

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB52)

Received: 02/4/99

Received By: nilsepe

Wanted: 02/9/99

Identical to LRB:

For: Luther Olsen (608) 266-8077

By/Representing:

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - driver licenses

Extra Copies:

Topic:

Graduated driver's licensing

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nilsepe 02/5/99		lpaasch 02/5/99	_____	lrb_docadmin 02/5/99	lrb_docadmin 02/5/99	

FE Sent For:

<END>

02-05-99  
11:11

See enclosed letter of request

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1/?	nilsepe	1-24-99 King	2-5-99	2-5-99 JF			

FE Sent For:

<END>

To: Paul Nilsen 4-8522

GDL - Analysis of AB 52 on Graduated Driver Licensing & Questions/Concerns

SECTION 1 - Requirements for obtaining probationary license.

Assumptions

- New requirements for applicants under age 19
  - ⇒ 50 hours driving time with 10 hours at night
    - ◆ If with qualified instructor 1 hour equal to 2 (5 for 10 is max)
  - ⇒ exempts restricted licenses from requirements.

From	To	Date
From: Julie Clark	To: Mary Sutter	Date: 4/28/99
Phone:		

Questions/Concerns

- It appears section 1 includes the required 6 hours of drivers ed. behind-the-wheel driver training in the 50 hour total. Is this intended?

Need redraft clarity

SECTION 2 - Details who may accompany instruction permit holder under age 18.

Assumptions

- Permit holder may only drive when accompanied by:
  - ⇒ 2 years licensed driving experience
  - ⇒ valid license
  - ⇒ occupy seat beside permittee and is
    - ⇒ qualified instructor 18 or older.
      - ◆ 3 others may accompany if car equipped with dual controls.
    - or
    - ⇒ parent, guardian or spouse at least 18.
      - ◆ immediate family members of permittee may also accompany
    - or
    - ⇒ person 21 or older
      - ◆ If permittee is under 19, this person must be designated in writing by parent or guardian.

Need redraft referenced statute

Questions/Concerns

- Person accompanying could be holding a restricted probationary license.
- Suggest "Adult Sponsor" as defined in Trans 102 admin. rule be included along with parent, guardian or spouse option.

Amendment

No

See language

SECTION 5 - Issuance of probationary license

Assumptions

- Deletes "during the entire period of issuance of the original license" and instead refers to 343.20(1)(a) Expiration of licenses. We already follow 343.20(1)(a) as current practice.
- Applicants for CDL remain exempt from this section.

Questions/Concerns

- 343.085(2)(b) exempts applicants for a commercial driver license from the probationary requirement. Section 10 of AB 52 requires us to keep anyone under the GDL restrictions on a probationary license. It seems we will have a conflict if a GDL restricted driver applies for a commercial license.

No

SECTION 6 - Prohibits issuance of probationary license to certain individuals

Assumptions

- The department may not issue probationary to anyone under 19 unless they have:
  - ⇒ held an instruction permit for at least 6 months

227.11(2)(g)

- ⇒ no moving violations resulting in a conviction in 6 month period immediately preceding application
- ⇒ includes motorcycles

Questions/Concerns

- "Moving violation" language is used here vs. the rule defined violations in section 7, page 7, lines 9-11. Is this intended?
  - Applicants for a motorcycle license are included in this section. Is this intended?
- With these new requirements, how do we deal with out-of-state transfers who don't meet Wisconsin criteria? Suggest rule authority to spell this out.

SECTION 7 - GDL Restrictions

Assumptions

- Initial restriction period is 9 months
- No passengers other than immediate family in the motor vehicle
- No operation between 12 midnight and 5 a.m. unless with
  - ⇒ parent or guardian
  - or
  - ⇒ same group defined in section 2
- Exempts teen safe rider program participants from restrictions
  - ⇒ burden is on participant to have proper documentation with them
- Includes motorcycles.

Questions/Concerns

- Using "in the motor vehicle" seems inappropriate if it is intended to include motorcycles, mopeds... suggest dealing with different vehicle types separately. Drafter may wish to separate class D and class M.

Assumptions

- Restrictions are extended 6 months if any of the following occur while under initial restriction period:
  - ⇒ offense committed as specified by department rule for which the person is convicted
  - ⇒ GDL restrictions are violated.
  - ⇒ A court or department suspension of the driving privilege for any reason other than mental or physical disability.
  - ⇒ If we extend restriction period, driver must be notified by 1<sup>st</sup> class mail.
  - ⇒ The restriction period stops while the person is suspended or revoked.
- GDL restrictions apply to anyone who is under 19 when first issued probationary DL.

