13	operations, state funds	SEG	A	39,700,700	39,514,900
14	(ar) Minor construction projects, state				
15	funds	SEG	C	710,000	576,000
16	(as) Information technology				
17	development projects	PR-S	A	-0-	-0-
18	(at) Capital building projects, service				
19	funds	SEG-S	C	2,000,000	2,785,400

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(av) Departmental management and				
2	operations, local funds	SEG-L	C	369,000	369,000
3	(ax) Departmental management and				
4	operations, federal funds	SEG-F	C	6,825,000	6,825,000
5	(ch) Gifts and grants	PR	C	-0-	-0-
6	(dq) Demand management	SEG	A	250,500	250,500
7	(eq) Data processing services, service				
8	funds	SEG-S	C	15,109,600	15,109,600
9	(er) Fleet operations, service funds	SEG-S	C	11,413,900	11,413,900
10	(es) Other department services,				
11	operations, service funds	SEG-S	C	1,119,800	1,119,800
12	(et) Equipment acquisition	SEG	A	-0-	-0-
(4) PROGRAM TOTALS					
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			77,498,500	77,964,100
	FEDERAL			(6,825,000)	(6,825,000)
	OTHER			(40,661,200)	(40,341,400)
	SERVICE			(29,643,300)	(30,428,700)
	LOCAL			(369,000)	(369,000)
	TOTAL-ALL SOURCES			77,498,500	77,964,100
13	(5) MOTOR VEHICLE SERVICES AND ENFORCEMENT				
14	(cg) Vehicle registration, telephone				
15	renewal transactions, state funds	PR	C	-0-	-0-
16	(ch) Repaired salvage vehicle				
17	examinations, state funds	PR	C	-0-	-0-

SECTION 1

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97
1	(cq) Vehicle reg., inspection &				
2	maintenance & driver licensing,				
3	state funds	SEG	A	61,900,800	62,578,200
4	(cx) Vehicle registration and driver				
5	licensing, federal funds	SEG-F	C	200,000	200,000
6	(dk) Public safety radio management,				
7	service funds	PR-S	C	143,600	143,600
8	(dq) Vehicle inspection, traffic				
9	enforcement and radio				
10	management, state funds	SEG	A	39,042,500	39,423,500
11	(dx) Vehicle inspection and traffic				
12	enforcement, federal funds	SEG-F	C	2,029,300	2,029,300
13	(hq) Motor veh. emission insp. and				
14	maint. program; contractor costs;				
15	state funds	SEG	A	8,021,700	8,021,700
16	(hx) Motor vehicle emission inspection				
17	and maintenance programs, federal				
18	funds	SEG-F	C	-0-	-0-
19	(iv) Municipal and county registration				
20	fee, local funds	SEG-L	C	-0-	-0-

(5) PROGRAM TOTALS

PROGRAM REVENUE	143,600	143,600
OTHER	(-0-)	(-0-)
SERVICE	(143,600)	(143,600)
SEGREGATED FUNDS	111,194,300	112,252,700
FEDERAL	(2,229,300)	(2,229,300)
OTHER	(108,965,000)	(110,023,400)
LOCAL	(-0-)	(-0-)
TOTAL-ALL SOURCES	111,337,900	112,396,300

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995-96	1996-97	
1	(6) DEBT SERVICES					
2	(aq) Principal repayment and interest,					
3	transportation facilities, state funds	SEG	S	8,643,300	7,241,500	
4	(ar) Principal repayment and interest,					
5	buildings, state funds	SEG	S	686,800	645,100	
6	(as) Transportation facilities and					
7	highway projects revenue					
8	obligation repayment	SEG	C	-0-	-0-	
	(6) PROGRAM TOTALS					
	SEGREGATED FUNDS			9,330,100	7,886,600	
	OTHER			(9,330,100)	(7,886,600)	
	TOTAL-ALL SOURCES			9,330,100	7,886,600	
	20.395 DEPARTMENT TOTALS					
	PROGRAM REVENUE			143,600	143,600	
	OTHER			(-0-)	(-0-)	
	SERVICE			(143,600)	(143,600)	
	SEGREGATED FUNDS			1,582,164,400	1,631,881,000	
	FEDERAL			(368,258,500)	(361,058,500)	
	OTHER			(1,031,873,000)	(1,085,679,100)	
	SERVICE			(128,241,200)	(132,379,300)	
	LOCAL			(53,791,700)	(52,764,100)	
	TOTAL-ALL SOURCES			1,582,308,000	1,632,024,600	

9

10 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert

11 the following amounts for the purposes indicated:

12		1995-96	1996-97
13	20.445 Industry, labor and human relations,		
14	department of		

15 (1) INDUSTRY, LABOR AND HUMAN RELATIONS

				1995-96	1996-97
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1 (ny) Employment transit aids, state

2	funds	SEG	A	-0-	614,400
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3 **20.566 Revenue, department of**

4 (1) COLLECTION OF TAXES

5 (ge) Administration of local petro-

6	leum storage fee	PR	A	150,000	300,000
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7 **SECTION 3.** 20.395 (1) (bq) of the statutes is amended to read:

8 20.395 (1) (bq) (title) *Transit Small communities transit operating aids, state*
9 *funds.* The amounts in the schedule for the mass transit aid program aids to small
10 communities under s. 85.20 (4m) (a) 1.

11 **SECTION 4.** 20.395 (1) (bs) of the statutes is renumbered 20.395 (1) (ds).

12 **SECTION 5.** 20.395 (1) (bs) of the statutes is created to read:

13 20.395 (1) (bs) *Medium-sized communities transit operating aids, state funds.*

14 The amounts in the schedule for mass transit aids to medium-sized communities
15 under s. 85.20 (4m) (a) 2.

16 **SECTION 6.** 20.395 (1) (bu) of the statutes is amended to read:

17 20.395 (1) (bu) (title) *Supplemental Large communities transit operating aids,*
18 *state funds.* The amounts in the schedule for the mass transit aid program aids to
19 large communities under s. 85.20 (4m) (~~am~~) (a) 3.

20 **SECTION 7.** 20.395 (1) (bw) of the statutes is created to read:

21 20.395 (1) (bw) *Employment transit aids, state funds.* The amounts in the
22 schedule for the employment transit assistance program under s. 85.26.

1 **SECTION 8.** 20.395 (1) (bw) of the statutes, as created by 1995 Wisconsin Act ...
2 (this act), is renumbered 20.445 (1) (ny) and amended to read:

3 20.445 (1) (ny) *Employment transit aids, state funds.* ~~The~~ From the
4 transportation fund, the amounts in the schedule for the employment transit
5 assistance program under s. ~~85.26~~ 106.26.

6 **SECTION 9.** 20.395 (2) (bq) (title) of the statutes is repealed and recreated to
7 read:

8 20.395 (2) (bq) (title) *Rail service assistance, state funds.*

9 **SECTION 10.** 20.395 (2) (bt) of the statutes is repealed.

10 **SECTION 11.** 20.395 (2) (bu) of the statutes is amended to read:

11 20.395 (2) (bu) *Freight rail infrastructure improvements, state funds.* As a
12 continuing appropriation, the amounts in the schedule for loans under s. 85.08 (4m)
13 (d) and (e) and to make payments under s. 85.085.

14 **SECTION 12.** 20.395 (3) (aq) of the statutes is created to read:

15 20.395 (3) (aq) *Environmental clean-up activities, state funds.* As a continuing
16 appropriation, the amounts in the schedule for environmental clean-up activities
17 under s. 84.01 (30).

18 **SECTION 13.** 20.395 (3) (bq) of the statutes is amended to read:

19 20.395 (3) (bq) *Major highway development, state funds.* As a continuing
20 appropriation, the amounts in the schedule for major development of state trunk and
21 connecting highways and, before ~~July 1, 1995~~ October 1, 1997, for the disadvantaged
22 business demonstration and training program under s. 84.076.

23 **SECTION 14.** 20.395 (3) (bv) of the statutes is amended to read:

24 20.395 (3) (bv) *Major highway development, local funds.* All moneys received
25 from any local unit of government or other source for major development of state

1 trunk and connecting highways, including the railroad and utility alteration and
2 relocation loan program under s. 84.065, and, before ~~July 1, 1995~~ October 1, 1997,
3 the disadvantaged business demonstration and training program under s. 84.076,
4 for such purposes.

5 **SECTION 15.** 20.395 (3) (bx) of the statutes is amended to read:

6 20.395 (3) (bx) *Major highway development, federal funds.* All moneys received
7 from the federal government for major development of state trunk and connecting
8 highways and, before ~~July 1, 1995~~ October 1, 1997, the disadvantaged business
9 demonstration and training program under s. 84.076, for such purposes.

10 **SECTION 16.** 20.395 (3) (cq) of the statutes is amended to read:

11 20.395 (3) (cq) *State highway rehabilitation, state funds.* As a continuing
12 appropriation, the amounts in the schedule for improvement of existing state trunk
13 and connecting highways; for improvement of bridges on state trunk or connecting
14 highways and other bridges for which improvement is a state responsibility, for
15 necessary approach work for such bridges and for replacement of such bridges with
16 at-grade crossing improvements; for the construction and rehabilitation of the
17 national system of interstate and defense highways and bridges and related
18 appurtenances; for special maintenance activities under s. 84.04 on roadside
19 improvements; for bridges under s. 84.10; for payment to a local unit of government
20 for a jurisdictional transfer under s. 84.02 (8); and, before ~~July 1, 1995~~ October 1,
21 1997, for the disadvantaged business demonstration and training program under s.
22 84.076.

23 **SECTION 17.** 20.395 (3) (cv) of the statutes is amended to read:

24 20.395 (3) (cv) *State highway rehabilitation, local funds.* All moneys received
25 from any local unit of government or other source for the specific information sign

1 program under s. 86.195; for improvement of existing state trunk and connecting
2 highways; for improvement of bridges on state trunk or connecting highways and
3 other bridges for which improvement is a state responsibility, for necessary approach
4 work for such bridges and for replacement of such bridges with at-grade crossing
5 improvements; for the construction and rehabilitation of the national system of
6 interstate and defense highways and bridges and related appurtenances; for special
7 maintenance activities under s. 84.04 on roadside improvements; for the railroad
8 and utility alteration and relocation loan program under s. 84.065 and, before July
9 1, 1995 October 1, 1997, for the disadvantaged business demonstration and training
10 program under s. 84.076, for such purposes.

11 **SECTION 18.** 20.395 (3) (cx) of the statutes is amended to read:

12 20.395 (3) (cx) *State highway rehabilitation, federal funds.* All moneys
13 received from the federal government for improvement of existing state trunk and
14 connecting highways; for improvement of bridges on state trunk or connecting
15 highways and other bridges for which improvement is a state responsibility, for
16 necessary approach work for such bridges and for replacement of such bridges with
17 at-grade crossing improvements; for the construction and rehabilitation of the
18 national system of interstate and defense highways and bridges and related
19 appurtenances; for special maintenance activities under s. 84.04 on roadside
20 improvements and, before July 1, 1995 October 1, 1997, for the disadvantaged
21 business demonstration and training program under s. 84.076, for such purposes.

22 **SECTION 19.** 20.395 (3) (eq) of the statutes is amended to read:

23 20.395 (3) (eq) *Highway maintenance, repair and traffic operations, state*
24 *funds.* Biennially, the amounts in the schedule for the maintenance and repair of
25 roadside improvements under s. 84.04, state trunk highways under s. 84.07 and

1 bridges that are not on the state trunk highway system under s. 84.10; for highway
2 operations such as permit issuance, pavement marking, highway signing, traffic
3 signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27
4 and ch. 349; and, before ~~July 1, 1995~~ October 1, 1997, for the disadvantaged business
5 demonstration and training program under s. 84.076. This paragraph does not apply
6 to special maintenance activities under s. 84.04 on roadside improvements.

7 **SECTION 20.** 20.395 (3) (ev) of the statutes is amended to read:

8 20.395 (3) (ev) *Highway maintenance, repair and traffic operations, local*
9 *funds.* All moneys received from any local unit of government or other sources for
10 the maintenance and repair of roadside improvements under s. 84.04, state trunk
11 highways under s. 84.07 and bridges that are not on the state trunk highway system
12 under s. 84.10; for signing under s. 86.195; for highway operations such as permit
13 issuance, pavement marking, highway signing, traffic signalization and highway
14 lighting under ss. 84.04, 84.07, 84.10 and 348.25 to 348.27 and ch. 349; and, before
15 ~~July 1, 1995~~ October 1, 1997, for the disadvantaged business demonstration and
16 training program under s. 84.076; for such purposes. This paragraph does not apply
17 to special maintenance activities under s. 84.04 on roadside improvements.

18 **SECTION 21.** 20.395 (3) (ex) of the statutes is amended to read:

19 20.395 (3) (ex) *Highway maintenance, repair and traffic operations, federal*
20 *funds.* All moneys received from the federal government for the maintenance and
21 repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07
22 and bridges that are not on the state trunk highway system under s. 84.10; for
23 highway operations such as permit issuance, pavement marking, highway signing,
24 traffic signalization and highway lighting under ss. 84.04, 84.07, 84.10 and 348.25
25 to 348.27 and ch. 349; and, before ~~July 1, 1995~~ October 1, 1997, for the disadvantaged

1 business demonstration and training program under s. 84.076; for such purposes.
2 This paragraph does not apply to special maintenance activities under s. 84.04 on
3 roadside improvements.

4 **SECTION 22.** 20.395 (4) (bh) of the statutes is repealed.

5 **SECTION 23.** 20.395 (5) (cq) of the statutes is amended to read:

6 20.395 (5) (cq) *Vehicle registration, inspection and maintenance and driver*
7 *licensing, state funds.* The amounts in the schedule for administering the vehicle
8 registration and driver licensing program, including the traffic violation and
9 registration program and the driver license reinstatement training program under
10 s. 85.28, for administering the motor vehicle emission inspection and maintenance
11 program under s. 110.20, for the training of inspectors under s. 110.22, for
12 administering the fuel tax and fee reporting program under s. 341.45 and to
13 compensate for services performed, as determined by the secretary of transportation,
14 by any county providing registration services.

15 **SECTION 24.** 20.395 (5) (dk) of the statutes is amended to read:

16 20.395 (5) (dk) *Public safety radio management, service funds.* From the
17 general fund, all moneys received by the department from the department and from
18 other state agencies for purposes related to the statewide public safety radio
19 management program under s. 85.12, for that purpose.

20 **SECTION 25.** 20.505 (1) (md) of the statutes is amended to read:

21 20.505 (1) (md) *Oil overcharge restitution funds.* All federal moneys received
22 as oil overcharge funds, as defined in s. 14.065 (1), for expenditure under proposals
23 approved by the joint committee on finance under s. 14.065 ~~and for transfers under~~
24 ~~1993 Wisconsin Act 16, section 9201 (1z).~~

25 **SECTION 26.** 20.566 (1) (ge) of the statutes is created to read:

1 20.566 (1) (ge) *Administration of local petroleum storage fee*. From moneys
2 received from the appropriation under s. 20.835 (4) (ge), the amounts in the schedule
3 for the purpose of administering the local petroleum storage fee under s. 70.429.

4 **SECTION 27.** 20.566 (1) (u) of the statutes is amended to read:

5 20.566 (1) (u) (title) *Motor fuel tax and oil company franchise fee*
6 *administration*. From the transportation fund, the amounts in the schedule to cover
7 the costs, including data processing costs, incurred in administering the motor fuel
8 tax law and oil company franchise fee laws, except s. 341.45.

9 **SECTION 28.** 20.835 (4) (ge) of the statutes is created to read:

10 20.835 (4) (ge) *Local petroleum storage fee*. All moneys received under s. 70.429
11 for distribution to the counties that impose the fee under that section, except that
12 1.5% of the amount collected under that section shall be credited to the appropriation
13 under s. 20.566 (1) (ge).

14 **SECTION 29.** 20.866 (2) (uv) of the statutes is amended to read:

15 20.866 (2) (uv) *Transportation, harbor improvements*. From the capital
16 improvement fund, a sum sufficient for the department of transportation to provide
17 grants for harbor improvements. The state may contract public debt in an amount
18 not to exceed \$9,000,000 \$12,000,000 for this purpose.

