

**1999 DRAFTING REQUEST****Bill**

Received: 02/15/1999

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Mary Lazich (608) 266-5400

By/Representing:

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: **Transportation - mass transit**Extra Copies: **TNF, ISR****Pre Topic:**

No specific pre topic given

**Topic:**

Human service vehicles; operator qualifications, vehicle inspections

**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>
/?	nilsepe 02/15/1999	chanaman 02/16/1999		_____			S&L
/P1	nilsepe 04/12/1999	chanaman 04/13/1999	martykr 02/17/1999	_____	gr 02		S&L
/1	nilsepe 08/10/1999	chanaman 08/25/1999	jfrantze 04/14/1999	_____	lrb 04/		&L
/2	nilsepe 02/08/2000	jgeller 02/08/2000	jfrantze 08/27/1999	_____	lrb_docadmin 08/27/1999		S&L

*PA's - send out for a new FE if bill goes to "4"*

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3			jfrantze 02/09/2000	_____	lrb_docadmin 02/09/2000	lrb_docadmin 03/03/2000	

FE Sent For (03/03/2000.

↪ ("1/3")

<END>

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Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

/3

jfrantze \_\_\_\_\_  
02/09/2000 \_\_\_\_\_

lrb\_docadmin  
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/1	nilsepe 08/10/1999	chanaman 08/25/1999	jfrantze 04/14/1999	_____	lrb_docadmin 04/14/1999		S&L
/2		1/3 2/8 jg chanaman 08/27/1999	jfrantze 08/27/1999	_____	lrb_docadmin 08/27/1999		

08/27/1999 08:28:08 AM  
Page 2

FE Sent For:

**<END>**

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/?	nilsepe 02/15/99	chanaman 02/16/99		_____			S&L
/P1	nilsepe 04/12/99	chanaman 04/13/99	martykr 02/17/99	_____	gretski 02/17/99		S&L
/1		<i>cmn</i> 8/24 /99	jfrantze 04/14/99	_____	lrb_docadmin 04/14/99		

FE Sent For:

*6/26* *6/27*  
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/P1			martykr 02/17/99		gretskl 02/17/99		
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FE Sent For:

*cmh*  
*2/13*  
*1*

*2/9/14*

*2/6/14*  
**4 ENDS**



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1/?	nilsepe	cmh 1/17 2/14	dm 2/17	Hlt 2/17 dm 1/17	<div style="border: 1px solid black; border-radius: 50%; padding: 10px; display: inline-block;">           please submit /PI            but return gtd            to me.            -PEN         </div>		

FE Sent For:

<END>

Request by Jim; Sen Lazich's office

Redraft 97-1709/2

Add language to prohibit registration of HSV  
unless the vehicle passes inspection by DOT

-PEN

LRB-1209/2  
PEN: ~~rad km~~  
CMH

~~1997~~ BILL

1999 Bill

-2220/P1

d-note

regen  
cat

1 AN ACT *to amend* 85.21 (3) (c) and 346.95 (4); and *to create* 85.21 (3m) and  
 2 346.923 of the statutes; **relating to:** the specialized transportation assistance  
 3 program, minimum qualifications for the operator of a human service vehicle  
 4 and providing a penalty.

***Analysis by the Legislative Reference Bureau***

Under current law, any vehicle used to transport elderly or disabled persons in connection with a transportation assistance program that is administered or funded by this state is called a "human service vehicle". No person may drive a human service vehicle unless the vehicle is insured with property damage liability coverage of not less than \$10,000 and bodily injury liability coverage with limits of not less than \$75,000 per person. Current law establishes no minimum qualifications for the driver of a human service vehicle.

This bill establishes minimum qualifications for the driver of a human service vehicle. Under the bill, no person may drive a human service vehicle transporting passengers unless the person possesses a valid driver's license, has recently been trained in the proper use of passenger restraint systems and, within the immediately preceding 12 months, the person has not been at fault in any motor vehicle accident or found guilty of any offense involving a motor vehicle and alcohol or a controlled substance. A person who drives a human service vehicle in violation of these minimum qualifications may be required to forfeit not more than \$20 for a first violation and not more than \$50 for each subsequent violation.