Questions/Concerns

- 343.085(2m)(b)1.c., page 7 lines 12-13, we suggest placing a period after the word "privilege" as individuals are never suspended for a mental or physical disability.
- Same lines, suggest including revocations and disqualifications along with suspensions as the two terms are not interchangeable but are similar.
- Using "in the motor vehicle" seems inappropriate if it is intended to include motorcycles, mopeds... suggest dealing with different vehicle types separately.
- As written 343.085(2m)(d), page 7 lines 19-20 requires the possibility for restriction periods to go on indefinitely, regardless of age. Consequently, this also means probationary status could go on indefinitely because of requirement in section 10. Is this the intent?
- Are we correct in assuming violations resulting from same incident and related suspension cases will each carry a six month extension?

intent is per incident  
get rid of all together yes

going leave alone  
Schedule  
Restrictions  
You have

Amendment to  
get rid of class  
M specifically  
say class  
D

include

5058A  
P. 4  
11-2

**SECTION 8 - Point suspension/revocation authority for probationary drivers**

**Assumptions**

- Makes existing point suspension/revocation language for probationary drivers applicable only to those probationary licenses issued prior to the effective date of GDL.

**Questions/Concerns**

- Why not repeal this entirely on effective date? *NU*

**SECTION 10 - Continuation of probationary status**

**Assumptions**

- Requires that we continue probationary status for anyone under GDL restrictions.

**Questions/Concerns**

Currently WisDOT doesn't "renew" or extend probationary licenses. Is it intended that a person could continue on probationary status indefinitely as there is no age limit tied to this requirement nor the extension of the restrictions?

- This seems to conflict with commercial drivers being exempt from the probationary license under 343.085(2)(b).

*Wedon't care*

*Handwritten scribbles*

**SECTION 11 - WisDOT Authority to create point system for probationary drivers**

**Assumptions**

- Makes existing language apply only to those probationary licenses issued prior to the effective date of GDL.

**Questions/Concerns**

- Is intent for new driver ~~over~~ 19 to be issued a regular non probationary license?
- This seems to eliminate WisDOT's authority to assess to additional demerit points for 2nd and subsequent offenses for new probationary drivers 19 or over. Section 14 seems to cover only probationary drivers subject to GDL restrictions.
- Why not repeal this entirely on effective date?

*Need to leave old dot system in for all other probationary drivers. Need change.*

**SECTION 14 - Demerit points for probationary driver under GDL restrictions**

**Assumptions**

- Doubles demerit points for offenses by probationary drivers who are under GDL restrictions.

**Questions/Concerns**

This appears to allow point doubling only for licensed drivers under the GDL restrictions. We suggest including language allowing doubling for unlicensed violators and permit holders who, if licensed, would be under the restrictions.

*Handwritten scribbles*

**SECTION 16 - Point suspension for probationary drivers**

**Assumptions**

- 6 month suspension for 12 points in 12 months if on probationary DL and was under 19 when probationary was first issued to them.

**Questions/Concerns**

- The "first issued" language requires WisDOT to store a new piece of information permanently that we currently don't store. Suggest considering 6 month withdrawal for all probationary license holders instead? *Shouldn't*
- The impact of this section depends on resolution of issues in sections 7, 10, 11, and 14.

*Handwritten notes*

**SECTION 18 - Non-statutory provisions**

**Assumptions**

*6 talk W/DOT WED*

could do  
1 sub. rule  
+ 1 sub. warning

- DOT must shall submit proposed rules related to GDL violations to leg. council within 4 months of effective date.
- Rules may not propose to extend GDL restriction period for a violation of any of the following:

- OML 343.05(1) - Holding more than one license
- OWL 343.05(3) - Driving without a license
- OSB 343.05(1) - Driving a school bus without a school bus endorsement
- IR 346.595(1) - Motorcycle/Moped (25 mph zone) may drive 2 abreast.
- IR 346.595(6) - Moped operation on roads posted greater than 25 mph.
- IE 347.20 - Lamp or flag on projecting load or fixture.
- IE 347.28 - Certain vehicles to carry flares or other warning devices.
- IE 347.29(1) - Impr warnng devices for certain veh. parked on highway.
- IE 347.38(1) - Working horn
- IE 347.38(2) - Prohibits sirens.
- IE 347.38(4) - Proper use of emergency sirens on authorized vehicles.
- IE 347.40 - Proper mirrors
- IE 347.42 - Windshield wipers
- IE 347.46 - Fenders and mudguards
- IE 347.47 - Drawbars, trailer hitches, and mobile home couplings.
- IE 347.485 - Protective headgear for certain Type 1 motorcycle operators.
- IE 347.486(2) - Improper handlebars on motorcycle.
- IR 347.487 Type 1 motorcycle seating requirements
- IE 347.488 Moped equipment