19 **SECTION 30.** 20.866 (2) (uw) of the statutes is amended to read:

20 20.866 (2) (uw) *Transportation; rail acquisitions and improvements*. From the
21 capital improvement fund, a sum sufficient for the department of transportation to
22 acquire railroad property under ss. 85.08 (2) (L) and 85.09; and to provide grants and
23 loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d);
24 ~~and to credit the appropriation account under s. 20.395 (2) (bt) as reimbursement for~~
25 ~~initial temporary funding of acquisitions, grants or loans authorized under 1993~~

1 ~~Wisconsin Act 16, section 9154 (4n).~~ The state may contract public debt in an amount
2 not to exceed \$10,000,000 \$14,500,000 for these purposes.

3 **SECTION 31.** 25.29 (1) (c) of the statutes is amended to read:

4 25.29 (1) (c) ~~For fiscal year 1992-93, and for each fiscal year thereafter, an~~ An
5 amount equal to the estimated motorboat gas tax payment multiplied by 1.4. The
6 estimated motorboat gas tax payment is calculated by multiplying the number of
7 motorboats registered under s. 30.52 on January 1 of the previous fiscal year by 50
8 gallons and multiplying that product by the sum of the excise tax imposed under s.
9 78.01 (1) and the oil company franchise fee under ch. 140 calculated on a
10 cents-per-gallon basis by the department of revenue under s. 140.03 (7) that are
11 imposed on April 1 of the previous fiscal year.

12 **SECTION 32.** 25.29 (1) (d) 1. of the statutes is amended to read:

13 25.29 (1) (d) 1. An amount calculated by multiplying the number of
14 snowmobiles registered under s. 350.12 on the last day of February of the previous
15 fiscal year by 50 gallons and multiplying that product by the sum of the excise tax
16 imposed under s. 78.01 (1) and the oil company franchise fee under ch. 140 calculated
17 on a cents-per-gallon basis by the department of revenue under s. 140.03 (7) that
18 are imposed on the last day of February of the previous fiscal year.

19 **SECTION 33.** 25.29 (1) (dm) of the statutes is amended to read:

20 25.29 (1) (dm) ~~For fiscal year 1991-92 and for each fiscal year thereafter, an~~
21 An amount equal to the estimated all-terrain vehicle gas tax payment. The
22 estimated all-terrain vehicle gas tax payment is calculated by multiplying the sum
23 of the number of all-terrain vehicles registered for public use under s. 23.33 (2) (c)
24 and the number of reflectorized plates issued under s. 23.33 (2) (dm) on the last day
25 of February of the previous fiscal year by 25 gallons and multiplying that product by

1 the sum of the excise tax imposed under s. 78.01 (1) and the oil company franchise
2 fee under ch. 140 calculated on a cents-per-gallon basis by the department of
3 revenue under s. 140.03 (7) that are imposed on the last day of February of the
4 previous fiscal year.

5 **SECTION 34.** 25.40 (1) (a) 3. of the statutes is amended to read:

6 25.40 (1) (a) 3. Revenues collected under s. 341.25 or ch. 140 that are pledged
7 to the fund created under s. 84.59 (2).

8 **SECTION 35.** 25.40 (1) (a) 12. of the statutes is created to read:

9 25.40 (1) (a) 12. Fees collected under s. 341.45 (1g) (a) that are required under
10 s. 341.45 (4m) to be deposited in the petroleum inspection fund.

11 **SECTION 36.** 25.40 (2) (b) 15g. of the statutes is created to read:

12 25.40 (2) (b) 15g. Section 20.445 (1) (ny).

13 **SECTION 37.** 70.337 (7) of the statutes is amended to read:

14 70.337 (7) This section does not apply to property that is exempt under s. 70.11
15 (13), (13m), (15), (15m), (21) or (30), property that is exempt under s. 70.11 (18) if a
16 payment in lieu of taxes is made for that property, lake beds owned by the state, state
17 forests under s. 28.03 or 28.035, county forests under s. 28.10, property acquired by
18 the department of transportation under s. 85.08 (2) (L) or 85.09 or highways, as
19 defined in s. 340.01 (22).

20 **SECTION 38.** 70.429 of the statutes is created to read:

21 **70.429 Local petroleum storage fee. (1)** Any county that has a population
22 of 500,000 or more may impose on the owners of facilities in that county where
23 petroleum products, as defined in s. 168.03, are stored a fee of 2 cents per gallon of
24 those products, except home heating fuel, if the county fulfills all of the following
25 requirements:

1 (a) Authorizes the imposition by a resolution of its board.

2 (b) Notifies the department of revenue at least 90 days before the effective date
3 of the resolution under par. (a).

4 (c) Devotes all of the net proceeds of the fee to its mass transit system, as
5 defined in s. 85.20 (1) (e).

6 **(2)** (a) The department of revenue shall administer the fee under this section.

7 (b) Sections 78.65 to 78.74, 78.80 and 78.81, as they apply to the taxes under
8 ch. 78, apply to the fee under this section.

9 (c) The requirements under s. 78.12 for reporting and for paying the tax under
10 subch. I of ch. 78 apply to the fee under this section.

11 (d) On or before the 5th day of each month, the department of revenue shall pay
12 to each county that imposes a fee under this section 98.5% of the amount that the
13 department has collected for the county under this section during the previous
14 month.

15 (dm) The state shall retain 1.5% of the amount collected under this section to
16 cover costs incurred by the state in administering, enforcing and collecting the fee.

17 (e) 1. To protect the revenues of this state, the department of revenue may
18 require any person who is liable to the department for the tax under this section to
19 place with it security in the amount that the department determines. The
20 department of revenue may increase or decrease the amount of the security, but that
21 amount may not exceed 3 times the person's average monthly liability for the tax
22 under this section as estimated by the department. If any person fails to provide that
23 security, the department of revenue may refuse to issue a license under s. 78.09 or
24 may revoke the person's license under s. 78.09. If any taxpayer is delinquent in the
25 payment of the tax under this section, the department of revenue may, upon 10 days'

1 notice, recover the tax, interest, penalties, costs and disbursements from the person's
2 security. The department of revenue may not pay interest on any security deposit.

3 2. The security required under subd. 1. may be a surety bond furnished to the
4 department of revenue and payable to this state. The department of revenue shall
5 prescribe the form and contents of the bond.

6 3. The surety of a bond under subd. 2. may conditionally cancel the bond by
7 filing written notice with the person who is liable for the tax under this section and
8 with the department of revenue. A surety who files that notice is not discharged from
9 any liability that has accrued or from any liability that accrues within 60 days after
10 the filing. If the person who is liable for the tax under this section does not, within
11 60 days after receiving the notice, file with the department of revenue a new bond
12 that is satisfactory to the department, the department shall revoke the person's
13 license under s. 78.09. If the person furnishes a new bond, the department of revenue
14 shall cancel and surrender the old bond when it is satisfied that all liability under
15 the old bond has been discharged.

16 4. If the liability on the bond is discharged or reduced or if the department of
17 revenue determines that the bond is insufficient, the department shall require
18 additional surety or new bonds. If any person who is liable for the tax under this
19 section fails to file that additional bond within 5 days after the department of
20 revenue provides written notice, that person's license under s. 78.09 is revoked.

21 **SECTION 39.** 73.01 (4) (a) of the statutes is amended to read:

22 73.01 (4) (a) Subject to the provisions for judicial review contained in s. 73.015,
23 the commission shall be the final authority for the hearing and determination of all
24 questions of law and fact arising under sub. (5) and s. 72.86 (4), 1985 stats., and ss.
25 70.11 (21), 70.38 (4) (a), 70.397, 70.429, 70.64, 70.995 (8), 76.38 (12) (a), 76.39 (4) (c),

1 76.48 (6), 77.26 (3), 77.59 (6) (b), 78.01, 78.22, 78.40, 78.555, 139.02, 139.03, 139.06,
2 139.31, 139.315, 139.33, 139.76 and 139.78, subch. XIV of ch. 71 and, subch. VII of
3 ch. 77 and ch. 140. Whenever with respect to a pending appeal there is filed with the
4 commission a stipulation signed by the department of revenue and the adverse party,
5 under s. 73.03 (25), agreeing to an affirmance, modification or reversal of the
6 department's position with respect to some or all of the issues raised in the appeal,
7 the commission shall enter an order affirming or modifying in whole or in part, or
8 canceling the assessment appealed from, or allowing in whole or in part or denying
9 the petitioner's refund claim, as the case may be, pursuant to and in accordance with
10 the stipulation filed. No responsibility shall devolve upon the commission,
11 respecting the signing of an order of dismissal as to any pending appeal settled by
12 the department without the approval of the commission.

13 **SECTION 40.** 73.03 (29m) of the statutes is created to read:

14 73.03 (**29m**) To provide on an appropriate tax form, as determined by the
15 secretary of revenue, a place for taxpayers to certify that they had at least \$6,000 in
16 gross farm profits, as defined in s. 71.58 (4), for the applicable taxable year.

17 **SECTION 41.** 78.005 (13g) of the statutes is created to read:

18 78.005 (**13g**) "Recreational motorboat" means a motorboat used predominately
19 for entertainment, amusement or recreation, whether or not it is used in a trade or
20 business.

21 **SECTION 42.** 78.01 (2) (e) of the statutes is amended to read:

22 78.01 (**2**) (e) Gasoline sold for nonhighway use other than use in a snowmobile,
23 an all-terrain vehicle that is not registered for private use under s. 23.33 (2) (d) or
24 a recreational motorboat or in mobile machinery and equipment and delivered
25 directly into the consumer's storage tank in an amount of not less than 100 gallons.

1 **SECTION 43.** 78.01 (2m) (f) of the statutes is amended to read:

2 78.01 **(2m)** (f) It is sold for off-highway use other than use in a snowmobile, an
3 all-terrain vehicle that is not registered for private use under s. 23.33 (2) (d) or a
4 recreational motorboat if no claim for a refund for the tax on the diesel fuel may be
5 made under s. 78.75 (1m) (a) 3.

6 **SECTION 44.** 78.015 (1) of the statutes is amended to read:

7 78.015 **(1)** Before April 1 the department shall recompute and publish the rate
8 for the tax imposed under s. 78.01 (1). The new rate per gallon shall be calculated
9 by multiplying the rate in effect ~~at the time of the calculation~~ after the previous
10 indexing by an ~~the~~ amount obtained by multiplying the amount under sub. (2) by the
11 amount under sub. (3) if the amount under sub. (3) is 1.0 or more. The new rate per
12 gallon shall be calculated by multiplying the rate in effect after the previous indexing
13 by the amount obtained under sub. (2) if the amount under sub. (3) is less than 1.0.

14 **SECTION 45.** 78.12 (2) (intro.) of the statutes is amended to read:

15 78.12 **(2)** REPORTS OF LICENSEES. (intro.) Each licensee shall, not later than the
16 ~~last~~ 20th day of each month, file with the department, or, if the department so
17 requires, file electronically with any state agency that the department specifies, on
18 forms prescribed and furnished by the department, a report that indicates for the
19 month before the month during which the report is due the following:

20 **SECTION 46.** 78.12 (5) (a) of the statutes is amended to read:

21 78.12 **(5)** (a) Licensed suppliers shall pay taxes on motor vehicle fuel no later
22 than the ~~15th~~ 20th day of the month for motor vehicle fuel sold during the previous
23 month. At the option of a wholesaler distributor, a licensed supplier shall allow the
24 wholesaler distributor to delay paying the tax to the licensed supplier until the date
25 that the tax is due to this state. A wholesaler distributor who makes delayed

1 payments shall make the payments by electronic funds transfer. If a wholesaler
2 distributor fails to make timely payments, the licensed supplier may terminate the
3 right of the wholesaler distributor to make delayed payments. Each licensed
4 supplier shall notify the department of each wholesaler distributor who makes
5 delayed payments of the tax. The department may require any wholesaler
6 distributor who makes delayed payments of the tax to file with the department a
7 surety bond payable to this state in an amount not to exceed 3 times the highest
8 estimated monthly tax owed by the wholesaler distributor. Whenever the
9 wholesaler distributor pays the licensed supplier, the licensed supplier shall credit
10 the wholesaler distributor's account for the amount of tax reduction that results from
11 the calculation under s. 78.12 (4) (a) 2.

12 **SECTION 47.** 78.40 (1) of the statutes is amended to read:

13 78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate
14 determined under s. 78.405 is imposed on the use of alternate fuels. The tax, with
15 respect to all alternate fuel delivered by an alternate fuel dealer into supply tanks
16 of motor vehicles in this state, attaches at the time of delivery and shall be collected
17 by the dealer from the alternate fuels user and shall be paid to the department. The
18 tax, with respect to alternate fuels acquired by any alternate fuels user other than
19 by delivery by an alternate fuel dealer into a fuel supply tank of a motor vehicle, or
20 of a snowmobile, an all-terrain vehicle that is not registered for private use under
21 s. 23.33 (2) (d) or a recreational motorboat, attaches at the time of the use of the fuel
22 and shall be paid to the department by the user. The department may permit any
23 supplier of alternate fuels to report and pay to the department the tax on alternate
24 fuels delivered into the storage facility of an alternate fuels user or retailer which will
25 be consumed for alternate fuels tax purposes or sold at retail.

1 **SECTION 48.** 78.49 (1) (a) of the statutes is amended to read:

2 78.49 (1) (a) For the purpose of determining the amount of liability to the state
3 for the tax under this subchapter, except as provided in par. (b), each alternate fuels
4 licensee shall, not later than the last 20th day of each month, file a monthly report
5 for the next preceding month with the department on forms furnished and prescribed
6 by it. Such report shall contain a declaration by the licensee that the statements
7 contained therein are accurate and are a true return of the amount of the alternate
8 fuels tax due and shall be subscribed by the licensee or the licensee's duly authorized
9 agent. The report shall show, with reference to each location at which an alternate
10 fuel is delivered or placed by such licensee into a fuel supply tank of any motor
11 vehicle, the information that the department reasonably requires for the proper
12 administration and enforcement of the tax under this subchapter. The department
13 shall give due consideration to the varying types of operations and transactions in
14 specifying the information required.

15 **SECTION 49.** 78.49 (1) (b) of the statutes is amended to read:

16 78.49 (1) (b) The department may allow alternate fuels licensees whose tax
17 liability is less than \$500 per quarter to file on a quarterly basis. Quarterly reports
18 shall be mailed on or before the last 20th day of the next month following the end of
19 each calendar quarter. The report shall contain the declaration, subscription and
20 information specified in par. (a).

21 **SECTION 50.** 78.75 (1m) (a) 2. of the statutes is amended to read:

22 78.75 (1m) (a) 2. A person who uses motor vehicle fuel or an alternate fuel upon
23 which has been paid the tax required under this chapter for the purpose of operating
24 a snowmobile, as defined under s. 340.01 (58a), an aircraft, as defined under s. 78.55
25 (2), or a motorboat, as defined under s. 30.50 (6), unless the motorboat is exempt from

1 ~~registration as a motor vehicle under s. 341.05 (20) not a recreational motorboat~~, may
2 not be reimbursed or repaid the amount of tax paid.

3 **SECTION 51.** 78.75 (1m) (a) 3. of the statutes is amended to read:

4 78.75 **(1m)** (a) 3. Claims under subd. 1. shall be made and filed upon forms
5 prescribed and furnished by the department. The forms shall indicate that refunds
6 are not available for motor vehicle fuel or alternate fuels used for motorboats, except
7 motorboats exempt from registration as motor vehicles under s. 341.05 (20) and
8 recreational motorboats, or motor vehicle fuel or alternate fuels used for
9 snowmobiles and that the estimated snowmobile motor vehicle fuel or alternate fuels
10 tax payments are used for snowmobile trails and areas. The forms shall indicate that
11 refunds are not available for motor vehicle fuel or alternate fuels used for all-terrain
12 vehicles unless the all-terrain vehicle is registered for private use under s. 23.33 (2)
13 (d) and shall indicate that estimated all-terrain vehicle motor vehicle fuel or
14 alternate fuels tax payments are used for all-terrain vehicle trails and areas. The
15 forms shall also indicate that refunds are not available for the tax on less than 100
16 gallons. The department shall distribute forms in sufficient quantities to each
17 county clerk.