**BILL**

The bill also prohibits a provider of specialized transportation services from employing operators who have committed these offenses, prohibits counties from contracting for services with providers who employ such violators and prohibits the department of transportation from paying for such services.

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. 85.21 (3) (c) of the statutes is amended to read:

2           85.21 (3) (c) To make and execute contracts with counties to ensure the  
3 provision of specialized transportation service, subject to sub. (3m). Payments under  
4 such contracts to eligible applicants shall not exceed the county proportionate share,  
5 except as supplemented under par. (e) or (f). A contract under this section shall  
6 require the county to make a matching contribution of 20% of the contract amount  
7 and to furnish information determined necessary by the department for periodic  
8 program monitoring and year-end auditing and evaluation. A contract may permit  
9 a county to hold aids received under this section on or after July 2, 1983, in trust,  
10 according to rules promulgated by the department, for the exclusive purpose of  
11 acquiring or maintaining equipment used for services authorized under this section.  
12 All aids held in trust, as well as any accumulated interest, not expended for the  
13 authorized purposes, shall be returned to the department for deposit in the  
14 transportation fund. Nothing in this paragraph entitles a county to any investment  
15 interest accumulated prior to the time the aid payment is actually received by the  
16 county. A contract under this section shall prohibit the department from making any  
17 payments under this section to a county that violates sub. (3m) (a).

18           SECTION 2. 85.21 (3m) of the statutes is created to read:

**BILL**

1           85.21 (3m) CONTRACT RESTRICTIONS; SERVICE PROHIBITIONS. (a) No county may  
2 contract for services under this section with a specialized transportation service that  
3 violates par. (b) while that transportation service is in violation or for a period of one  
4 year, whichever is longer.

5           (b) No specialized transportation service may do any of the following:

6           1. Employ as an operator any individual who has been convicted, within the  
7 previous 5 years, of a violation of s. 346.923.

8           2. Employ as operators individuals who, individually or in the aggregate, have  
9 been at fault in more than a total of 10 accidents in the previous 3 years.

10          3. Employ any number of operators, more than 10% of whom have been at fault  
11 in accidents in the previous 3 years.

12          4. Employ any number of operators less than the number of accidents for which  
13 operators of that specialized transportation service have been at fault.

14          5. Employ operators who, individually or in the aggregate, are responsible for  
15 more than a total of 25 unrelated violations of s. 346.923 within the previous 5 years.

16          6. Allow any operator to operate a human service vehicle for more than 10 hours  
17 in any 18-hour period or, if the specialized transportation service does not operate  
18 human service vehicles every day of the week, for any time exceeding 60 hours in one  
19 week or, if the specialized transportation service operates human service vehicles  
20 every day of the week, for any time exceeding 70 hours in any period of 8 consecutive  
21 days.

22          7. Employ as an operator any person who has not, within the 2 previous years,  
23 been fully trained in the proper use of any passenger restraint system available in  
24 the human service vehicle operated by that operator.

**BILL**

1 (c) Any person who violates par. (b) shall be fined not more than \$1,000 for the  
 2 first offense and shall be fined not less than \$1,000 nor more than \$5,000 for each  
 3 subsequent offense. Each day of violation after the first conviction shall constitute  
 4 a separate offense.

5 **SECTION 3.** 346.923<sup>✓</sup> of the statutes is created to read:

6 **346.923 Human service vehicles; minimum operator qualifications.** No  
 7 person may operate a human service vehicle transporting any passenger unless all  
 8 of the following apply:

9 (1) The operator possesses a valid operator's license issued under ch. 343 or by  
 10 another jurisdiction that authorizes the operation of the human service vehicle.

11 (2) The operator has not been at fault in any motor vehicle accident during the  
 12 12 months immediately preceding the operation of the human service vehicle.

13 (3) The operator has not been convicted of a violation of s. 346.63 (1), (2<sup>m</sup>) or  
 14 (5) or a local ordinance in conformity therewith, or of a violation of s. 346.63 (2) or  
 15 (6), 940.09 (1) or 940.25, during the 12 months immediately preceding the operation  
 16 of the human service vehicle.