• ~~Operating while suspended, revoked or expired.~~

Questions/Concerns

- Specifically excluding operating while (expired) seems unnecessary as this is covered under 343.05(3) OWL (operating without a license).

may be made a op

SECTION 19 - Initial Applicability

Assumptions

- Licenses and permits applied for on or after effective date.
- Safety Belt provision on effective date.

Questions/Concerns

- Our interpretation is that a person under 19 who got an instruction permit before the effective date, but is applying for a probationary license after the effective date of the act is subject to all GDL requirements. Is this your intent?

we can't w/ committee

SECTION 20 - Effective dates

Assumptions

- All provisions are effective 3 months after publication except:
  - Requirement for DOT to begin working on proposed rule takes affect day after publication.
  - Repeal of 343.085(3) and (5) are effective 6 months after publication.

Questions/Concerns

- We need to discuss this. If all our assumptions are correct, it may not be possible to implement in 3 months.

yo, we understand committee to work on

Tues. 2/9/99

stays 50007/1

~~1999 ASSEMBLY BILL 52~~

ASA - AB52

In PEN's INBOX - 2-9-99 @: 3:00 p.m.

January 21, 1999 - Introduced by Representatives OLSEN, SPILLNER, BRANDEMUEHL, GOETSCH, J. LEHMAN, AINSWORTH, ALBERS, HAHN, KEDZIE, KLUSMAN, LADWIG, LA FAVE, M. LEHMAN, MUSSER, OTT, OWENS, PLALE, RILEY, RYBA, STONE, UNDERHEIM, URBAN, VRAKAS, WALKER and WARD, cosponsored by Senators JAUCH, ROESSLER, BURKE, DARLING, HUELSMAN, MOEN, ROSENZWEIG and WELCH. Referred to Committee on Transportation.

Sen. Cat:

WFO: check auto refs.

1 AN ACT to repeal 343.07 (1) (c), 343.085 (3) and 343.085 (5); to renumber and  
2 amend 343.085 (1) and 343.32 (2) (c); to consolidate, renumber and amend  
3 343.07 (1) (a) and (b); to amend 343.07 (3), 343.085 (3), 343.085 (4), 343.085 (5),  
4 343.21 (1) (i) and 347.48 (2m) (gm); and to create 343.06 (1) (cm), 343.085 (1)  
5 (b), 343.085 (2m), 343.32 (2) (bc) and 343.32 (2) (c) 2. of the statutes; relating  
6 to: instruction permits, probationary licenses and regular licenses to operate  
7 motor vehicles; primary enforcement of requirements related to safety belt  
8 equipment, installation and use; granting rule-making authority; and  
9 providing a penalty.

**Analysis by the Legislative Reference Bureau**  
For most people, the process of obtaining a driver's license in this state involves obtaining an instruction permit at 15 years six months of age, a probationary license at 16 years of age and a regular license at 18 years of age. Each of these three phases of licensing carries different privileges and possible penalties. This bill modifies certain eligibility requirements, privileges and penalties that apply to these three phases of licensing to implement a system commonly known as "graduated driver licensing".

**ASSEMBLY BILL 52**

Current law prohibits a person who possesses an instruction permit (permittee) from driving a motor vehicle unless accompanied by a qualified driving instructor or a person who has possessed a driver's license for at least two years. If the permittee is under 16 years of age, the licensed accompanying person must have the written permission of the permittee's parent or guardian to accompany the permittee. Except for properly equipped driving school vehicles, no other passengers are allowed in a vehicle being driven by a permittee who is under 16 years of age. A permittee who is at least 16 years of age may drive a motor vehicle when accompanied by a third person, in addition to the qualified accompanying person, who is 25 years of age or older and has possessed a license for at least two years.

This bill changes the qualifications for persons accompanying an instruction permit holder while driving a motor vehicle. Under the bill, a permittee may drive only when accompanied by one of the following persons, who must hold a valid license and have at least two years of driving experience:

1. A driving school instructor who is at least 18 years of age. Up to three additional passengers may be present in the vehicle if the vehicle is a driving instruction vehicle equipped with dual controls.