18 **SECTION 52.** 84.01 (30) of the statutes is created to read:

19 84.01 **(30)** ENVIRONMENTAL CLEAN-UP ACTIVITIES. From the appropriation under
20 s. 20.395 (3) (aq), the department may fund environmental clean-up activities on
21 lands acquired by the department that are not eligible to receive funding for such
22 activities as part of a highway improvement project. Nothing in this subsection
23 relieves a person from any responsibility to reimburse the department for any costs
24 incurred by the department under this subsection.

25 **SECTION 53.** 84.013 (3) (kb) to (km) of the statutes are created to read:

SECTION 53

1 84.013 (3) (kb) USH 151 extending approximately 18.2 miles between USH 151
2 west of Belmont and STH 23 south of Dodgeville, designated as the Belmont to
3 Dodgeville project, in Lafayette and Iowa counties.

4 (kg) STH 16 and STH 16/67 extending approximately 7.4 miles from the
5 junction of STH 16 with the Rock River to the STH 16/67 interchange east of
6 Oconomowoc, designated as the Oconomowoc bypass, in Jefferson and Waukesha
7 counties.

8 (km) USH 53 extending approximately 7.5 miles between USH 53 south of the
9 USH 53/STH 93 interchange in Eau Claire and the USH 53/STH 124 interchange
10 south of Chippewa Falls, designated as the Eau Claire freeway, in Eau Claire and
11 Chippewa counties.

12 **SECTION 54.** 84.013 (3) (ye) of the statutes is amended to read:

13 84.013 (3) (ye) USH 10 between Appleton and Marshfield, in Winnebago,
14 Outagamie, Waupaca, Portage and Wood counties.

15 **SECTION 55.** 84.076 (5) of the statutes is amended to read:

16 84.076 (5) SUNSET. This section does not apply after ~~June 30, 1995~~ September
17 30, 1997.

18 **SECTION 56.** 84.59 (2) of the statutes is amended to read:

19 84.59 (2) The department may, under s. 18.56 (5) and (9) (j), deposit in a
20 separate and distinct fund outside the state treasury, in an account maintained by
21 a trustee, revenues derived under s. 341.25 and ch. 140. The revenues deposited are
22 the trustee's revenues in accordance with the agreement between this state and the
23 trustee or in accordance with the resolution pledging the revenues to the repayment
24 of revenue obligations issued under this section.

25 **SECTION 57.** 84.59 (6) of the statutes is amended to read:

1 84.59 (6) Revenue obligations may be contracted by the building commission
2 when it reasonably appears to the building commission that all obligations incurred
3 under this section can be fully paid from moneys received or anticipated and pledged
4 to be received on a timely basis. Revenue obligations issued under this section shall
5 not exceed ~~\$950,834,000~~ \$1,067,731,400 in principal amount, excluding obligations
6 issued to refund outstanding revenue obligations. Not more than ~~\$841,634,000~~
7 \$1,025,434,300 of the ~~\$950,834,000~~ \$1,067,731,400 may be used for transportation
8 facilities under s. 84.01 (28) and major highway projects under ss. 84.06 and 84.09.

9 **SECTION 58.** 85.08 (4m) (e) 1. of the statutes is amended to read:

10 85.08 (4m) (e) 1. Upon the request of an eligible applicant, the department may
11 negotiate and enter into a loan agreement with the eligible applicant for purposes
12 of rehabilitating a rail line or to finance an economic development and transportation
13 efficiency project, including a project designed to promote safety or the viability of
14 a statewide system of freight rail service, to assist intermodal freight movement or
15 to provide industry access to a rail line. A loan made under this paragraph shall
16 finance a project that confers a public benefit or enhances economic development in
17 this state. Loans made under this paragraph shall be paid from the appropriation
18 under s. 20.395 (2) (bt), (bu), (bw) or (bx).

19 **SECTION 59.** 85.085 (1) of the statutes is renumbered 85.085 (1m).

20 **SECTION 60.** 85.085 (1b) of the statutes is created to read:

21 85.085 (1b) In this section, “rehabilitated” means a significant rebuilding of
22 railroad track that restores severely deteriorated track to a minimum service
23 standard or, for track that is at or above a minimum service standard, that increases
24 the service standard of the track.

25 **SECTION 61.** 85.085 (3) of the statutes is amended to read:

1 85.085 (3) The department shall not make any payment under this section
2 unless the applicable private road crossing permit provides that the rail transit
3 commission shall, at the user's sole cost and expense, maintain, repair and renew the
4 private road crossing. "Maintain, repair and renew" does not include any rebuilding
5 of a private road crossing that is required because the applicable tracks have been
6 rehabilitated.

7 **SECTION 62.** 85.20 (4m) (a) of the statutes is renumbered 85.20 (4m) (a) (intro.)
8 and amended to read:

9 85.20 (4m) (a) (intro.) ~~From the amounts appropriated under s. 20.395 (1) (bq),~~
10 ~~an amount equal to 42% of the projected operating expenses of each eligible~~
11 ~~applicant's urban mass transit system~~ An amount shall be allocated to each eligible
12 applicant. to ensure that the sum of state and federal aids for the projected operating
13 expenses of each eligible applicant's urban mass transit system is equal to a uniform
14 percentage, established by the department, of the projected operating expenses of
15 the mass transit system. The department shall make allocations as follows:

16 **SECTION 63.** 85.20 (4m) (a) 1. to 3. of the statutes are created to read:

17 85.20 (4m) (a) 1. From the appropriation under s. 20.395 (1) (bq), the uniform
18 percentage for an urban mass transit system operating within an urban area having
19 a population as shown in the 1990 federal decennial census of less than 50,000.

20 2. From the appropriation under s. 20.395 (1) (bs), the uniform percentage for
21 an urban mass transit system operating within an urban area having a population
22 as shown in the 1990 federal decennial census of at least 50,000 but not more than
23 200,000 and meeting the federal definition of urbanized area for the purpose of
24 federal mass transit aid.

1 3. From the appropriation under s. 20.395 (1) (bu), the uniform percentage for
2 an urban mass transit system operating within an urban area having a population
3 as shown in the 1990 federal decennial census of more than 200,000 and meeting the
4 federal definition of urbanized area for the purpose of federal mass transit aid.

5 **SECTION 64.** 85.20 (4m) (am) of the statutes is repealed.

6 **SECTION 65.** 85.20 (4m) (e) of the statutes is repealed.

7 **SECTION 66.** 85.20 (4m) (em) 1. of the statutes is amended to read:

8 85.20 (4m) (em) 1. An amount equal to ~~42%~~ the same percentage of the audited
9 operating expenses for the project year of the applicant's urban mass transit system
10 that is specified for allocations to the applicant under par. (a) 1. to 3.

11 **SECTION 67.** 85.20 (4s) of the statutes is amended to read:

12 85.20 (4s) PAYMENT OF AIDS UNDER THE CONTRACT. The contracts executed
13 between the department and eligible applicants under this section shall provide that
14 the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the
15 state's fiscal year shall be provided from the following fiscal year's appropriation
16 under s. 20.395 (1) (bq), (bs) or (bu).

17 **SECTION 68.** 85.20 (7) of the statutes is created to read:

18 85.20 (7) COST-EFFICIENCY STANDARDS. (a) The department shall establish
19 cost-efficiency standards for the urban mass transit system specified in sub. (4m) (a)
20 1. to 3. The contracts executed between the department and eligible applicants
21 under this section for any period beginning on or after January 1, 1997, shall provide
22 that the department may do any of the following if costs are incurred by the eligible
23 applicant's urban mass transit system which are inconsistent with the standards
24 established under this subsection:

25 1. Exclude those costs from operating expenses for purposes of sub. (4m).

1 2. Reduce the amount of state aid allocation under sub. (4m) (a).

2 (b) The department shall specify by rule the cost-efficiency standards under
3 this subsection, including rules for the implementation of par. (a) 1. and 2.

4 **SECTION 69.** 85.24 (3) (d) (intro.) of the statutes is amended to read:

5 85.24 (3) (d) (intro.) The department may award grants from the appropriation
6 under s. 20.395 (1) ~~(bs)~~ (ds) to public and private organizations for the development
7 and implementation of demand management and ride-sharing programs. As a
8 condition of obtaining a grant under this paragraph, a public or private organization
9 may be required to provide matching funds at any percentage. The department shall
10 give priority in the awarding of grants to those programs that provide the greatest
11 reduction in automobile trips, especially during peak hours of traffic congestion. The
12 department shall have all powers necessary and convenient to implement this
13 paragraph, including the following powers:

14 **SECTION 70.** 85.243 (title) of the statutes is amended to read:

15 **85.243** (title) **Surface transportation discretionary grants projects**
16 **program.**

17 **SECTION 71.** 85.243 (2) (a) of the statutes is amended to read:

18 85.243 (2) (a) The department shall administer a surface transportation
19 ~~discretionary grants projects~~ program to promote the development and
20 implementation of surface transportation projects that foster the diverse
21 transportation needs of the people of this state. Annually, the department may make
22 grants to eligible applicants and other state agencies for surface transportation
23 projects that promote nonhighway use or that otherwise supplement existing
24 transportation activities. A grant may not exceed 80% of the total cost of a project.

25 The department shall give priority to funding projects that foster alternatives to

1 single-occupancy automobile trips. In deciding whether to award a grant under this
2 section, the department may consider whether other funding sources are available
3 for the proposed project.

4 **SECTION 72.** 85.243 (2) (b) 5. of the statutes is created to read:

5 85.243 (2) (b) 5. To conduct a project.

6 **SECTION 73.** 85.26 (2) (a) of the statutes is renumbered 85.26 (2) (a) (intro.) and
7 amended to read:

8 85.26 (2) (a) (intro.) "Eligible applicant" means a an applicant that provides
9 employment, training or job placement services in a county with a population of
10 500,000 or more and which is one of the following:

11 1. A local public body or a private organization, which is located in the county.

12 **SECTION 74.** 85.26 (2) (a) 2. of the statutes is created to read:

13 85.26 (2) (a) 2. Two or more state agencies coordinating such services.

14 **SECTION 75.** 85.50 of the statutes is repealed.

15 **SECTION 76.** 86.30 (2) (a) 3. c. of the statutes is repealed.

16 **SECTION 77.** 86.30 (2) (a) 3. d. of the statutes is amended to read:

17 86.30 (2) (a) 3. d. In calendar year 1995 and thereafter, \$1,350.

18 **SECTION 78.** 86.30 (2) (a) 3. e. of the statutes is created to read:

19 86.30 (2) (a) 3. e. In calendar year 1996, \$1,415.

20 **SECTION 79.** 86.30 (2) (a) 3. f. of the statutes is created to read:

21 86.30 (2) (a) 3. f. In calendar year 1997 and thereafter, \$1,480.

22 **SECTION 80.** 86.30 (9) of the statutes is amended to read:

23 86.30 (9) AIDS CALCULATIONS. (b) For the purpose of calculating and
24 distributing aids under sub. (2), the amounts for aids to counties are ~~\$63,392,900 in~~
25 ~~calendar year 1994 and~~ \$66,588,900 in calendar year 1995, \$71,030,000 in calendar

1 year 1996 and \$75,917,700 in calendar year 1997 and thereafter. These amounts,
2 to the extent practicable, shall be used to determine the statewide county average
3 cost-sharing percentage in the particular calendar year.

4 (c) For the purpose of calculating and distributing aids under sub. (2), the
5 amounts for aids to municipalities are ~~\$197,814,700 in calendar year 1994 and~~
6 ~~\$209,496,900 in calendar year 1995,~~ \$217,615,200 in calendar year 1996 and
7 \$225,332,700 in calendar year 1997 and thereafter. These amounts, to the extent
8 practicable, shall be used to determine the statewide municipal average
9 cost-sharing percentage in the particular calendar year.

10 **SECTION 81.** 86.31 (3m) of the statutes is amended to read:

11 86.31 (3m) TOWN ROAD IMPROVEMENTS. From the appropriation under s. 20.395
12 (2) (fr), the department shall allocate ~~\$500,000 in each fiscal year~~ \$512,500 in fiscal
13 year 1995-96 and \$525,300 in fiscal year 1996-97 and thereafter to fund town road
14 improvements with eligible costs totaling \$100,000 or more. The funding of
15 improvements under this subsection is in addition to the allocation of funds for
16 entitlements under sub. (3).

17 **SECTION 82.** 86.315 (1) of the statutes is amended to read:

18 86.315 (1) From the appropriation under s. 20.395 (1) (fu), the department
19 shall annually, on March 10, pay to counties having county forests established under
20 ch. 28, for the improvement of public roads within the county forests which are open
21 and used for travel and which are not state or county trunk highways or town roads
22 and for which no aids are paid under s. 86.30, the amount of ~~\$200~~ \$600 per mile of
23 road designated in the comprehensive county forest land use plan as approved by the
24 county board and the department of natural resources. If the amount appropriated
25 under s. 20.395 (1) (fu) is insufficient to make the ~~\$200~~ \$600 per mile payments under

1 this subsection, the department shall prorate the amount appropriated in the
2 manner it deems desirable.

3 **SECTION 83.** 86.32 (2) (am) 5. and 6. of the statutes are repealed.

4 **SECTION 84.** 86.32 (2) (am) 8. of the statutes is created to read:

5 86.32 (2) (am) 8. For 1996, \$10,782 per lane mile for municipalities having a
6 population over 500,000; \$9,987 per lane mile for municipalities having a population
7 of 150,001 to 500,000; \$8,900 per lane mile for municipalities having a population of
8 35,001 to 150,000; \$7,840 per lane mile for municipalities having a population of
9 10,000 to 35,000; and \$6,755 per lane mile for municipalities having a population
10 under 10,000.

11 **SECTION 85.** 86.32 (2) (am) 9. of the statutes is created to read:

12 86.32 (2) (am) 9. For 1997, \$11,105 per lane mile for municipalities having a
13 population over 500,000; \$10,287 per lane mile for municipalities having a
14 population of 150,001 to 500,000; \$9,167 per lane mile for municipalities having a
15 population of 35,001 to 150,000; \$8,075 per lane mile for municipalities having a
16 population of 10,000 to 35,000; and \$6,958 per lane mile for municipalities having
17 a population under 10,000.

18 **SECTION 86.** 110.08 (2) of the statutes is amended to read:

19 110.08 (2) Except as provided under s. 343.16 (1) (b) and (c), all examinations
20 for operator's licenses and permits shall be given by state examiners.

21 **SECTION 87.** 114.002 (4) of the statutes is repealed.

22 **SECTION 88.** 114.002 (11) of the statutes is amended to read:

23 114.002 (11) "Antique aircraft" means an aircraft ~~more than 35 years old as~~
24 ~~determined by the~~ which has a date of manufacture of 1944 or earlier and which is
25 used solely for recreational or display purposes.

1 **SECTION 89.** 114.002 (13) of the statutes is repealed.

2 **SECTION 90.** 114.20 (1) (title) of the statutes is amended to read:

3 114.20 (1) (title) ~~ANNUAL~~ REGISTRATION REQUIRED.

4 **SECTION 91.** 114.20 (1) (a) of the statutes is amended to read:

5 114.20 (1) (a) Except as provided under sub. (2), all aircraft based in this state
6 shall be registered by the owner of the aircraft with the department annually on or
7 before November 1 or, for aircraft with a maximum gross weight of not more than
8 3,000 pounds that are not subject to sub. (10), biennially on or before the first
9 November 1. Annual registration fees shall be determined in accordance with sub.
10 (9) or (10). Biennial registration fees shall be determined in accordance with sub.
11 (9m).

12 **SECTION 92.** 114.20 (1) (b) of the statutes is amended to read:

13 114.20 (1) (b) Aircraft determined by the department to be based in this state
14 shall be subject to the annual or biennial registration fees under sub. (9) or (9m).
15 Aircraft which are determined to be not based in this state shall be exempt from the
16 annual or biennial registration fees.