17 (4) The operator prominently displays an identification card issued by the  
 18 specialized transportation service that identifies the bearer as an operator, states his  
 19 or her name and contains a photograph of that person.

20 (5) The operator has, within the 2 previous years, been fully trained in the  
 21 proper use of any passenger restraint system available in the human service vehicle  
 22 and, when requested by the passenger to do so, properly restrains the passenger.

23 **SECTION 4.** 346.95<sup>✓</sup> (4) of the statutes, as affected by 1995 Wisconsin Act 194,

24 ~~Section 4~~ is amended to read:

**BILL**

1           346.95 (4) Any person violating s. 346.923, 346.925 or 346.94 (8) or (8m) may  
2 be required to forfeit not to exceed \$20 for the first offense or not to exceed \$50 for  
3 each subsequent offense.

4           **SECTION 5. Initial applicability.**

5           (1) The treatment of section 346.923 of the statutes first applies to violations  
6 committed on the effective date of this subsection.

7           (2) The treatment of section 85.21 (3m) (a) of the statutes first applies to  
8 contracts that are entered into or renewed on the effective date of this subsection.

9           **SECTION 6. Effective date.**

10           (1) This act takes effect on ~~July 1, 1998~~ <sup>January 1, 2000</sup> or on the first day of the 4th month  
11 beginning after publication, whichever is later.

12

(END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2220/P1dn

PEN:.....

*emf*

February 15, 1999

Senator Lazich:

Mr. James Emerson, from your office and I are working together on language to require human service vehicles to pass equipment inspections by the department of transportation as a condition of registering those vehicles. That language will be included in a subsequent version of this bill.

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



---

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2220/P1dn  
PEN:cmh:km

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2220/21  
PEN:cmh:km

11

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

inserts

note

rejection

1 AN ACT to amend 85.21 (3) (c) and 346.95 (4); and to create 85.21 (3m) and  
2 346.923 of the statutes; relating to: the specialized transportation assistance  
3 program, minimum qualifications for the operator of a human service vehicle  
4 inspection and registration of human service vehicles  
and providing a penalty.

**Analysis by the Legislative Reference Bureau**

Under current law, any vehicle used to transport elderly or disabled persons in connection with a transportation assistance program that is administered or funded by this state is called a "human service vehicle". No person may drive a human service vehicle unless the vehicle is insured with property damage liability coverage of not less than \$10,000 and bodily injury liability coverage with limits of not less than \$75,000 per person. Current law establishes no minimum qualifications for the driver of a human service vehicle.

This bill establishes minimum qualifications for the driver of a human service vehicle. Under the bill, no person may drive a human service vehicle transporting passengers unless the person possesses a valid driver's license, has recently been trained in the proper use of passenger restraint systems and, within the immediately preceding 12 months, the person has not been at fault in any motor vehicle accident or found guilty of any offense involving a motor vehicle and alcohol or a controlled substance. A person who drives a human service vehicle in violation of these minimum qualifications may be required to forfeit not more than \$20 for a first violation and not more than \$50 for each subsequent violation.

The bill also prohibits a provider of specialized transportation services from employing operators who have committed these offenses, prohibits counties from

(9) Current law also requires an annual inspection of the equipment and condition of human service vehicles. This bill prohibits DOT from registering a vehicle that has not passed a required annual inspection.

contracting for services with providers who employ such violators and prohibits the department of transportation from paying for such services.