2. The permittee's parent, guardian or spouse who is at least 18 years of age. The permittee's immediate family members may also be present in the vehicle with the permittee's parent, guardian or spouse.

3. Any person who is at least 21 years of age. If the permittee is younger than 19 years of age, the licensed person accompanying the permittee must have the written permission of the permittee's parent or guardian.

This bill also increases the valid period of an instruction permit from six months to one year and increases the fee for an instruction permit from \$20 to \$25.

Under current law, an applicant who qualifies for initial issuance of a driver's license is issued a probationary license and is subject to a probationary period (a qualified applicant who is at least 21 years of age and has been licensed to drive in another jurisdiction for at least three years is issued a regular license with no probationary period). The probationary period generally lasts two years, until the applicant's second birthday occurring after the date on which the probationary license is issued. During the probationary period, the number of demerit points assessed for a second or subsequent traffic conviction is increased by two demerit points. A person who accumulates an excessive total of demerit points may have his or her operating privilege suspended or revoked. In addition, the department of transportation (DOT) may extend this probationary period if the licensee repeatedly commits traffic violations.

This bill changes the eligibility requirements for a probationary license issued to an applicant for a driver's license who is under 19 years of age and who has less than two years of driving experience (youthful applicant). First, a youthful applicant must hold an instruction permit for at least six months before applying for initial issuance of a driver's license. Current law requires only a seven-day to fourteen-day instruction permit period. Second, a probationary license may be issued to a youthful applicant only if, during the six-month period preceding the application, the youthful applicant did not commit a traffic violation resulting in conviction. Finally,



**ASSEMBLY BILL 52**

the bill requires a youthful applicant for initial issuance of a regular driver's license to complete the equivalent of at least 50 hours of behind-the-wheel driving. At least ten of those 50 hours must be nighttime driving.

The bill also creates driving restrictions that apply to certain youthful licensees while driving under a probationary license. During the first nine months following issuance of a probationary license, a licensee who was under 19 years of age at the time the probationary license was issued (youthful licensee) may not: 1) transport persons, other than immediate family members and persons who may accompany a person driving under an instruction permit; or 2) drive between the hours of 12 midnight and 5 a.m., unless accompanied by his or her parent, guardian or spouse or by a person who may accompany a person who is driving under an instruction permit, or unless traveling to or from employment or school. These driving restrictions are extended for an additional six months if the youthful licensee violates these restrictions, commits an offense specified by DOT by rule or has his or her operating privilege suspended for any reason other than a mental or physical disability.

The bill creates a limited exception to the driving restrictions to allow a probationary licensee to drive in an organized "teen safe-ride program", which provides teenagers with free rides to their homes if specific requirements are met.

Currently, DOT may suspend an operating privilege for excessive demerit point accumulation if a person accumulates 12 demerit points in 12 months. This bill doubles the number of demerit points assessed against a youthful licensee who is subject to the driving restrictions described above and requires DOT to suspend the operating privilege of a probationary licensee who accumulates 12 demerit points in 12 months. The bill requires DOT to continue a youthful licensee on probationary status while the person is subject to the driving restrictions described above and specifies that a period of restriction does not run while a person's operating privilege is suspended or revoked.

Under current law, a law enforcement officer may not stop or inspect a vehicle solely to determine compliance with safety belt equipment, installation or use requirements, but may issue a citation for a violation observed in the course of a stop or inspection made for other purposes. A law enforcement officer may not take a person into physical custody solely for a violation of those requirements. This bill authorizes primary enforcement of safety belt equipment, installation and use requirements if the driver of the vehicle reasonably appears to be under 19 years of age. A law enforcement officer may stop or inspect a vehicle being driven by such a driver solely to determine compliance with safety belt equipment, installation or use requirements, but may not take such a person into physical custody solely for a violation of those requirements.

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:***

ASSEMBLY BILL 52

SECTION 1

SECTION 1. 343.06 (1) (cm) of the statutes is created to read:

343.06 (1) (cm) To any person under ~~16~~<sup>18</sup> years of age, unless the person has accumulated at least 50 hours of behind-the-wheel driving experience, at least 10 hours of which were during hours of darkness. Each hour of behind-the-wheel driving experience while accompanied by a qualified instructor, as defined in s. 343.07 (5), shall be considered to be 2 hours of behind-the-wheel driving experience, except that no more than 5 hours of behind-the-wheel driving experience while accompanied by a qualified instructor may be counted in this manner. This paragraph does not apply to applicants for a restricted license under s. 343.08 or a special restricted operator's license under s. 343.135.