17 **SECTION 93.** 114.20 (2) (intro.) of the statutes is amended to read:

18 114.20 (2) (title) ~~EXCEPTIONS TO ANNUAL~~ REGISTRATION REQUIREMENTS. (intro.)
19 The ~~annual~~ registration requirements under sub. (1) do not apply to aircraft based
20 in this state that are:

21 **SECTION 94.** 114.20 (2) (c) of the statutes is repealed.

22 **SECTION 95.** 114.20 (5) of the statutes is amended to read:

23 114.20 (5) ~~UNAIRWORTHY AIRCRAFT.~~ Any person desiring to have an aircraft
24 designated as an unairworthy aircraft may apply to the department in the manner
25 the department prescribes. No application may be acted upon unless all information

1 requested is supplied. Upon receipt of an application and a registration fee of ~~\$5~~ to
 2 be established by rule and after determining from the facts submitted and
 3 investigation that the aircraft qualifies as an unairworthy aircraft, the department
 4 shall issue an unairworthy aircraft certificate. The certificate shall expire upon
 5 transfer of ownership or restoration. An aircraft is presumed restored if it is capable
 6 of operation. The annual or biennial registration fee is due on the date of restoration.
 7 Operation of the aircraft is conclusive evidence of restoration. An ~~additional~~
 8 ~~administrative fee of \$5~~ A late payment charge to be established by rule shall be
 9 ~~charged~~ assessed on all applications filed later than 30 days after the date of
 10 restoration.

11 **SECTION 96.** 114.20 (7) of the statutes is repealed.

12 **SECTION 97.** 114.20 (9) (a) to (c) of the statutes are renumbered 114.20 (9m) (a)
 13 to (c) and amended to read:

14	114.20 (9m) (a) Not more than	2,000	\$ 30 <u>\$ 60</u>
15	(b) Not more than	2,500	39 <u>78</u>
16	(c) Not more than	3,000	50 <u>100</u>

17 **SECTION 98.** 114.20 (9) (d) of the statutes is amended to read:

18	114.20 (9) (d) Not more than	3,500	70 <u>\$ 70</u>
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19 **SECTION 99.** 114.20 (9m) (intro.) of the statutes is created to read:

20 114.20 (9m) BIENNIAL REGISTRATION FEES. (intro.) Except as provided in sub.
 21 (10), the owner of an aircraft subject to the biennial registration requirements under
 22 sub. (1) shall pay a biennial registration fee established in accordance with the
 23 following gross weight schedule:

24	[Maximum gross	[Annual
25	Weight in pounds]	fee]

1 **SECTION 100.** 114.20 (12) of the statutes is amended to read:

2 114.20 **(12)** (title) INITIAL ANNUAL REGISTRATION. For new aircraft, aircraft not
3 previously registered in this state or unregistered aircraft for which annual
4 registration is required under sub. (9), the fee for the initial year of registration shall
5 be computed from the date of purchase, restoration, completed construction or entry
6 of the aircraft into this state on the basis of one-twelfth of the registration fee
7 specified in sub. (9) multiplied by the remaining number of months in the current
8 registration year which are not fully expired. For new aircraft, aircraft not
9 previously registered in this state or unregistered aircraft for which biennial
10 registration is required under sub. (9m), the fee for the initial 2-year period of
11 registration shall be computed from the date of purchase, restoration, completed
12 construction or entry of the aircraft into this state on the basis of one twenty-fourth
13 of the registration fee specified in sub. (9m) multiplied by the remaining number of
14 months in the current 2-year registration period which are not fully expired.
15 Application for registration shall be filed within 30 days from the date of purchase,
16 restoration, completed construction or entry of the aircraft into this state and if filed
17 after that date an additional administrative fee of \$5 shall be charged. If the date
18 of purchase, restoration, completed construction or entry into this state is not
19 provided by the applicant, the full annual or biennial registration fee provided in sub.
20 (9) or (9m) shall be charged for registering the aircraft.

21 **SECTION 101.** 114.20 (13) (b) 1. of the statutes is amended to read:

22 114.20 **(13)** (b) 1. If an annual or biennial registration fee is not paid by
23 November 1, from November 2 to the following April 30, the department shall add
24 a late payment charge of \$50 or 10% of the amount specified for the registration
25 under sub. (9), (9m) or (10), whichever is greater, to the fee.

1 (a) For motor vehicle fuel received from December 1, 1995, to March 31, 1997,
2 \$1.10 per gallon.

3 (b) For motor vehicle fuel received on April 1, 1997, and thereafter, the average
4 weighted price per gallon, for motor vehicle fuel, sold at retail in this state, as
5 determined by a method promulgated by the department by rule, except that the
6 average weighted price may be no lower than \$1.10 as indexed and the average
7 weighted price may be no more than \$1.30 as indexed.

8 (2) "Consumer price index" means the consumer price index for all urban
9 consumers, U.S. city average, as determined by the U.S. department of labor.

10 (3) "Diesel fuel" has the meaning given in s. 78.005 (5).

11 (4) "Department" means the department of revenue.

12 (5) "Export" has the meaning given in s. 78.005 (6).

13 (6) "Gasoline" has the meaning given in s. 78.005 (7).

14 (7) "Indexed" means adjusted as of April 1 to reflect the percentage change in
15 the annual average consumer price index during the previous year.

16 (8) "Motor vehicle fuel" means gasoline or diesel fuel.

17 (9) "Received" means received under s. 78.07.

18 (10) "Supplier" has the meaning given under s. 78.005 (14).

19 **140.02 Imposition.** (1) Except as provided in sub. (2), there is imposed a fee
20 at the rate of 3.5% of the average weighted retail price on all motor vehicle fuel
21 received by a supplier for sale in this state, for sale for shipment to this state or for
22 shipment to this state.

23 (2) The fee imposed in sub. (1) does not apply to the following:

24 (a) Motor vehicle fuel that is shipped from storage at a refinery, marine
25 terminal, pipeline terminal, pipeline tank farm or place of manufacture to a person

1 for storage at another refinery, marine terminal, pipeline terminal, pipeline tank
2 farm or place of manufacture.

3 (b) Motor vehicle fuel that is exported by a person who is licensed under s. 78.09
4 or 140.03 (5).

5 (c) Diesel fuel that is dyed under s. 78.01 (2p).

6 **140.025 Refunds.** Any person who is eligible for an exemption under s. 78.01,
7 or a refund under s. 78.75, because the person uses motor vehicle fuel to operate a
8 motor vehicle elsewhere than on the public highways and for the purpose of farming,
9 as defined in section 464 (e) 1 of the internal revenue code, is eligible for a refund
10 equal to the fee under this chapter payable by the supplier on the motor vehicle fuel
11 that the person purchases at retail for those purposes. Section 78.75 (1m) (a) 3. and
12 (b) to (f) and (2), as it applies to refunds under ch. 78, applies to refunds under this
13 section. The penalties under s. 78.73 (1) (d), as they apply to claims for refund under
14 s. 78.75, apply to claims for refunds under this section.

15 **140.03 Administration. (1)** The department shall administer the fee under
16 this chapter.

17 **(2)** Sections 78.65 to 78.74 and 78.79 to 78.81 as they apply to the taxes under
18 ch. 78 apply to the fee under this chapter.

19 **(3)** Persons who are liable for the fee under this chapter shall state the number
20 of gallons of motor vehicle fuel on which the fee is due and the amount of their liability
21 for the fee in the reports under s. 78.12 (1) to (3).

22 **(4)** The requirements for payment of the motor vehicle fuel tax under s. 78.12
23 (5) apply to the fee under this chapter.

24 **(5)** No person may ship petroleum products into this state unless that person
25 either has a license under s. 78.09 or obtains an oil company franchise license from

1 the department by filing with the department an application prescribed and
2 furnished by the department and verified by the owner of the business if the owner
3 is an individual, by a member if the owner is an unincorporated association, by a
4 partner if the owner is a partnership or by the president and secretary if the owner
5 is a corporation.

6 (6) (a) To protect the revenues of this state, the department may require any
7 person who is liable to the department for the fee under this chapter to place with
8 it security in the amount that the department determines. The department may
9 increase or decrease the amount of the security, but that amount may not exceed 3
10 times the person's average monthly liability for the fee under this chapter as
11 estimated by the department. If any person fails to provide that security, the
12 department may refuse to issue a license under sub. (5) or s. 78.09 or may revoke the
13 person's license under sub. (5) or s. 78.09. If any taxpayer is delinquent in the
14 payment of the fee under this chapter, the department may, upon 10 days' notice,
15 recover the fee, interest, penalties, costs and disbursements from the person's
16 security. The department may not pay interest on any security deposit.

17 (b) The security required under par. (a) may be a surety bond furnished to the
18 department and payable to this state. The department shall prescribe the form and
19 contents of the bond.

20 (c) The surety of a bond under par. (b) may conditionally cancel the bond by
21 filing written notice with the person who is liable for the fee under this chapter and
22 with the department. A surety who files that notice is not discharged from any
23 liability that has accrued or from any liability that accrues within 60 days after the
24 filing. If the person who is liable for the fee under this chapter does not, within 60
25 days after receiving the notice, file with the department a new bond that is

1 satisfactory to the department, the department shall revoke the person's license
2 under sub. (5) or s. 78.09. If the person furnishes a new bond, the department shall
3 cancel and surrender the old bond when it is satisfied that all liability under the old
4 bond has been discharged.

5 (d) If the liability on the bond is discharged or reduced or if the department
6 determines that the bond is insufficient, the department shall require additional
7 surety or new bonds. If any person who is liable for the fee under this chapter fails
8 to file that additional bond within 5 days after the department provides written
9 notice, that person's license under sub. (5) or s. 78.09 is revoked.

10 (7) On April 1, 1996, and each April 1 thereafter, the department shall calculate
11 the oil company franchise fee on a cents-per-gallon basis. That calculation shall
12 reflect any change in the rate for that fee that occurs on that date.

13 **SECTION 108.** 166.20 (7g) of the statutes is repealed.

14 **SECTION 109.** 218.01 (2) (bd) 1g. of the statutes, as affected by 1995 Wisconsin
15 Act 27, is amended to read:

16 218.01 (2) (bd) 1g. The manufacturer, distributor or importer shall send a
17 notice of discontinuation or cancellation by certified mail, and forward a copy of the
18 notice to the department of transportation, not less than 20 days before the effective
19 date of discontinuation or cancellation of the agreement, if the dealer or distributor
20 fails to conduct its customary sales and service operations during its customary
21 business hours for 7 consecutive business days unless the failure is caused by an act
22 of God, by work stoppage or delays due to strikes or labor disputes or other reason
23 beyond the dealer's or distributor's control or by an order of the department of
24 transportation or the ~~office of the commissioner of transportation~~ division of
25 hearings and appeals.

1 218.01 (3) (a) 24. Being a manufacturer, importer or distributor who fails to
2 comply with the procedures in sub. (3x) regarding a dealer's request for approval of
3 a change of ownership or executive management, transfer of its dealership assets to
4 another person, adding another franchise at the same location as its existing
5 franchise, or relocation of a franchise or who fails to comply with an order of the office
6 of the commissioner of transportation division of hearings and appeals issued under
7 sub. (3x).

8 **SECTION 113.** 218.01 (3x) (b) 2. of the statutes, as affected by 1995 Wisconsin
9 Act 27, is amended to read:

10 218.01 (3x) (b) 2. An affected grantor who does not approve of the proposed
11 action shall, within 30 days after receiving the dealer's written notice of the proposed
12 action or within 30 days after receiving all the information specified in a written list
13 served on the dealer under subd. 1., whichever is later, file with the department of
14 transportation and serve upon the dealer a written statement of the reasons for its
15 disapproval. The reasons given for the disapproval or any explanation of those
16 reasons by the manufacturer, distributor or importer shall not subject the
17 manufacturer, distributor or importer to any civil liability unless the reasons given
18 or explanations made are malicious and published with the sole intent to cause harm
19 to the dealer or a transferee of the dealer. Failure to file and serve a statement within
20 the applicable period shall, notwithstanding the terms of any agreement, constitute
21 approval of the proposed action by the grantor. If an affected grantor files a written
22 statement within the applicable period, the dealer may not voluntarily undertake
23 the proposed action unless it receives an order permitting it to do so from the office
24 of the commissioner of transportation division of hearings and appeals under par. (c)
25 2.

1 **SECTION 114.** 218.01 (3x) (b) 3. of the statutes, as affected by 1995 Wisconsin
2 Act 27, is amended to read:

3 218.01 **(3x)** (b) 3. A dealer who is served with a written statement by an affected
4 grantor under subd. 2. may file with the department of transportation and the office
5 of the commissioner of transportation division of hearings and appeals and serve
6 upon the affected grantor a complaint for the determination of whether there is good
7 cause for permitting the proposed action to be undertaken. The office of the
8 commissioner of transportation division of hearings and appeals shall promptly
9 schedule a hearing and decide the matter. The proposed action may not be
10 undertaken pending the determination of the matter.

11 **SECTION 115.** 218.01 (3x) (c) 1. (intro.) of the statutes is amended to read:

12 218.01 **(3x)** (c) 1. (intro.) In determining if there is good cause for permitting
13 a proposed action to be undertaken, the office of the commissioner of transportation
14 division of hearings and appeals may consider any relevant factor including:

15 **SECTION 116.** 218.01 (3x) (c) 2. of the statutes is amended to read:

16 218.01 **(3x)** (c) 2. The decision of the office of the commissioner of
17 transportation division of hearings and appeals shall be in writing and shall contain
18 findings of fact and a determination of whether there is good cause for permitting the
19 proposed action to be undertaken. The decision shall include an order that the dealer
20 be allowed or is not allowed to undertake the proposed action, as the case may be.
21 The order may require fulfillment of appropriate conditions before and after the
22 proposed action is undertaken.

23 **SECTION 117.** 218.01 (7m) (a) of the statutes is amended to read:

24 218.01 **(7m)** (a) A licensee may not file a complaint or petition with the office
25 of the commissioner of transportation division of hearings and appeals or bring an

1 action under sub. (9) (a), based on an alleged violation of this section by any other
2 licensee or pursuant to sub. (3) (f) or (fm), (3c) or (3x), unless the licensee serves a
3 demand for mediation upon the other licensee before or contemporaneous with the
4 filing of the complaint or petition or the bringing of the action. A demand for
5 mediation shall be in writing and served upon the other licensee by certified mail at
6 an address designated for that licensee in the licensor's records. The demand for
7 mediation shall contain a brief statement of the dispute and the relief sought by the
8 licensee filing the demand.

9 **SECTION 118.** 218.01 (7m) (c) of the statutes is amended to read:

10 218.01 **(7m)** (c) The service of a demand for mediation under par. (a) shall stay
11 the time for the filing of any complaint or petition with the ~~office of the commissioner~~
12 ~~of transportation~~ division of hearings and appeals or for bringing an action under
13 sub. (9) (a), based on an alleged violation of this section by the other licensee or
14 pursuant to sub. (3) (f) or (fm), (3c) or (3x), until the representatives of both licensees
15 have met with a mutually selected mediator for the purpose of attempting to resolve
16 the dispute. If a complaint or petition is filed before the meeting, the ~~office of the~~
17 ~~commissioner of transportation~~ division of hearings and appeals or the court shall
18 enter an order suspending the proceeding or action until the meeting has occurred
19 and may, upon the written stipulation of all parties to the proceeding or action that
20 they wish to continue to mediate under this subsection, enter an order suspending
21 the proceeding or action for as long a period as the ~~commissioner of transportation~~
22 division of hearings and appeals or court considers to be appropriate. A suspension
23 order issued under this paragraph may be revoked upon motion of any party or upon
24 motion of the ~~office of the commissioner of transportation~~ division of hearings and
25 appeals or the court.

SECTION 119

1 **SECTION 119.** 340.01 (7m) of the statutes is amended to read:

2 340.01 **(7m)** “Commercial driver license” means a license issued to a person by
3 this state or another jurisdiction which is in accordance with the requirements of the
4 federal commercial motor vehicle safety act of 1986, 49 USC ~~2701 to 2716~~ 31301 to
5 31317, or by Canada or Mexico, and which authorizes the licensee to operate certain
6 commercial motor vehicles.