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.** 85.21 (3) (c) of the statutes is amended to read:

2           85.21 (3) (c) To make and execute contracts with counties to ensure the  
3           provision of specialized transportation service, subject to sub. (3m). Payments under  
4           such contracts to eligible applicants shall not exceed the county proportionate share,  
5           except as supplemented under par. (e) or (f). A contract under this section shall  
6           require the county to make a matching contribution of 20% of the contract amount  
7           and to furnish information determined necessary by the department for periodic  
8           program monitoring and year-end auditing and evaluation. A contract may permit  
9           a county to hold aids received under this section on or after July 2, 1983, in trust,  
10          according to rules promulgated by the department, for the exclusive purpose of  
11          acquiring or maintaining equipment used for services authorized under this section.  
12          All aids held in trust, as well as any accumulated interest, not expended for the  
13          authorized purposes, shall be returned to the department for deposit in the  
14          transportation fund. Nothing in this paragraph entitles a county to any investment  
15          interest accumulated prior to the time the aid payment is actually received by the  
16          county. A contract under this section shall prohibit the department from making any  
17          payments under this section to a county that violates sub. (3m) (a).

18          **SECTION 2.** 85.21 (3m) of the statutes is created to read:

19          85.21 (3m) **CONTRACT RESTRICTIONS; SERVICE PROHIBITIONS.** (a) No county may  
20          contract for services under this section with a specialized transportation service that

1 violates par. (b) while that transportation service is in violation or for a period of one  
2 year, whichever is longer.

3 (b) No specialized transportation service may do any of the following:

4 1. Employ as an operator any individual who has been convicted, within the  
5 previous 5 years, of a violation of s. 346.923.

6 2. Employ as operators individuals who, individually or in the aggregate, have  
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8 3. Employ any number of operators, more than 10% of whom have been at fault  
9 in accidents in the previous 3 years.

10 4. Employ any number of operators less than the number of accidents for which  
11 operators of that specialized transportation service have been at fault.

12 5. Employ operators who, individually or in the aggregate, are responsible for  
13 more than a total of 25 unrelated violations of s. 346.923 within the previous 5 years.

14 6. Allow any operator to operate a human service vehicle for more than 10 hours  
15 in any 18-hour period or, if the specialized transportation service does not operate  
16 human service vehicles every day of the week, for any time exceeding 60 hours in one  
17 week or, if the specialized transportation service operates human service vehicles  
18 every day of the week, for any time exceeding 70 hours in any period of 8 consecutive  
19 days.

20 7. Employ as an operator any person who has not, within the 2 previous years,  
21 been fully trained in the proper use of any passenger restraint system available in  
22 the human service vehicle operated by that operator.

23 (c) Any person who violates par. (b) shall be fined not more than \$1,000 for the  
24 first offense and shall be fined not less than \$1,000 nor more than \$5,000 for each

1 subsequent offense. Each day of violation after the first conviction shall constitute  
2 a separate offense.

3 **SECTION 3.** 346.923 of the statutes is created to read:

4 **346.923 Human service vehicles; minimum operator qualifications.** No  
5 person may operate a human service vehicle transporting any passenger unless all  
6 of the following apply:

7 (1) The operator possesses a valid operator's license issued under ch. 343 or by  
8 another jurisdiction that authorizes the operation of the human service vehicle.

9 (2) The operator has not been at fault in any motor vehicle accident during the  
10 12 months immediately preceding the operation of the human service vehicle.

11 (3) The operator has not been convicted of a violation of s. 346.63 (1), (2m) or  
12 (5) or a local ordinance in conformity therewith, or of a violation of s. 346.63 (2) or  
13 (6), 940.09 (1) or 940.25, during the 12 months immediately preceding the operation  
14 of the human service vehicle.

15 (4) The operator prominently displays an identification card issued by the  
16 specialized transportation service that identifies the bearer as an operator, states his  
17 or her name and contains a photograph of that person.

18 (5) The operator has, within the 2 previous years, been fully trained in the  
19 proper use of any passenger restraint system available in the human service vehicle  
20 and, when requested by the passenger to do so, properly restrains the passenger.

21 **SECTION 4.** 346.95 (4) of the statutes is amended to read:

22 346.95 (4) Any person violating s. 346.923, 346.925 or 346.94 (8) or (8m) may  
23 be required to forfeit not to exceed \$20 for the first offense or not to exceed \$50 for  
24 each subsequent offense.

25 **SECTION 5. Initial applicability.**

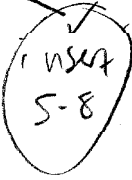
1 (1) The treatment of section 346.923 of the statutes first applies to violations  
2 committed on the effective date of this subsection.