SECTION 2. 343.07 (1) (a) and (b) of the statutes are consolidated, renumbered 343.07 (1) (a) (intro.) and amended to read:

343.07 (1) (a) (intro.) ~~If the permittee is at least 16 years of age, the permittee shall not~~ Except as provided in this subsection, no permittee may operate a motor vehicle unless accompanied by a ~~qualified instructor, or a licensed person with who~~<sup>5+CP</sup> has at least 2 years of licensed driving experience, who presently holds a valid <sup>regular</sup> license, ~~occupying~~<sup>as defined in s. 343.03 (3) (a),</sup> who occupies the seat beside the permittee. ~~No other passengers are allowed in the vehicle except as provided in par. (c) or (cm). (b) and who is one~~ of the following:

- 1. ~~A permittee under the age of 16 is restricted to operation of a motor vehicle only while accompanied by a qualified instructor, the~~ who is 18 years of age or older. If the motor vehicle is equipped with dual controls, up to 3 other persons, in addition to the qualified instructor, may occupy seats in the motor vehicle other than the front seat.

## ASSEMBLY BILL 52

1           ~~2. The permittee's parent or, guardian who meets the other qualifications of~~  
2 ~~par. (a) or a licensed or spouse who is 18 years of age or older. In addition to the~~  
3 ~~parent, guardian or spouse, the permittee's immediate family members may occupy~~  
4 ~~seats in the motor vehicle other than the front seat.~~

5           ~~3. A person who is 21 years of age or older who meets the other qualifications~~  
6 ~~of par. (a) and who has. If the permittee is under 18 years of age, this subdivision~~  
7 ~~applies only if the licensed person has been designated in writing to accompany the~~  
8 ~~permittee by the permittee's parent or guardian prior to operation of the vehicle by~~  
9 ~~the permittee. Upon reaching the age of 16, the permittee gains the privilege of any~~  
10 ~~other permittee.~~

11           **SECTION 3.** 343.07 (1) (c) of the statutes is repealed.

12           **SECTION 4.** 343.07 (3) of the statutes is amended to read:

13           **343.07 (3) DURATION; CANCELLATION.** An instruction permit ~~shall be to operate~~  
14 ~~vehicles other than commercial motor vehicles or school buses is valid for 6 12~~  
15 ~~months except that it may be canceled upon receipt of information, by the secretary,~~  
16 ~~of noncompletion or unsatisfactory completion of a driver education and training~~  
17 ~~course by a permittee under the age of 18. An instruction permit to operate~~  
18 ~~commercial motor vehicles or school buses is valid for 6 months.~~

19           **SECTION 5.** 343.085 (1) of the statutes is renumbered 343.085 (1) (a) and  
20 amended to read:

21           **343.085 (1) (a)** Except as provided in par. (b) and sub. (2), the department shall  
22 issue a probationary license to all applicants for an original license. The  
23 probationary license shall remain in effect ~~during the entire period of the first~~  
24 ~~issuance of the original license as provided in s. 343.20 (1) (a).~~

25           **SECTION 6.** 343.085 (1) (b) of the statutes is created to read:

## ASSEMBLY BILL 52

## SECTION 6

1           343.085 (1) (b) The department may not issue a probationary license under this  
 2 section to an applicant who is under ~~19~~<sup>18</sup> years of age unless the applicant has held an  
 3 instruction permit issued under s. 343.07 for not less than 6 months and, during the  
 4 6-month period immediately preceding application, has not committed a moving  
 5 violation resulting in a conviction.

6           **SECTION 7.** 343.085 (2m) of the statutes is created to read:

7           343.085 (2m) (a) Except as provided in this subsection, during the 9-month  
 8 period after issuance of a probationary license under this section, no licensee may  
 9 operate a ~~motor~~<sup>class 2</sup> vehicle upon a highway in this state:

10           1. Whenever any person, other than the licensee or a member of the licensee's  
 11 immediate family or a person who meets the requirements under s. 343.07 (1) (a), is  
 12 in the motor vehicle.

13           2. Between the hours of 12 midnight and 5 a.m., unless ~~his or her~~<sup>the licensee's</sup> parent or  
 14 guardian, or a person who meets the requirements under s. 343.07 (1) (a), occupies  
 15 the seat beside the licensee, or unless the licensee is traveling between his or her  
 16 place of residence, school or place of employment.