7 **SECTION 120.** 340.01 (7r) of the statutes is amended to read:

8 340.01 **(7r)** “Commercial driver license information system” means the
9 information system established pursuant to the federal commercial motor vehicle
10 safety act of 1986, 49 USC ~~2701 to 2716~~ 31301 to 31317, to serve as a clearinghouse
11 for information related to the licensing and identification of commercial motor
12 vehicle drivers.

13 **SECTION 121.** 341.08 (2) (am) of the statutes is created to read:

14 341.08 **(2)** (am) If the applicant is a natural person registering a farm truck
15 under s. 341.26 (3) (a) 1., the applicant’s social security number.

16 **SECTION 122.** 341.08 (2) (cm) of the statutes is created to read:

17 341.08 **(2)** (cm) If the applicant is registering a farm truck under s. 341.26 (3)
18 (a) 1., certification that the applicant had at least \$6,000 in gross farm profits, as
19 defined in s. 71.58 (4), in at least one of the 2 previous taxable years, or that the
20 applicant expects to have at least \$6,000 in gross farm profits, as defined in s. 71.58
21 (4), in the current taxable year.

22 **SECTION 123.** 341.08 (4) of the statutes is amended to read:

23 341.08 **(4)** Applications for renewal of registration shall contain the
24 information required in sub. (2) for original applications or such parts thereof as the
25 department deems necessary to assure the proper registration of the vehicle, except

1 that all applications for renewal of registration of farm trucks under s. 341.26 (3) (a)
2 1. shall contain the information specified in sub. (2) (am) and (cm). The department
3 may require that applications for renewal of registration be accompanied by the
4 certificate of title issued for the vehicle only when the true ownership or proper
5 registration of the vehicle is in doubt and cannot be resolved from records maintained
6 by the department.

7 **SECTION 124.** 341.08 (8) of the statutes is created to read:

8 341.08 (8) The department may not disclose a social security number obtained
9 from an applicant under sub. (2) (am) to any person except to the department of
10 revenue for the sole purpose of determining the applicant's eligibility to register the
11 farm truck under s. 341.26 (3) (a) 1.

12 **SECTION 125.** 341.14 (6r) (b) 2. of the statutes is amended to read:

13 341.14 (6r) (b) 2. An additional fee of \$10 \$15 shall be charged for the issuance
14 or reissuance of the plates for special groups specified under par. (f) ~~1. to 34., 48., 49.~~
15 ~~and 51.~~

16 **SECTION 126.** 341.14 (6r) (b) 3. of the statutes is repealed.

17 **SECTION 127.** 341.14 (6r) (b) 4. of the statutes is amended to read:

18 341.14 (6r) (b) 4. An additional fee of \$20 that is in addition to the fee under
19 subd. 2. ~~or 3.~~ shall be charged for the issuance or renewal of a plate issued on an
20 annual basis for a special group specified under par. (f) 35. to 47. An additional fee
21 of \$40 that is in addition to the fee under subd. 2. ~~or 3.~~ shall be charged for the
22 issuance or renewal of a plate issued on a biennial basis for a special group specified
23 under par. (f) 35. to 47. if the plate is issued or renewed during the first year of the
24 biennial registration period or \$20 for the issuance or renewal if the plate is issued
25 or renewed during the 2nd year of the biennial registration period. The fee under

1 this subdivision is deductible as a charitable contribution for purposes of the taxes
2 under ch. 71.

3 **SECTION 128.** 341.21 of the statutes is created to read:

4 **341.21 Registration and title transactions by dealers.** The department
5 may contract with a motor vehicle dealer for services relating to the processing or
6 distribution of original or renewal registrations under this chapter or certificates of
7 title under ch. 342. The department may not compensate a motor vehicle dealer for
8 services provided under this section. A contract with a motor vehicle dealer shall
9 contain the following provisions:

10 (1) The amount of fees, if any, that the motor vehicle dealer may charge a person
11 for services relating to the processing or distribution of an original or renewal
12 registration or a certificate of title.

13 (2) Within 7 business days after the completion of an application, the motor
14 vehicle dealer shall process the application and submit any required fees and other
15 documentation to the department.

16 (3) The motor vehicle dealer shall retain all records related to an application
17 for original or renewal registration or a certificate of title for at least 5 years.

18 (4) The department or its representative may, without any prior notice, conduct
19 random inspections and audits of the motor vehicle dealer.

20 **SECTION 129.** 341.26 (3) (a) 1. of the statutes is amended to read:

21 341.26 (3) (a) 1. For each farm truck having a gross weight of 12,000 pounds
22 or less, a biennial fee of \$42. ~~Registration plates issued under this subdivision expire~~
23 ~~on the last day of February of even-numbered years.~~

24 **SECTION 130.** 341.297 (2) of the statutes is renumbered 341.297 (2) (a) and
25 amended to read:

SECTION 130

1 341.297 (2) (a) A farm truck having a gross weight of 12,000 pounds or less, as
2 specified in s. 341.26 (3) (a) 1. ~~The registration period for such a farm truck begins~~
3 ~~on March 1 of an even-numbered year and ends on the last day of February of the~~
4 ~~next even-numbered year~~ All such farm trucks shall be registered by the department
5 according to the monthly series of registration prescribed by par. (b).

6 **SECTION 131.** 341.297 (2) (b) of the statutes is created to read:

7 341.297 (2) (b) There are established 24 registration periods, each to be
8 designated by a calendar month and to start on the first day of such month and end
9 on the last day of the 24th month from the date of commencing. The department shall
10 so administer the monthly series system of registration as to distribute the work of
11 registering farm trucks as uniformly as practicable throughout the calendar year.

12 **SECTION 132.** 341.43 of the statutes is amended to read:

13 **341.43 Audits.** The department may conduct such audits as it deems
14 necessary to determine the adequacy of fees paid under the international
15 registration plan or other proportional registration law or agreement and taxes and
16 fees paid under s. 341.45. Audits shall be conducted during normal business hours.
17 Credits shall be given for overpayments and deficiencies shall be assessed, with
18 interest. Actual and necessary expenses incurred by an auditor, plus wages, may be
19 assessed against the person audited.

20 **SECTION 133.** 341.45 (title) of the statutes is amended to read:

21 **341.45 (title) Importation in vehicle tanks regulated; taxes; fees;**
22 **permits.**

23 **SECTION 134.** 341.45 (1g) (a) of the statutes is amended to read:

24 341.45 (1g) (a) ~~Every~~ Except as provided in subs. (3) and (4g), every person who
25 purchases or obtains motor vehicle fuel or an alternate fuel outside of this state and

1 operates any qualified motor vehicle into this state upon a highway and transports
2 that fuel in an attached or unattached fuel supply tank for the sole purpose of
3 operating the qualified motor vehicle shall pay the Wisconsin motor vehicle fuel or
4 alternate fuels tax, the oil company franchise fee under ch. 140 and the oil inspection
5 fee under s. 168.12 on the gallons consumed by the qualified motor vehicle while
6 operated on the highways of this state. The person shall pay the tax and fees by
7 purchasing motor vehicle fuel or alternate fuels within this state in an amount that
8 is equivalent to the gallonage consumed while operating the qualified motor vehicle
9 on the highways of this state, or by remitting the tax and fees directly to the
10 department or to another jurisdiction that is a party to the international fuel tax
11 agreement.

12 **SECTION 135.** 341.45 (1g) (b) of the statutes is amended to read:

13 341.45 (1g) (b) The department may require any person required to pay under
14 par. (a) to report on forms prescribed by it, to display evidence of compliance with par.
15 (a) and to pay taxes and fees in the manner specified by the department.

16 (c) The department shall require any person convicted of evading the tax or fees
17 due under par. (a) to report on forms and in the manner prescribed by the
18 department.

19 **SECTION 136.** 341.45 (2) of the statutes is amended to read:

20 341.45 (2) Every person regularly or habitually operating qualified motor
21 vehicles upon the highways of any other state and using in those qualified motor
22 vehicles motor vehicle fuel or an alternate fuel purchased or obtained in this state
23 shall be allowed a credit or refund equal to the oil company franchise fee and oil
24 inspection fee and the tax on the motor vehicle fuel or alternate fuel actually paid to

1 the state in which it is used, but not to exceed the tax and fees imposed on motor
2 vehicle fuel or alternate fuels by this state.

3 **SECTION 137.** 341.45 (3) of the statutes is amended to read:

4 341.45 (3) The department may enter into reciprocal agreements with the
5 appropriate officials of any other state under which it may waive all or any part of
6 the requirements imposed by this section upon those who use motor vehicle fuel or
7 alternate fuels upon which the tax ~~has~~ and fees have been paid to another state if the
8 officials of the other state grant equivalent privileges with respect to motor vehicle
9 fuel or alternate fuels used in that state but upon which the tax ~~has~~ and fees have
10 been paid to Wisconsin.

11 **SECTION 138.** 341.45 (4g) of the statutes is created to read:

12 341.45 (4g) The department may issue trip permits for 72-hour periods to
13 persons who would otherwise be required to pay the Wisconsin motor vehicle fuel or
14 alternate fuels tax and the oil inspection fee under sub. (1g). The department shall
15 charge a fee of not less than \$15 for each permit issued under this subsection. A
16 person who has obtained a permit under this subsection is exempt from the
17 purchasing requirement of sub. (1g) (a).

18 **SECTION 139.** 341.45 (4m) of the statutes is created to read:

19 341.45 (4m) All oil inspection fees paid to the department of transportation
20 under sub. (1g) (a) in excess of oil inspection fee credits or refunds under sub. (2) shall
21 be deposited in the petroleum inspection fund. All oil inspection fees credited or
22 refunded by the department of transportation under sub. (2) in excess of oil
23 inspection fees paid to the department of transportation under sub. (1g) (a) shall be
24 paid from the petroleum inspection fund.

25 **SECTION 140.** 341.45 (5) of the statutes is amended to read:

1 341.45 (5) The department shall promulgate rules under ch. 227 necessary to
2 administer this section. The rules shall include provisions relating to the issuance
3 and use of the permits authorized under sub. (4g). The rules may include provisions
4 relating to the payment of interest on late payments of motor vehicle fuel and
5 alternate fuels taxes, oil company franchise fees and oil inspection fees, and fees for
6 the late payment or underpayment of motor vehicle fuel and alternate fuels taxes,
7 oil company franchise fees and oil inspection fees.

8 **SECTION 141.** 343.01 (2) (cb) of the statutes is created to read:

9 343.01 (2) (cb) “Motorized construction equipment” means motor-driven
10 construction equipment designed principally for off-road use, including a
11 motorscraper, backhoe, motorgrader, compacter, excavator, tractor, trencher and
12 bulldozer.

13 **SECTION 142.** 343.01 (2) (d) of the statutes is created to read:

14 343.01 (2) (d) “Photograph” means an unretouched image recorded by a camera
15 and reproduced on a photosensitive surface and includes a digitized image.

16 **SECTION 143.** 343.02 (1) of the statutes is amended to read:

17 343.02 (1) The department shall administer and enforce this chapter and may
18 promulgate for that purpose such rules as the secretary considers necessary. Rules
19 promulgated under this chapter may not conflict with and shall be at least as
20 stringent as standards set by the federal commercial motor vehicle safety act, 49
21 USC ~~2701 to 2716~~ 31301 to 31317 and the regulations adopted under that act.

22 **SECTION 144.** 343.03 (1) (title) of the statutes is repealed and recreated to read:

23 343.03 (1) (title) COMPLIANCE WITH FEDERAL STANDARDS.

24 **SECTION 145.** 343.03 (1) (a) of the statutes is amended to read:

1 343.03 (1) (a) The department shall institute a classified driver license system
2 meeting all federal standards under 49 USC ~~2701 to 2716~~ 31301 to 31317 and 49 CFR
3 383.

4 **SECTION 146.** 343.03 (1) (b) of the statutes is amended to read:

5 343.03 (1) (b) The department shall ~~begin issuance of~~ issue operator's licenses
6 in conformity with the classified driver license system to each licensee upon renewal,
7 reinstatement or initial application ~~by April 1, 1991.~~

8 **SECTION 147.** 343.03 (1) (c) of the statutes is repealed.

9 **SECTION 148.** 343.03 (5) of the statutes is amended to read:

10 343.03 (5) INQUIRIES BEFORE ISSUANCE. Before issuing a license under this
11 chapter, the department shall obtain driver record information from the national
12 driver registry and commercial driver license information system to determine
13 whether the applicant holds a commercial driver license, or a license that is revoked,
14 suspended or canceled, or is otherwise disqualified. If the applicant is currently
15 licensed in another state, the department shall obtain information on the applicant's
16 license status with the state of licensure before issuing a license.

17 **SECTION 149.** 343.03 (8) of the statutes is repealed.

18 **SECTION 150.** 343.05 (2) (a) 2. of the statutes is amended to read:

19 343.05 (2) (a) 2. A nonresident who has in his or her immediate possession a
20 valid commercial driver license issued to the person in ~~his or her home~~ another
21 jurisdiction or Mexico bearing all endorsements required for the specific class and
22 type of vehicle being operated. A license is not valid under this subdivision if the
23 license is restricted to operation inside the person's home jurisdiction, or if the person
24 is otherwise violating restrictions or exceeding operating authorization stated on the

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1 person's license. If the nonresident is operating a commercial motor vehicle in
2 interstate commerce, he or she must be at least 21 years of age.

3 **SECTION 151.** 343.05 (2) (c) of the statutes is amended to read:

4 343.05 (2) (c) A tow truck operator holding a valid commercial driver license
5 who is engaged in the removal of a disabled or wrecked vehicle from the highway or
6 eliminating a hazard is not required to hold an endorsement to his or her commercial
7 driver license regardless of the type of vehicle being towed. This exception to the
8 requirement for an endorsement does not apply to any subsequent towing of the
9 vehicle, including moving the vehicle from one repair facility to another, unless ~~the~~
10 one of the following applies:

11 1. The tow truck operator holds a commercial driver license and is accompanied
12 by a driver who holds the required endorsements.

13 **SECTION 152.** 343.05 (2) (c) 2. of the statutes is created to read:

14 343.05 (2) (c) 2. The vehicle is a vehicle that requires a "P" endorsement for its
15 operation.

16 **SECTION 153.** 343.05 (4) (a) 3. of the statutes is renumbered 343.05 (2) (a) 5. and
17 amended to read:

18 343.05 (2) (a) 5. A person temporarily operating motorized construction
19 equipment ~~designed principally for off-road use, including a motorscraper, backhoe,~~
20 ~~motorgrader, compacter, excavator, tractor, trencher and bulldozer~~ upon a highway
21 in this state who possesses a valid operator's license issued to the person by the
22 department which is not revoked, suspended, canceled, disqualified or expired. This
23 subdivision does not apply to a truck or a construction vehicle designed or equipped
24 for use on a highway or to any vehicle exceeding a speed of 35 miles per hour.

25 **SECTION 154.** 343.055 (5) of the statutes is amended to read:

1 343.055 (5) RULES. As soon as possible after the federal commercial motor
2 vehicle safety act, 49 USC 2701 to ~~2716~~ 31301 to 31317, or the regulations adopted
3 under that act permit any commercial driver license waiver, the department shall
4 promulgate rules governing eligibility for the waiver. This subsection applies to
5 waivers not permitted by federal law on May 12, 1992.

6 **SECTION 155.** 343.06 (1) (c) of the statutes is amended to read:

7 343.06 (1) (c) To any person under age 18 unless the person is enrolled in a
8 school program or high school equivalency program and is not a habitual truant as
9 defined in s. 118.16 (1) (a), has graduated from high school or been granted a
10 declaration of high school graduation equivalency or is enrolled in a home-based
11 private educational program, as defined in s. 115.001 (3g), and has satisfactorily
12 completed a course in driver education in public schools approved by the department
13 of public instruction, or in technical colleges approved by the technical college system
14 board, or in nonpublic and private schools which meet the minimum standards set
15 by the department of public instruction, or has satisfactorily completed a
16 substantially equivalent course in driver training approved by the department and
17 given by a school licensed by the department under s. 343.61, or has satisfactorily
18 completed a substantially equivalent course in driver education or training approved
19 by another state and has attained the age of 16, except as provided in s. 343.07 (1).
20 The department shall not issue a license to any person under the age of 18
21 authorizing the operation of "Class M" vehicles unless the person has successfully
22 completed a basic rider course approved by the department. The department may,
23 by rule, exempt certain persons from the basic rider course requirement of this
24 paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the
25 driver education, basic rider or driver training course requirement. The secretary

1 shall prescribe rules for licensing of schools and instructors to qualify under this
2 paragraph. The driver education course shall be made available to every eligible
3 student in the state. Except as provided under s. 343.16 (1) (c) and (2) (cm) to (e), no
4 operator's license may be issued unless a driver's examination has been
5 administered by the department.