17           (am) Paragraph (a) does not apply to any licensee to whom all of the following  
 18 apply:

19           1. The licensee is operating the motor vehicle in the service of an organized  
 20 program that, without compensation, transports teenagers to their homes.

21           2. The licensee possesses documentation that identifies the program and the  
 22 licensee and that authorizes the licensee to operate a motor vehicle in service of the  
 23 program on the date and time of the operation. The documentation is valid only if  
 24 signed by a person who is at least 25 years of age and associated with the program.

**ASSEMBLY BILL 52**

1           3. The licensee is accompanied by another licensee, other than a teenager who  
2 is being transported, who is in the motor vehicle in the service of the program  
3 described in subd. 1. and who possesses the documentation described in subd. 2.

4           4. The licensee is accompanied by not more than 3 passengers in the vehicle.  
5 The licensee described in subd. 3. shall not be counted under this subdivision.

6           (b) 1. The department shall extend the restrictions under par. (a) for an  
7 additional 6-month period if any of the following occurs while the licensee is subject  
8 to the restrictions under par. (a):

9           a. The licensee commits an offense specified by the department by rule,  
10 resulting in a conviction of the licensee.

11           b. The licensee violates par. (a).

12           c. A court or the department suspends <sup>or revokes</sup> the licensee's operating privilege for any  
13 reason other than a mental or physical disability.

14           2. If the department extends a restriction period under subd. 1., the  
15 department shall immediately provide notice of the extension by 1st class mail to the  
16 person's last-known residence address.

17           (c) A period of restriction under this subsection does not run while a person's  
18 operating privilege is suspended or revoked.

19           (d) ~~This subsection applies only to a licensee who is under 19 years of age on~~  
20 ~~the date on which the probationary license is first issued to him or her~~

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

22           343.085 (3) The secretary may suspend a person's operating privilege under  
23 this section when such person has been assigned sufficient demerit points after  
24 conviction for traffic violations to require suspension under the rule adopted under  
25 sub. (5) and either holds a license issued under this section or by age comes under

The restrictions under par. (a) apply until the period of restriction expires or until the licensee reaches 18 years of age, whichever occurs first.

ASSEMBLY BILL 52

SECTION 8

1 this section. The secretary may revoke such a person's operating privilege under this  
2 section if such person has a previous suspension under this section. This subsection  
3 applies only to a person holding a probatory license <sup>issued</sup> that the person applied for  
4 before the effective date of this subsection .... [revisor inserts date]. ✓

5 ~~SECTION 9. 343.085 (3) of the statutes, as affected by 1997 Wisconsin Act 84 and~~  
6 ~~1999 Wisconsin Act .... (this act), is repealed.~~

7 SECTION 10. 343.085 (4) of the statutes is amended to read:

8 343.085 (4) The secretary may require that a person be continued on  
9 probationary status beyond the period of first issuance if such person appears by the  
10 records of the department to have repeatedly violated any of the state traffic laws or  
11 any local ordinance in conformity therewith or any law of a federally recognized  
12 American Indian tribe or band in this state in conformity with any of the state traffic  
13 laws. A person may not be continued on probationary status due to a suspension  
14 under s. 343.30 (6). The secretary shall require that a person be continued on  
15 probationary status while the person is subject to restrictions under sub. (2m) (a).

16 SECTION 11. 343.085 (5) of the statutes is amended to read:

17 343.085 (5) For the purpose of determining when to suspend or to continue a  
18 person on probationary status, the secretary may determine and adopt by rule a  
19 method of weighing traffic convictions by their seriousness and may change such  
20 weighted scale from time to time as experience or the accident frequency in the state  
21 makes necessary or desirable. Such scale may be weighted differently for this  
22 licensee than the scale used to determine revocations under s. 343.32. This  
23 subsection applies only to a person holding a probatory license <sup>issued</sup> that the person  
24 applied for before the effective date of this subsection .... [revisor inserts date]. ✓

use  
twice  
THIS subsection does not apply on or after the first day of the 37th  
month beginning after the effective date of this subsection .... [revisor inserts date].

ASSEMBLY BILL 52

1 SECTION 12. 343.085 (5) of the statutes, as affected by 1997 Wisconsin Act 84  
2 and 1999 Wisconsin Act .... (this act), is repealed.

3 SECTION 13. 343.21 (1) (i) of the statutes is amended to read:

4 343.21 (1) (i) Except as provided in par. (im), for an instruction permit, \$20 \$25.

5 SECTION 14. 343.32 (2) (bc) of the statutes is created to read:

6 343.32 (2) (bc) The scale adopted by the secretary shall assess to a person who  
7 holds a probationary license ~~and who is subject to the restrictions under s. 343.085~~  
8 ~~(2m) on the date of conviction,~~ for each conviction, twice the number of demerit points  
9 that are assessed for the same offense to a person who possesses a regular license.

10 SECTION 15. 343.32 (2) (c) of the statutes is renumbered 343.32 (2) (c) 1. and  
11 amended to read:

12 343.32 (2) (c) 1. ~~In~~ Except as provided in subd. 2., in order for the secretary to  
13 suspend or revoke an operating privilege under this subsection, the operator must  
14 have accumulated 12 demerit points in any 12-month period.

15 SECTION 16. 343.32 (2) (c) 2. of the statutes is created to read:

16 343.32 (2) (c) 2. The secretary shall suspend, for a period of 6 months, the  
17 operating privilege of any person <sup>who holds a probationary license issued after the effective</sup> who has accumulated 12 demerit points in any <sup>date</sup>  
18 12-month period <sup>if the person holds a probationary license and was under 19 years</sup> <sup>of this</sup>  
19 of age <sup>when the probationary license was first issued to him or her</sup> <sup>subd.</sup>  
20 <sup>subdivision</sup> <sup>(2).</sup>

21 SECTION 17. 347.48 (2m) (gm) of the statutes is amended to read:

22 347.48 (2m) (gm) Notwithstanding s. 349.02, a law enforcement officer may not  
23 stop or inspect a vehicle solely to determine compliance with this subsection or sub.  
24 (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules  
25 of the department, unless the person operating the vehicle reasonably appears to be  
under 18 years of age. This paragraph does not limit the authority of a law

18

subdivision  
(2).  
revisu  
inserts  
date,  
and

**ASSEMBLY BILL 52****SECTION 17**

1 enforcement officer to issue a citation for a violation of this subsection or sub. (1) or  
2 (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of  
3 the department observed in the course of a stop or inspection made for other  
4 purposes, except that a law enforcement officer may not take a person into physical  
5 custody solely for a violation of this subsection or sub. (1) or (2) or a local ordinance  
6 in conformity with this subsection, sub. (1) or (2) or rules of the department.

**SECTION 18. Nonstatutory provisions.**

8 (1) OFFENSES REQUIRING AN EXTENSION OF A PROBATIONARY LICENSEE'S RESTRICTION  
9 PERIOD. Not later than the first day of the 4th month beginning after the effective  
10 date of this subsection, the secretary of transportation shall submit in proposed form  
11 rules required under section 343.085 (2m) (b) 1. of the statutes, as created by this act,  
12 to the legislative council staff under section 227.15 (1) of the statutes. The rules may  
13 not propose to extend a period of restriction under section 343.085 (2m) (b) of the  
14 statutes, as created by this act, for a violation of section 343.05 (1) or (3), 343.12 (1),  
15 346.595 (1) or (6), 347.20, 347.28, 347.29 (1), 347.38 (1), (2) or (4), 347.40, 347.42,  
16 347.46, 347.47, 347.485 (2), 347.486 (2), 347.487 or 347.488 of the statutes, nor for  
17 operating a motor vehicle with an operating privilege that is suspended or revoked  
18 or with an operator's license that is expired.

**SECTION 19. Initial applicability.**

20 (1) INSTRUCTIONAL PERMITS AND PROBATIONARY LICENSES. The treatment of  
21 sections 343.06 (1) (cm), 343.07 (1) (a), (b) and (c) and (3), 343.085 (2m) and (4), 343.21  
22 (1) (i) and 343.32 (2) (bc) of the statutes, the renumbering and amendment of section  
23 343.085 (1) and 343.32 (2) (c) of the statutes and the creation of sections 343.085 (1)  
24 (b) and 343.32 (2) (c) 2. of the statutes first apply to licenses and permits applied for  
25 on the effective date of this subsection.



ASSEMBLY BILL 52

1 (2) SAFETY BELTS. The treatment of section 347.48 (2m) (gm) of the statutes first  
2 applies to vehicles stopped or inspected on the effective date of this subsection.

3 SECTION 20. Effective dates. This act takes effect on the first day of the 4th  
4 month beginning after publication, except as follows:

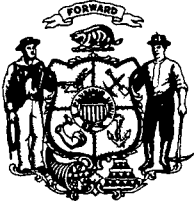
5 (1) SECTION 18 (1) of this act takes effect on the day after publication.