6 **SECTION 156.** 343.06 (2) of the statutes is amended to read:

7 343.06 (2) ~~After March 31, 1992, the~~ The department shall not issue a
8 commercial driver license, including a renewal, occupational or reinstated license,
9 to any person during any period of disqualification under s. 343.315 or 49 CFR 383.51
10 or the law of another jurisdiction in substantial conformity therewith, as the result
11 of one or more disqualifying offenses committed on or after July 1, 1987. ~~Beginning~~
12 ~~on April 1, 1992, the department shall cancel any commercial driver license~~ Any
13 person who is known to the department to have been issued to a person who is
14 ~~disqualified~~ be subject to disqualification under s. 343.315 (1) (a) shall be disqualified
15 by the department, unless the required period of disqualification specified in s.
16 343.315 for the disqualifying offense has already expired.

17 **SECTION 157.** 343.065 (title) of the statutes is amended to read:

18 **343.065** (title) ~~Intrastate restricted~~ **Restricted commercial driver**
19 **license.**

20 **SECTION 158.** 343.065 (1) of the statutes is amended to read:

21 343.065 (1) If an applicant for a commercial driver license is less than 21 years
22 of age or does not meet the physical qualifications for drivers contained in 49 CFR
23 391 or an alternative federally approved driver qualification program established by
24 the department by rule but is at least 18 years of age and otherwise qualified under
25 this chapter and the rules of the department, the department may issue the

1 applicant a commercial driver license restricted to authorizing the operation of
2 commercial motor vehicles ~~only within this state and~~ not in interstate commerce.

3 **SECTION 159.** 343.065 (2) of the statutes is amended to read:

4 343.065 (2) A commercial driver license issued under this section shall clearly
5 identify that the license does not authorize the operation of commercial motor
6 vehicles ~~outside this state or~~ in interstate commerce.

7 **SECTION 160.** 343.10 (2) (a) 1. of the statutes is amended to read:

8 343.10 (2) (a) 1. Except for a revocation or suspension that arose out of the same
9 incident or occurrence for which the person's license or operating privilege is
10 currently revoked or suspended, the person's license or operating privilege was not
11 revoked or suspended previously under this chapter or ch. 344 or s. 161.50 within the
12 one-year period immediately preceding the present revocation or suspension.

13 **SECTION 161.** 343.10 (10) (a) of the statutes is amended to read:

14 343.10 (10) (a) If the petitioner's commercial driver license has been suspended
15 or revoked solely for a violation of s. 346.63 (1) or a local ordinance in conformity
16 therewith or a law of a federally recognized American Indian tribe or band in this
17 state in conformity with s. 346.63 (1) and the person was not operating a commercial
18 motor vehicle at the time of the violation, a petition seeking issuance of an
19 occupational license authorizing operation of "Class A", "Class B" or "Class C"
20 vehicles may be filed directly with the department. The petition may also seek
21 authorization to operate "Class D" or "Class M" vehicles.

22 **SECTION 162.** 343.12 (2) (h) of the statutes is amended to read:

23 343.12 (2) (h) Prior to the initial issuance or renewal of the endorsement, takes
24 and passes a special examination prescribed by the department and administered
25 by the department or by a 3rd-party tester under s. 343.16 (1) (b) to determine his

1 or her ability to safely operate a school bus. This special examination may include
2 the examination required under sub. (3). The department may renew the
3 endorsement without retesting the licensee, except under sub. (3).

4 **SECTION 163.** 343.14 (3) of the statutes is renumbered 343.14 (3) (a).

5 **SECTION 164.** 343.14 (3) (b) and (c) of the statutes are created to read:

6 343.14 (3) (b) Any photograph taken of an applicant under par. (a) or s. 343.50
7 (4) may be maintained by the department and shall be kept confidential. The
8 department may release a photograph only to the following persons:

9 1. The person whose photograph was taken.

10 2. Any person authorized in writing by the person whose photograph was
11 taken.

12 3. A law enforcement agency, a state agency or a federal governmental agency
13 to perform a legally authorized function.

14 (c) Any person who has received a photograph under par. (b) shall keep the
15 photograph confidential and may not disclose or reproduce it except as authorized
16 under par. (b). This paragraph does not apply to the person whose photograph was
17 taken.

18 **SECTION 165.** 343.14 (4) of the statutes is repealed.

19 **SECTION 166.** 343.16 (1) (a) of the statutes is amended to read:

20 343.16 (1) (a) *General.* The department shall examine every applicant for an
21 operator's license, including applicants for license renewal as provided in sub. (3),
22 and every applicant for authorization to operate a vehicle class or type for which the
23 applicant does not hold currently valid authorization, other than an instruction
24 permit. Except as provided in sub. (2) (cm) and (e) and ~~s. 343.03 (8) (b) and (e)~~, the
25 examinations of applicants for licenses authorizing operation of "Class A", "Class B",

1 “Class C”, “Class D” or “Class M” vehicles shall include both a knowledge test and
2 an actual demonstration in the form of a driving skills test of the applicant’s ability
3 to exercise ordinary and reasonable control in the operation of a representative
4 vehicle. The department shall not administer a driving skills test to a person
5 applying for authorization to operate “Class M” vehicles who has failed 2 previous
6 such skills tests unless the person has successfully completed a rider course
7 approved by the department. The department may, by rule, exempt certain persons
8 from the rider course requirement of this paragraph. The driving skills of applicants
9 for endorsements authorizing the operation of commercial motor vehicles equipped
10 with air brakes, the transportation of passengers in commercial motor vehicles or the
11 operation of school buses, as provided in s. 343.04 (2) (b), (d) or (e), shall also be tested
12 by an actual demonstration of driving skills. The department may endorse an
13 applicant’s commercial driver license for transporting hazardous materials, or the
14 operation of tank vehicles or vehicles towing double or triple trailers, as described
15 in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In
16 administering the knowledge test, the department shall attempt to accommodate
17 any special needs of the applicant. The Except as may be required by the department
18 for an “H” or “S” endorsement, the knowledge test is not intended to be a test for
19 literacy or English language proficiency. This paragraph does not prohibit the
20 department from requiring an applicant to correctly read and understand highway
21 signs.

22 **SECTION 167.** 343.17 (3) (e) 1. of the statutes is amended to read:

23 343.17 (3) (e) 1. “K” restriction, which restricts a person issued a license under
24 s. 343.065 to from operating commercial motor vehicles ~~only within this state and not~~
25 in interstate commerce.

1 **SECTION 168.** 343.21 (1) (g) of the statutes is amended to read:

2 343.21 (1) (g) For removing a “K” restriction against operation of commercial
3 motor vehicles ~~outside this state or~~ in interstate commerce, the same fee as for a
4 duplicate license.

5 **SECTION 169.** 343.21 (1) (jm) of the statutes is created to read:

6 343.21 (1) (jm) For reinstatement of a previously disqualified authorization to
7 operate a commercial motor vehicle, \$50. This fee is not applicable to
8 disqualifications under s. 343.315 (2) (g).

9 **SECTION 170.** 343.21 (1) (m) of the statutes is created to read:

10 343.21 (1) (m) For reinstatement of a previously canceled license or
11 endorsement, \$50. This fee includes reinstatement of any classification or
12 endorsement applied for at the same time for which the applicant is qualified.

13 **SECTION 171.** 343.23 (2) of the statutes is amended to read:

14 343.23 (2) The department shall maintain a file for each licensee containing the
15 application for license, permit or endorsement, a record of reports or abstract of
16 convictions, the status of the licensee’s authorization to operate different vehicle
17 groups, a record of any out-of-service orders issued under s. 343.305 (7) (b) or (9)
18 (am) and a record of any reportable accident in which the licensee has been involved,
19 including specification of the type of license and endorsements issued under this
20 chapter under which the licensee was operating at the time of the accident and an
21 indication whether or not the accident occurred in the course of the licensee’s
22 employment as a law enforcement officer, fire fighter or emergency medical
23 technician — paramedic or as a person engaged, by an authority in charge of the
24 maintenance of the highway, in highway winter maintenance snow and ice removal
25 during either a storm or cleanup following a storm. This information must be filed

1 by the department so that the complete operator's record is available for the use of
2 the secretary in determining whether operating privileges of such person shall be
3 suspended, revoked, canceled or withheld in the interest of public safety. The record
4 of suspensions, revocations and convictions that would be counted under s. 343.307
5 (2) and of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be
6 maintained for at least 10 years. The record of convictions for disqualifying offenses
7 under s. 343.315 (2) (f) shall be maintained for at least 3 years. The record of
8 convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be
9 maintained permanently, except that 5 years after a licensee transfers residency to
10 another state such record may be transferred to another state of licensure of the
11 licensee if that state accepts responsibility for maintaining a permanent record of
12 convictions for disqualifying offenses. Such reports and records may be cumulative
13 beyond the period for which a license is granted, but the secretary, in exercising the
14 power of revocation granted under s. 343.32 (2) may consider only those reports and
15 records entered during the 4-year period immediately preceding the exercise of such
16 power of revocation. For purposes of this subsection, "highway winter maintenance
17 snow and ice removal" includes plowing, sanding, salting and the operation of
18 vehicles in the delivery of those services.

19 **SECTION 172.** 343.24 (2m) of the statutes is amended to read:

20 343.24 **(2m)** If the department, in maintaining a computerized operating record
21 system, makes copies of its operating record file data base, or a portion thereof, on
22 computer tape or other electronic media, copies of the tape or media may be furnished
23 to any person on request. The department may also furnish to any person upon
24 request records on computer tape or other electronic media that contain information
25 from files of uniform traffic citations or motor vehicle accidents and which were

1 produced for or developed by the department for purposes related to maintenance of
2 the operating record file data base. The department shall charge a fee of \$3 for each
3 file of vehicle operators' records, uniform traffic citations or motor vehicle accidents
4 contained in the tape or media. Nothing in this subsection requires the department
5 to produce records of particular files or data in a particular format except as those
6 records or data are made by the department for its purposes.

7 **SECTION 173.** 343.245 (3) (b) 3. and 4. of the statutes are amended to read:

8 343.245 (3) (b) 3. Is subject to an out-of-service order in any state; or

9 4. Has more than one operator's license, except during the 10-day period
10 beginning on the date on which the employe is issued an operator's license.; or

11 **SECTION 174.** 343.245 (3) (b) 5. of the statutes is created to read:

12 343.245 (3) (b) 5. Does not possess a valid commercial driver license properly
13 endorsed to permit operation of the vehicle.

14 **SECTION 175.** 343.245 (4) (b) of the statutes is amended to read:

15 343.245 (4) (b) Any person who violates sub. (3) (b) shall be fined not more than
16 ~~\$5,000~~ less than \$2,500 nor more than \$10,000 or imprisoned for not more than 90
17 days or both.

18 **SECTION 176.** 343.265 (1) (intro.) of the statutes is renumbered 343.265 (1) and
19 amended to read:

20 343.265 (1) The department may accept the voluntary surrender of the
21 operator's license of a person who has a mental or physical disability or disease or
22 a medical condition which prevents or may prevent the person from exercising
23 reasonable control over a motor vehicle if the person's operating privilege is not
24 subject to suspension or revocation for any reason ~~and if either of the following~~
25 ~~conditions are satisfied:~~

1 **SECTION 177.** 343.265 (1) (a) and (b) of the statutes are repealed.

2 **SECTION 178.** 343.28 (1) of the statutes is amended to read:

3 343.28 (1) Whenever a person is convicted of a moving traffic violation under
4 chs. 341 to 349 or under a local ordinance enacted under ch. 349, the clerk of the court
5 in which the conviction occurred, or the justice, judge or magistrate of a court not
6 having a clerk, shall, as provided in s. 345.48, forward to the department the record
7 of such conviction. The record of conviction forwarded to the department shall state
8 whether the offender was involved in an accident at the time of the offense, whether
9 the offender was operating a commercial motor vehicle at the time of the offense and,
10 if so, whether the offender was transporting hazardous materials or operating a
11 vehicle designed to carry, or actually carrying, 16 or more passengers, including the
12 driver. Whenever a person is convicted of exceeding a posted speed limit, the record
13 of conviction forwarded to the department shall include the number of miles per hour
14 in excess of the posted speed limit.

15 **SECTION 179.** 343.28 (2) of the statutes is amended to read:

16 343.28 (2) Whenever a person is convicted of any offense for which s. 343.31
17 makes mandatory the revocation by the secretary of such person's operating
18 privilege, the court in which the conviction occurred shall require the surrender to
19 it of any license then held by such person. The clerk of the court, or the justice, judge
20 or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the
21 department the record of conviction and any surrendered licenses. The record of
22 conviction forwarded to the department shall state whether the offender was
23 involved in an accident at the time of the offense, whether the offender was operating
24 a commercial motor vehicle at the time of the offense and, if so, whether the offender

1 was transporting hazardous materials or operating a vehicle designed to carry, or
2 actually carrying, 16 or more passengers, including the driver.

3 **SECTION 180.** 343.305 (10) (em) of the statutes is amended to read:

4 343.305 (10) (em) One penalty for improperly refusing to submit to a test for
5 intoxication regarding a person arrested for a violation of s. 346.63 (2m) or (7) or a
6 local ordinance in conformity therewith is revocation of the person's operating
7 privilege for 6 months. After the first 15 days of the revocation period, the person
8 is eligible for an occupational license under s. 343.10. Any such improper refusal or
9 revocation for the refusal does not count as a prior refusal or a prior revocation under
10 this section or ss. 343.30 (1q), 343.307 and 346.65 (2). The person shall not be
11 required to submit to and comply with any assessment or driver safety plan under
12 pars. (c) and (d).

13 **SECTION 181.** 343.315 (2) (f) (intro.) of the statutes is amended to read:

14 343.315 (2) (f) (intro.) A person is disqualified for a period of 60 days from
15 operating a commercial motor vehicle if convicted of 2 serious traffic violations, ~~or~~
16 and 120 days if convicted of 3 serious traffic violations, arising from separate
17 occurrences committed within a 3-year period while driving or operating a
18 commercial motor vehicle. ~~The department shall consider only offenses committed~~
19 ~~on or after November 2, 1989 in applying~~ 120-day period of disqualification under
20 this paragraph shall be in addition to any other period of disqualification imposed
21 under this paragraph. In this paragraph, "serious traffic violations" means:

22 **SECTION 182.** 343.315 (2) (fm) of the statutes is created to read:

23 343.315 (2) (fm) A person is disqualified for a period of 60 days from operating
24 a commercial motor vehicle if convicted of violating s. 343.14 (5) or 345.17, if the
25 violation relates to an application for a commercial driver license.

1 **SECTION 183.** 343.315 (2) (h) of the statutes is created to read:

2 343.315 (2) (h) Except as provided in par. (i), a person is disqualified for a period
3 of 90 days from operating a commercial motor vehicle if convicted of an
4 out-of-service violation, or one year if convicted of 2 out-of-service violations, or 3
5 years if convicted of 3 or more out-of-service violations, arising from separate
6 occurrences committed within a 10-year period while driving or operating a
7 commercial motor vehicle. A disqualification under this paragraph shall be in
8 addition to any penalty imposed under s. 343.44. In this paragraph, "out-of-service
9 violation" means violating s. 343.44 (1) by operating a commercial motor vehicle
10 while ordered out-of-service under state or federal law.

11 **SECTION 184.** 343.315 (2) (i) of the statutes is created to read:

12 343.315 (2) (i) If the violation listed in par. (h) occurred in the course of
13 transporting hazardous materials or while operating a vehicle designed to carry, or
14 actually carrying, 16 or more passengers, including the driver, the person shall be
15 disqualified from operating a commercial motor vehicle for 180 days upon a first
16 conviction, or for a 3-year period for a 2nd or subsequent conviction, arising from
17 separate occurrences committed within a 10-year period while driving or operating
18 a commercial motor vehicle. A disqualification under this paragraph shall be in
19 addition to any penalty imposed under s. 343.44.