6 (2) The repeal of section 343.085 (3) and (5) of the statutes takes effect on the  
7 first day of the 6th month beginning after publication.

8 (END)

# (#) (S) DEMERIT POINTS ASSESSED TO PROBATIONARY LICENSEES.  
The treatment of section 343.32 (2) (bc) of the  
statutes first applies to persons holding probationary  
licenses first issued after the effective date of this  
subsection.





**LUTHER S. OLSEN**

STATE REPRESENTATIVE • 41ST ASSEMBLY DISTRICT

LRB  
✓

February 4, 1999

Mr. Peter Dykman  
Legislative Reference Bureau  
100 North Hamilton  
Fifth Floor

Keep  
In  
File

9950007/1

Fiscal Impact

Dear Peter:

I would like to formally request a supplemental fiscal estimate for a substitute amendment to Assembly Bill 52.

I received the original fiscal estimate today and have requested a substitute amendment for the bill.

I also request that this fiscal estimate be prepared in time for the public hearing on February 11<sup>th</sup>.

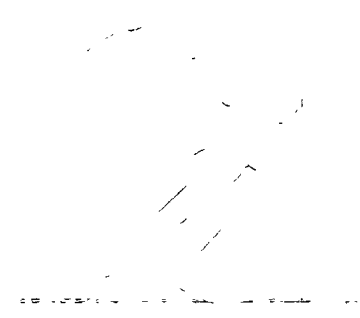
Thank you for your attention to this matter. If you have any questions please call my office.

Sincerely,

Luther S. Olsen  
Chairman, Assembly Committee on Education

LSO/mp

10



11

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# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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LRB  
2

STEPHEN R. MILLER  
CHIEF

February 25, 1999

## MEMORANDUM

**To:** Representative Olsen

Paul E. Nilsen, Legislative Attorney, (608) 261-6926

**Subject:** Technical Memorandum to **1999 ASA 1 to AB 52** (LRB 99s0007/1)

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We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

# CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: 2/10/99

File Ref:

To: Legislative Reference Bureau

From: James Theil  
General Counsel, Department of Transportation

Subject: Technical Note for AB 52 ASA 1 on Graduated Driver Licensing (GDL)

## Section 2

- Note: S.343.07(1)(a) refers to a person who may accompany a "permittee who holds a "regular" license. The youngest age a person can obtain a regular Class D license is 19 years of age. Therefore, the reference to "who is 18 years of age" in subd. 1 and 2 would really be drivers 19 years of age or older.
- Suggest "Adult Sponsor" as defined in Trans 102 admin. rule be included along with parent, guardian or spouse option in 343.07(1)(a)2. and 3.

## Section 6

- "Moving violation" language should match the same language in section 7, page 5, lines 6-7. We have a verbal agreement with the author that the violations referred to in Section 6 & 7 should be the same list of violations.
- Applicants for a motorcycle license are included in this section. Is this intended?
- With these new requirements, how do we deal with out of state transfers who don't meet Wisconsin criteria, e.g. 50 hours, 6 months on permit.? We recommend the authority to write a rule (amend Trans 101) to treat out of state drivers the same as if they would have a WI permit or probationary license.

## Section 7

- By agreement with the bill author, WisDOT will not extend restrictions for multiple violations occurring on the same day nor for a suspension for which the underlying conviction already generated an extension. We assume we can amend Trans 101 to do this.
- It is our understanding that the author intended to remove the provision which requires the restriction period to stop while a person is suspended or revoked. ASA 1 did not remove it. (See s.343.085(2m)(c)).

## Section 9

- This change seems unnecessary with restrictions ending at age 18 as there is no possibility of anything other than a probationary status for those under 18.

## Section 11

- Commercial Driver License Instruction Permits (Class A, B, & C) should not be included in the \$25 fee increase.

# CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

## Section 12

- We suggest including language allowing for doubling of demerit points for unlicensed violators who, if licensed, would hold a probationary license and for pre-probationary permit holders. (Same change suggested for Section 14 below)

## Section 14

- We suggest including language allowing the 6 month suspension for unlicensed violators who, if licensed, would hold a probationary license and for pre-probationary permit holders.

## Section 18

- We do not have adequate DP staff to make all system changes for the new GDL requirements for probationary license holders. We request those sections of the bill have a full 9 month effective date. (Sections 5, 6, 7, 9, 12, 13, & 14) The balance of the bill we believe we can implement within the 3 month effective date.

John Alley 266 - 0614

Agency/Prepared by: (Name & Phone No.)

Authorized Signature