20 **SECTION 185.** 343.315 (3) (a) of the statutes is amended to read:

21 343.315 (3) (a) Notwithstanding s. 343.39, if a person's license or operating
22 privilege is revoked or suspended as the result of an offense committed after March
23 31, 1992, which results in disqualification under sub. (2), the department shall
24 immediately disqualify the person from operating a commercial motor vehicle for the
25 period required under sub. (2). The person's authorization to operate a commercial

1 motor vehicle shall not be reinstated upon expiration of the period of revocation or
2 suspension unless the period of disqualification has also expired. During any period
3 of disqualification in which the person's license or operating privilege is not revoked
4 or suspended, the department may issue an operator's license to the person for the
5 operation of vehicles other than commercial motor vehicles. ~~Upon expiration of the~~
6 ~~period of disqualification, the person may apply for authorization to operate~~
7 ~~commercial motor vehicles as provided in s. 343.14.~~

8 **SECTION 186.** 343.315 (3) (b) of the statutes is amended to read:

9 343.315 (3) (b) If a person's license or operating privilege is not otherwise
10 revoked or suspended as the result of an offense committed after March 31, 1992,
11 which results in disqualification under sub. (2) (a) to (f), (h) or (i), the department
12 shall immediately ~~cancel the person's license~~ disqualify the person from operating
13 a commercial motor vehicle for the period required under sub. (2) (a) to (f), (h) or (i).

14 Upon proper application by the person and payment of a duplicate license fee, the
15 department may issue a separate license authorizing only the operation of vehicles
16 other than commercial motor vehicles. Upon expiration of the period of
17 disqualification, the person may apply for authorization to operate commercial
18 motor vehicles under s. 343.26.

19 **SECTION 187.** 343.32 (4) of the statutes is amended to read:

20 343.32 (4) In adopting rules for weighing traffic convictions by their
21 seriousness under sub. (2), the secretary shall provide by rule for a reduction of up
22 to 3 points if a person shows to the department satisfactory evidence of completion
23 of a rider course approved by the secretary. This subsection applies only to demerit
24 points relating to violations committed before completion of the rider course by a

1 person while driving or operating a Type 1 motorcycle. ~~No person is eligible for more~~
2 ~~than one point reduction of up to 3 points under this subsection.~~

3 **SECTION 188.** 343.325 (title) of the statutes is amended to read:

4 **343.325 (title) Courts to report appeals; when appeal stays suspension**
5 **or, revocation or disqualification.**

6 **SECTION 189.** 343.325 (2) of the statutes is amended to read:

7 343.325 (2) Notwithstanding ss. 343.31, 343.315 and 343.32 and except as
8 otherwise provided in sub. (4), the secretary shall not suspend or revoke a person's
9 operating privilege or disqualify a person from operating a commercial motor vehicle
10 on the basis of a conviction if the secretary receives from the court in which the
11 conviction occurred a certificate stating that an appeal from the conviction has been
12 taken. If the secretary receives such certificate after suspension or revocation of the
13 operating privilege, the operating privilege shall be reinstated without requiring
14 compliance with s. 343.38. If the secretary receives the certificate after suspension
15 of the operating privilege or disqualification, the operating privilege or authorization
16 to operate a commercial motor vehicle shall be reinstated automatically.

17 **SECTION 190.** 343.325 (3) of the statutes is amended to read:

18 343.325 (3) Whenever suspension or revocation of an operating privilege or a
19 disqualification has been withheld as provided in sub. (2) and the department
20 receives notice that the conviction in question has been affirmed on appeal or that
21 the appeal has been dropped, the secretary shall suspend or revoke such operating
22 privilege or disqualify the person from operating a commercial motor vehicle on the
23 same basis as if the appeal had not been taken, but the period of suspension ~~or,~~
24 revocation or disqualification shall run from the date of suspension ~~or,~~ revocation or
25 disqualification following the affirmance of the conviction or dropping of the appeal,

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1 less any time the operating privilege had been suspended or revoked or the
2 authorization to operate a commercial motor vehicle had been disqualified prior to
3 the receipt by the secretary of the certificate under sub. (2).

4 **SECTION 191.** 343.325 (3m) of the statutes is amended to read:

5 343.325 (3m) Whenever the suspension or revocation of an operating privilege
6 or a disqualification has been rescinded or withheld because of administrative
7 action, an appeal, or a court order to reopen, stay or vacate a conviction, suspension
8 ~~or~~, revocation or disqualification, and that suspension ~~or~~, revocation or
9 disqualification is subsequently reimposed, the period of suspension ~~or~~, revocation
10 or disqualification so reimposed shall be reduced by the period of suspension ~~or~~,
11 revocation or disqualification previously served.

12 **SECTION 192.** 343.325 (4) of the statutes is amended to read:

13 343.325 (4) If a person whose suspension ~~or~~, revocation or disqualification was
14 stayed pursuant to sub. (2) is convicted of an offense for which revocation or
15 disqualification is mandatory under s. 343.31 or 343.315, during the pendency of the
16 appeal of the original conviction, the secretary shall forthwith revoke such person's
17 operating privilege or disqualify the person from operating a commercial motor
18 vehicle on account of the latter conviction, notwithstanding the appeal of either or
19 both convictions.

20 **SECTION 193.** 343.325 (5) of the statutes is amended to read:

21 343.325 (5) This section shall not prevent suspension or revocation of an
22 operating privilege or a disqualification if there are grounds for suspension ~~or~~,
23 revocation or disqualification other than the conviction in question.

24 **SECTION 194.** 343.325 (6) (a) of the statutes is amended to read:

1 343.325 **(6)** (a) If a court enters an order reopening, vacating or staying a
2 conviction or a suspension or revocation of an operating privilege or a
3 disqualification, the court shall promptly forward a copy of that order to the
4 department.

5 **SECTION 195.** 343.44 (title) of the statutes is amended to read:

6 **343.44** (title) **Driving while disqualified, ~~out of service~~ or ordered**
7 **out-of-service or after license revoked or suspended.**

8 **SECTION 196.** 343.44 (1) of the statutes is amended to read:

9 343.44 **(1)** No person whose operating privilege has been duly revoked or
10 suspended pursuant to the laws of this state shall operate a motor vehicle upon any
11 highway in this state during such suspension or revocation or thereafter before filing
12 proof of financial responsibility or before that person has obtained a new license in
13 this state, including an occupational license, or the person's operating privilege has
14 been reinstated under the laws of this state. No person may operate a commercial
15 motor vehicle while ordered out-of-service as provided in s. 343.305 (7) (b) or (9) (am)
16 under state or federal law. No person may operate a commercial motor vehicle after
17 ~~March 31, 1992~~, while disqualified as provided in s. 343.315.

18 **SECTION 197.** 343.44 (3) of the statutes is amended to read:

19 343.44 **(3)** Refusal to accept or failure to receive an order of revocation ~~or~~,
20 suspension or disqualification mailed by 1st class mail to such person's last-known
21 address shall not be a defense to the charge of driving after revocation ~~or~~, suspension
22 or disqualification. If the person has changed his or her address and fails to notify
23 the department as required in s. 343.22 then failure to receive notice of revocation
24 ~~or~~, suspension or disqualification shall not be a defense to the charge of driving after
25 revocation ~~or~~, suspension or disqualification.

1 **SECTION 198.** 343.44 (4r) of the statutes is created to read:

2 343.44 (4r) In addition to other penalties for violation of this section, if a person
3 has violated this section after he or she was ordered out-of-service under state or
4 federal law, the violation shall result in disqualification under s. 343.315 (2) (h) or
5 (i).

6 **SECTION 199.** 344.12 of the statutes is amended to read:

7 **344.12 Applicability of provisions relating to deposit of security for**
8 **past accidents.** Subject to the exceptions contained in s. 344.14, the provisions of
9 this chapter requiring deposit of security and requiring revocation for failure to
10 deposit security apply to the operator and owner of every motor vehicle which is in
11 any manner involved in an accident in this state which has resulted in bodily injury
12 to or death of any person or damage to property of any other person in excess of \$500
13 \$1,000.

14 **SECTION 200.** 344.14 (2) (e) of the statutes is amended to read:

15 344.14 (2) (e) To the operator or owner of a vehicle involved in an accident
16 wherein no injury was caused to the person of anyone other than such operator or
17 owner and wherein damage to property of any one person other than such operator
18 or owner did not exceed \$500 \$1,000.

19 **SECTION 201.** 346.70 (1) of the statutes is amended to read:

20 346.70 (1) IMMEDIATE NOTICE OF ACCIDENT. The operator of a vehicle involved in
21 an accident resulting in injury to or death of any person, any damage to state or other
22 government-owned property, except a state or other government-owned vehicle, to
23 an apparent extent of \$200 or more or total damage to property owned by any one
24 person or to a state or other government-owned vehicle to an apparent extent of \$500
25 \$1,000 or more shall immediately by the quickest means of communication give

1 notice of such accident to the police department, the sheriff's department or the
2 traffic department of the county or municipality in which the accident occurred or
3 to a state traffic patrol officer. In this subsection, "injury" means injury to a person
4 of a physical nature resulting in death or the need of first aid or attention by a
5 physician or surgeon, whether or not first aid or medical or surgical treatment was
6 actually received; "total damage to property owned by one person" means the sum
7 total cost of putting the property damaged in the condition it was before the accident,
8 if repair thereof is practical, and if not practical, the sum total cost of replacing such
9 property. For purposes of this subsection if any property which is damaged is held
10 in a form of joint or multiple ownership, the property shall be considered to be owned
11 by one person.

12 **SECTION 202.** 348.15 (3) (bg), (br), (bv) and (e) of the statutes are amended to
13 read:

14 348.15 (3) (bg) In the case of a vehicle or combination of vehicles transporting
15 exclusively milk from the point of production to the primary market and the return
16 of dairy supplies and dairy products from such primary market to the farm, the gross
17 weight imposed on the highway by the wheels of any one axle may not exceed 21,000
18 pounds or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more
19 consecutive axles more than 9 feet apart, a weight of 2,000 pounds more than is
20 shown in par. (c), but not to exceed 80,000 pounds. This paragraph does not apply
21 to the national system of interstate and defense highways, except for that portion of
22 USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51
23 and the I 90/94 interchange near Portage upon their federal designation as I 39.

24 (br) In the case of a vehicle or combination of vehicles transporting exclusively
25 peeled or unpeeled forest products cut crosswise or in the case of a vehicle or

1 combination of vehicles transporting exclusively scrap metal, the gross weight
2 imposed on the highway by the wheels of any one axle may not exceed 21,500 pounds
3 or, for 2 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more consecutive
4 axles more than 9 feet apart, a weight of 4,000 pounds more than is shown in par. (c),
5 but not to exceed 80,000 pounds. This paragraph does not apply to the national
6 system of interstate and defense highways, except for that portion of USH 51
7 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the
8 I 90/94 interchange near Portage upon their federal designation as I 39.

9 (bv) In the case of a vehicle or combination of vehicles used primarily for the
10 transportation of septage, as defined in s. 144.08 (1) (a), the gross weight imposed on
11 the highway by the wheels of any one axle may not exceed 21,500 pounds or, for 2
12 axles 8 or less feet apart, 37,000 pounds or, for groups of 3 or more consecutive axles
13 more than 9 feet apart, a weight of 4,000 pounds more than is shown in par. (c) or,
14 for groups of 4 or more consecutive axles more than 10 feet apart, a weight of 6,000
15 pounds more than is shown in par. (c) or, for groups of 5 or more consecutive axles
16 more than 14 feet apart, a weight of 7,000 pounds more than is shown in par. (c), but
17 not to exceed 80,000 pounds. This paragraph does not apply to the national system
18 of interstate and defense highways, except for that portion of USH 51 between
19 Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94
20 interchange near Portage upon their federal designation as I 39.

21 (e) Notwithstanding pars. (a), (b) and (c), in the case of a vehicle or combination
22 of vehicles transporting exclusively livestock, the gross weight imposed on the
23 highway by the wheels of any one axle or axle group may exceed the applicable weight
24 limitation specified in pars. (a), (b) and (c) by 15% if the gross weight of the vehicle
25 or combination of vehicles does not exceed the maximum gross weight specified for

1 that vehicle or combination of vehicles under par. (c). This paragraph does not apply
2 to the national system of interstate and defense highways, except for that portion of
3 USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51
4 and the I 90/94 interchange near Portage upon their federal designation as I 39.

5 **SECTION 203.** 348.175 of the statutes is amended to read:

6 **348.175 Seasonal operation of vehicles hauling peeled or unpeeled**
7 **forest products cut crosswise or abrasives or salt for highway winter**
8 **maintenance.** The transportation of peeled or unpeeled forest products cut
9 crosswise or of abrasives or salt for highway winter maintenance in excess of gross
10 weight limitations under s. 348.15 shall be permitted during the winter months
11 when the highways are so frozen that no damage may result thereto by reason of such
12 transportation. If at any time any person is so transporting such products or
13 abrasives or salt upon a class "A" highway in such frozen condition then that person
14 may likewise use a class "B" highway without other limitation, except that chains
15 and other traction devices are prohibited on class "A" highways but such chains and
16 devices may be used in cases of necessity. The officers or agencies in charge of
17 maintenance of highways, upon determination of such frozen condition and freedom
18 of damage to such highways by transportation shall declare particular highways, or
19 highways within areas of the state as eligible for increased weight limitations. Such
20 declaration shall include the maximum weight on each axle, combination of axles
21 and the gross weight allowed. Any person transporting any such product over any
22 highway of this state under this section is liable to the maintaining authority for any
23 damage caused to such highway. This section does not apply to the national system
24 of interstate and defense highways, except for that portion of USH 51 between

1 Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94
2 interchange near Portage upon their federal designation as I 39.

3 **SECTION 204.** 348.19 (2) (b) and (4) of the statutes are amended to read:

4 348.19 (2) (b) If upon weighing a vehicle transporting livestock a traffic officer
5 determines that the gross weight of the vehicle exceeds the limitations imposed by
6 s. 348.15 or 348.16 or a limitation posted as provided in s. 348.17 (1), and if the point
7 of apprehension is 15 miles or less from the destination of the vehicle, the traffic
8 officer shall permit the operator of the vehicle to proceed to such destination without
9 requiring the vehicle to be reloaded or unloaded as provided in par. (a). This
10 paragraph does not apply to vehicles transporting livestock on the national system
11 of interstate and defense highways, except for that portion of USH 51 between
12 Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94
13 interchange near Portage upon their federal designation as I 39.

14 (4) Subsection (1) (b) shall not apply to vehicles transporting peeled or
15 unpeeled forest products on the national, interstate or defense highway systems,
16 except for that portion of USH 51 between Wausau and STH 78 and that portion of
17 STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal
18 designation as I 39.

19 **SECTION 205.** 348.27 (4), (9m) and (9r) of the statutes are amended to read:

20 348.27 (4) INDUSTRIAL INTERPLANT PERMITS. The department may issue, to
21 industries and to their agent motor carriers owning and operating oversize vehicles
22 in connection with interplant, and from plant to state line, operations in this state,
23 annual or consecutive month permits for the operation of such vehicles over
24 designated routes, provided that such permit shall not be issued under this section
25 to agent motor carriers or, except for that portion of USH 51 between Wausau and

1 STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near
2 Portage upon their federal designation as I 39, from plant to state line for vehicles
3 or loads of width exceeding 102 inches upon routes of the national system of
4 interstate and defense highways. If the routes desired to be used by the applicant
5 involve city or village streets or county or town highways, the application shall be
6 accompanied by a written statement of route approval by the officer in charge of
7 maintenance of the highway in question.

8 **(9m)** TRANSPORTATION OF RAW FOREST AND AGRICULTURAL PRODUCTS. The
9 department may issue annual or consecutive month permits for the transportation
10 of raw forest products or for the transportation of fruits or vegetables from field to
11 storage or processing facilities in vehicles or vehicle combinations that exceed the
12 maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000
13 pounds. A permit issued under this subsection does not authorize the operation of
14 any vehicle or vehicle combination at a maximum gross weight in excess of 90,000
15 pounds. This subsection does not apply to highways designated as part of the
16 national system of interstate and defense highways, except for that portion of USH
17 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and
18 the I 90/94 interchange near Portage upon their federal designation as I 39.

19 **(9r)** TRANSPORTATION OF SCRAP. The department may issue an annual or
20 consecutive month permit for the transportation of metallic or nonmetallic scrap for
21 the purpose of recycling or processing on a vehicle or combination of vehicles which
22 exceeds statutory weight or length limitations and for the return of the vehicle or
23 combination of vehicles when empty. This subsection does not apply to the
24 transportation of scrap on highways designated as part of the national system of
25 interstate and defense highways, except for that portion of USH 51 between Wausau

1 and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange
2 near Portage upon their federal designation as I 39.

3 **SECTION 206.** 967.055 (2) (a) of the statutes is amended to read:

4 967.055 (2) (a) Notwithstanding s. 971.29, if the prosecutor seeks to dismiss
5 or amend a charge under s. 346.63 (1) or (5) or a local ordinance in conformity
6 therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the
7 use of a vehicle or an improper refusal under s. 343.305, the prosecutor shall apply
8 to the court. The application shall state the reasons for the proposed amendment or
9 dismissal. The court may approve the application only if the court finds that the
10 proposed amendment or dismissal is consistent with the public's interest in deterring
11 the operation of motor vehicles by persons who are under the influence of an
12 intoxicant, a controlled substance or both, under the influence of any other drug to
13 a degree which renders him or her incapable of safely driving, or under the combined
14 influence of an intoxicant and any other drug to a degree which renders him or her
15 incapable of safely driving, or in deterring the operation of commercial motor
16 vehicles by persons with an alcohol concentration of 0.04 or more. The court may not
17 approve an application to amend the vehicle classification from a commercial motor
18 vehicle to a noncommercial motor vehicle unless there is evidence in the record that
19 the motor vehicle being operated by the defendant at the time of his or her arrest was
20 not a commercial motor vehicle.

21 **SECTION 9146. Nonstatutory provisions; public service commission.**

22 (1) FENCING, FARM CROSSING AND CATTLE GUARD COSTS. The commissioner of
23 railroads and the chairperson of the public service commission shall jointly develop
24 a plan for phasing in state reimbursement of 100% of the costs incurred by railroads
25 for fencing, farm crossings and cattleguards, and shall submit a report containing

1 their findings, conclusions and recommendations, including recommended statutory
2 changes, to the joint committee on finance by January 1, 1996.

3 **SECTION 9155. Nonstatutory provisions; transportation.**

4 (1) COST-EFFICIENCY STANDARDS.

5 (a) In promulgating rules under section 85.20 (7) (b) of the statutes, as created
6 by this act, the department of transportation shall establish a transit committee to
7 assist the department in developing the cost-efficiency standards for the purposes
8 of section 85.20 (7) (a) of the statutes, as created by this act. The transit committee
9 shall advise the department on implementation of the cost-efficiency standards.

10 (b) This subsection does not apply after June 30, 1997.

11 (2) ENTITLEMENT TO SUPPLEMENTS FOR UNBUDGETED COMPENSATION ADJUSTMENTS.

12 Notwithstanding section 20.928 of the statutes, the department of transportation is
13 not entitled to any supplements for unbudgeted compensation adjustments under
14 section 20.928 of the statutes for the 1995-97 fiscal biennium for any position funded
15 from the appropriations under section 20.395 (2) (eq) of the statutes or section 20.395
16 (3) (bq), (cq) or (eq) of the statutes, as affected by this act, except for any supplement
17 that exceeds an adjustment increase for that position of 2.5%, as determined by the
18 secretary of administration.

19 (3) EFFICIENCY MEASURES. By December 1, 1995, the department of
20 transportation shall submit recommendations to the joint committee on finance if
21 the department wishes to reallocate reductions resulting from budgetary efficiency
22 measures and position vacancy reductions among the segregated fund revenue
23 appropriations of the department of transportation for state operations. If the
24 department submits recommendations under this subsection, the recommendations
25 shall be implemented if the committee approves the recommendations, or does not

1 schedule a meeting for the purpose of reviewing the recommendations within 14
2 working days after their receipt.

3 (4) AGENCY REQUEST. Notwithstanding section 16.42 (1) (e) of the statutes, in
4 submitting information under section 16.42 of the statutes for purposes of the
5 1997-99 biennial budget bill, the department of transportation shall submit
6 information as follows:

7 (a) A dollar amount for each fiscal year of the 1997-99 fiscal biennium for the
8 appropriation account under section 20.395 (5) (cq) of the statutes that is \$430,600
9 less than the total amount appropriated under section 20.395 (5) (cq) of the statutes
10 for the 1996-97 fiscal year, before submitting any information relating to any
11 increase or decrease in the dollar amount for that appropriation for the 1997-99
12 fiscal biennium.

13 (b) A number for the authorized FTE positions for the department of
14 transportation, to be funded from the appropriation under section 20.395 (5) (cq) of
15 the statutes, that is 24.2 SEG positions less than the number of authorized FTE
16 positions funded from that appropriation for the 1996-97 fiscal year, before
17 submitting any information relating to any increase or decrease in FTE position
18 authorizations to be funded from that appropriation for the 1997-99 fiscal biennium.

19 (5) ELDERLY AND DISABLED TRANSPORTATION EXPENDITURES STUDY. The
20 department of transportation shall conduct a study to determine the total amount
21 and sources of all funds expended in this state on transportation services for the
22 elderly and disabled. On or before July 1, 1996, the department of transportation
23 shall report the results of its study to the governor, and to the chief clerk of each house
24 of the legislature for distribution in the manner provided under section 13.172 (2) of

1 the statutes. All other state agencies shall cooperate with the department of
2 transportation in conducting the study.

3 (6) REPAVING OF I 43. The department of transportation shall repave that
4 portion of I 43 having a tined surface beginning before Henry Clay Street and
5 extending beyond Bender and Devon streets in Milwaukee County, no later than one
6 year after the effective date of this subsection, for the purpose of eliminating the
7 tined surface.

8 (7) CALCULATION OF RATE. The department of transportation shall determine
9 the rate for calculating the amount due under section 341.45 (1g) (a) of the statutes,
10 as affected by this act, for the 4th quarter of 1995 by adding the rates for the taxes
11 under chapter 78 of the statutes and the fees under section 168.12 and chapter 140
12 of the statutes for each of the months in the quarter, by adding the 3 total rates and
13 by dividing that total by 3.

14 (8) AVAILABILITY OF FEDERAL FUNDS. Notwithstanding section 84.59 (6) of the
15 statutes, as affected by this act, if federal funds available to the department of
16 transportation in fiscal year 1995-96 or fiscal year 1996-97 are less than the total
17 amount of federal funds shown in the schedule of appropriations for fiscal year
18 1995-96 or fiscal year 1996-97 to the department of transportation under section
19 20.395 of the statutes, as affected by this act, the department of transportation may
20 increase the use of proceeds of revenue obligations issued under section 84.59 of the
21 statutes, as affected by this act, for the major highway projects program under
22 section 84.013 of the statutes, as affected by this act, in excess of \$98,597,900 in fiscal
23 year 1995-96 or \$101,950,600 in fiscal year 1996-97, to replace the decrease in
24 available federal funds. The department may not increase the use of proceeds of
25 revenue obligations for the major highway projects program in an amount that would

1 result in an expenditure for the program in excess of the total amount of funds shown
2 in the schedule of appropriations for fiscal year 1995-96 or fiscal year 1996-97 to the
3 department of transportation under section 20.395 (3) (bq) to (bx) of the statutes, as
4 affected by this act.

5 **SECTION 9159. Nonstatutory provisions; other.**

6 (1) REVISING SCHEDULES AND SUMMARIES. In submitting and approving the
7 schedule under section 20.005 (3) of the statutes, pursuant to section 20.004 (2) of the
8 statutes, the secretary of administration and the joint committee on finance shall do
9 all of the following:

10 (a) Increase the estimated expenditures under sections 20.370 (5) (cs) and
11 20.855 (4) (t) of the statutes by \$271,700 for fiscal year 1995-96 and by \$369,600 for
12 fiscal year 1996-97, to reflect the treatment of section 25.29 (1) (d) of the statutes by
13 this act.

14 (b) Increase the estimated expenditures under sections 20.370 (5) (ct) and
15 20.855 (4) (u) of the statutes by \$70,300 for fiscal year 1995-96 and by \$93,700 for
16 fiscal year 1996-97, to reflect the treatment of section 25.29 (1) (dm) of the statutes
17 by this act.

18 (c) Increase the estimated expenditures under section 20.855 (4) (s) of the
19 statutes by \$823,400 for fiscal year 1995-96 and by \$1,557,400 for fiscal year
20 1996-97, to reflect the treatment of section 25.29 (1) (c) of the statutes by this act.

21 **SECTION 9242. Appropriation changes; natural resources.**

22 (1) STATEWIDE PUBLIC SAFETY RADIO MANAGEMENT PROGRAM. There is transferred
23 from the appropriation account to the department of natural resources under section
24 20.370 (9) (mr) of the statutes, as affected by the acts of 1995, to the appropriation

1 account to the department of transportation under section 20.395 (5) (dk) of the
2 statutes, as affected by the acts of 1995, \$47,500 in fiscal year 1996-97.

3 **SECTION 9248. Appropriation changes; revenue.**

4 (1) OIL COMPANY FRANCHISE FEE. In the schedule under section 20.005 (3) of the
5 statutes for the appropriation to the department of revenue under section 20.566 (1)
6 (u) of the statutes, as affected by the acts of 1995, the dollar amount is increased by
7 \$120,800 for fiscal year 1995-96 and the dollar amount is increased by \$41,900 for
8 fiscal year 1996-97 to increase funding for costs incurred in administering the oil
9 company franchise fee.

10 **SECTION 9255. Appropriation changes; transportation.**

11 (1) STATEWIDE PUBLIC SAFETY RADIO MANAGEMENT PROGRAM. There is transferred
12 from the appropriation account to the department of transportation under section
13 20.395 (5) (dq) of the statutes, as affected by the acts of 1995, to the appropriation
14 account to the department of transportation under section 20.395 (5) (dk) of the
15 statutes, as affected by the acts of 1995, \$47,500 in fiscal year 1996-97.

16 (2) HAZARDOUS MATERIALS TRANSPORTATION FEES. Notwithstanding section
17 20.001 (3) (b) of the statutes, the unencumbered balance in the appropriation account
18 under section 20.395 (4) (bh) of the statutes, as affected by this act, immediately
19 before the effective date of this subsection shall lapse to the transportation fund.

20 **SECTION 9348. Initial applicability; revenue.**

21 (1) MOTOR VEHICLE FUEL EXEMPTIONS. The treatment of sections 78.005 (13g),
22 78.01 (2) (e) and (2m) (f), 78.40 (1) and 78.75 (1m) (a) 2. and 3. of the statutes first
23 applies to fuel purchased on the first day of the first month beginning after
24 publication.

1 (2) GROSS FARM PROFITS CERTIFICATION. The treatment of section 73.03 (29m) of
2 the statutes first applies to taxable years beginning on January 1, 1996.

3 **SECTION 9355. Initial applicability; transportation.**

4 (1) TRAFFIC ACCIDENTS AND PROPERTY DAMAGE. The treatment of sections
5 344.12, 344.14 (2) (e) and 346.70 (1) of the statutes first applies to accidents occurring
6 on the effective date of this subsection.

7 (2) COMMERCIAL DRIVER LICENSES. The treatment of sections 343.10 (2) (a) 1.,
8 343.245 (4) (b), 343.28 (1) and (2), 343.315 (2) (f) (intro.), (fm), (h) and (i) and 343.44
9 (4r) of the statutes first applies to offenses and refusals committed on the effective
10 date of this subsection, but does not preclude the counting of other convictions,
11 suspensions, revocations, disqualifications or refusals as prior convictions,
12 suspensions, revocations, disqualifications or refusals for purposes of sentencing a
13 person, suspending or revoking a person's operating privilege, disqualifying a person
14 from operating a commercial motor vehicle or determining eligibility for an
15 occupational license or authorization to operate certain vehicles.

16 (3) MASS TRANSIT OPERATING ASSISTANCE. The treatment of sections 20.395 (1)
17 (bq) and (bu) and 85.20 (4m) (a), (am), (e) and (em) 1. and (4s) of the statutes and the
18 creation of sections 20.395 (1) (bs) and 85.20 (4m) (a) 1. to 3. of the statutes first apply
19 to urban mass transit operating assistance payments for calendar year 1996.

20 (4) HAZARDOUS MATERIALS TRANSPORTATION FEES. The treatment of sections 85.50
21 and 166.20 (7g) of the statutes first applies to activities engaged within or through
22 this state on July 1, 1994.

23 **SECTION 9400. Effective dates; general.** Except as otherwise provided in
24 SECTIONS 9401 to 9459 of this act, this act takes effect on the day after publication.

25 **SECTION 9430. Effective dates; industry, labor and human relations.**

1 (1) EMPLOYMENT TRANSIT ASSISTANCE PROGRAM. The treatment of section 25.40
2 (1) (a) 12. of the statutes and the renumbering and amendment of section 20.395 (1)
3 (bw) of the statutes take effect on July 1, 1996.

4 **SECTION 9455. Effective dates; transportation.**

5 (1) OIL COMPANY FRANCHISE FEE. The treatment of sections 25.29 (1) (c), (d) 1. and
6 (dm), 25.40 (1) (a) 3., 73.01 (4) (a) and 84.59 (2) and chapter 140 of the statutes takes
7 effect on December 1, 1995.

8 (2) AUTO DEALER LICENSES. The treatment of section 218.01 (2) (bd) 1g. and (3x)
9 (b) 2. and 3. of the statutes takes effect on July 1, 1996.

10 (3) TRAFFIC ACCIDENTS AND PROPERTY DAMAGE. The treatment of sections 344.12,
11 344.14 (2) (e) and 346.70 (1) of the statutes and SECTION 9355 (1) of this act take effect
12 on January 1, 1996.

13 (4) SPECIAL GROUP LICENSE PLATE FEES. The treatment of section 341.14 (6r) (b)
14 2., 3. and 4. of the statutes takes effect on January 1, 1996.

15 (5) EXEMPTION REPORTS. The treatment of section 70.337 (7) of the statutes
16 takes effect on March 31, 1996.

17 (6) INTERNATIONAL FUEL TAX AGREEMENT; PERMITS; FEES. The treatment of sections
18 20.395 (5) (cq), 25.40 (1) (a) 12., 341.43 and 341.45 (title), (1g) (a) and (b), (2), (3), (4m)
19 and (5) of the statutes takes effect on December 1, 1995.

20 (7) AIRCRAFT REGISTRATION. (a) The treatment of sections 114.002 (4), (11) and
21 (13) and 114.20 (1) (title), (a) and (b), (2) (intro.) and (c), (5), (7), (9) (a) to (c) and (d),
22 (9m) (intro.), (12), (13) (b) 1., 2., 3. and 5. and (15) (b) of the statutes takes effect on
23 November 1, 1996.

24 (8) MASS TRANSIT OPERATING ASSISTANCE. The treatment of sections 20.395 (1)
25 (bq) and (bu) and 85.20 (4m) (a), (am), (e) and (em) 1. and (4s) of the statutes and the

1 creation of sections 20.395 (1) (bs) and 85.20 (4m) (a) 1. to 3. of the statutes take effect
2 on January 1, 1996.

3 (9) FARM TRUCK REGISTRATION. The treatment of sections 341.08 (2) (am) and
4 (cm), (4) and (8), 341.26 (3) (a) 1. and 341.297 (2) of the statutes and the creation of
5 section 341.297 (2) (b) of the statutes take effect on January 1, 1997.

6 (10) MOTOR VEHICLE FUEL TAX. The treatment of sections 78.12 (2) (intro.) and
7 (5) (a) and 78.49 (1) (a) and (b) of the statutes takes effect on December 1, 1995.

8 (END)