3 (2) The treatment of section 85.21 (3m) (a) of the statutes first applies to  
4 contracts that are entered into or renewed on the effective date of this subsection.

5 **SECTION 6. Effective date.** 

6 (1) This act takes effect on January 1, 2000, or on the first day of the 4th month  
7 beginning after publication, whichever is later.

8 (END)

  
INSET  
5-8

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2220/lins  
PEN.....

1           **Insert 4-4:**

X

2           **SECTION 1.** 341.10 (13) of the statutes is created to read:

3           341.10 (13) The vehicle is required to be inspected under s. 110.05 and any of  
4 the following applies:

5           (a) The vehicle has not been inspected.

6           (b) The most recent inspection of the vehicle indicates noncompliance with ss.  
7 110.05 and 110.075, ch. 347 or rules promulgated under those sections or ch. 347.

8           **INSERT 5-8:**

9

#  
(0) The treatment of section<sup>g</sup> 341.10 (13) of the statutes first applies to  
10 applications for registration submitted on the first day of the 4th month beginning  
11 after publication.

(END OF INSERTS)

10-NOTE  
↓

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2220/1dn

PEN.....

*cmj*

April 12, 1999

✓  
Sen. Lazich:

This draft prohibits the annual registration of a human service vehicle by DOT unless the vehicle satisfactorily passes a required vehicle inspection. Current law requires human service vehicles to be inspected annually. Section 110.05, stats. See ch. Trans. 301, Wis. Adm. Code, for details of the inspection requirements.

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



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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2220/1dn  
PEN:cmh:jf

April 14, 1999

Sen. Lazich:

This draft prohibits the annual registration by DOT of a human service vehicle unless the vehicle satisfactorily passes a required vehicle inspection. Current law requires human service vehicles to be inspected annually. Section 110.05, stats. See ch. Trans. 301, Wis. Adm. Code, for details of the inspection requirements.

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



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2220/4  
PEN:cmh:jf

12

1999 BILL

Note

The bill allows a driver convicted of certain serious crimes to demonstrate that he or she is rehabilitated and may be authorized by the department of transportation (DOT) to drive human service vehicles.

1 **AN ACT** to amend <sup>regen car</sup> 85.21 (3) (c) and 346.95 (4); and to create 85.21 (3m), 341.10  
2 (13) and 346.923 of the statutes; relating to: the specialized transportation  
3 assistance program, minimum qualifications for the operator of a human  
4 service vehicle, inspection and registration of human service vehicles and  
5 providing a penalty.

granting rule-making authority

**Analysis by the Legislative Reference Bureau**

Under current law, any vehicle used to transport elderly or disabled persons in connection with a transportation assistance program that is administered or funded by this state is called a "human service vehicle". No person may drive a human service vehicle unless the vehicle is insured with property damage liability coverage of not less than \$10,000 and bodily injury liability coverage with limits of not less than \$75,000 per person. Current law establishes no minimum qualifications for the driver of a human service vehicle.

This bill establishes minimum qualifications for the driver of a human service vehicle. Under the bill, no person may drive a human service vehicle transporting passengers unless the person possesses a valid driver's license, has recently been trained in the proper use of passenger restraint systems and, within the immediately preceding 12 months, ~~has not been~~ has not been at fault in any motor vehicle accident or found guilty of any offense involving a motor vehicle and alcohol or a controlled substance. A person who drives a human service vehicle in violation of these minimum qualifications may be required to forfeit not more than \$20 for a first violation and not more than \$50 for each subsequent violation.

of  
has not been convicted, or is not currently charged with, a serious crime; has not abused or neglected an elderly or disabled person;  
demonstrate

The bill requires each driver of a human service vehicle periodically to submit a completed background information form to his or her employer to demonstrate the driver's eligibility to operate human service vehicles.

**BILL**

and requires counties to obtain the drivers' completed background information forms

drivers

specialized transportation

of who refuse to submit completed background information forms as required;

The bill ~~also~~ prohibits a provider of specialized transportation services from employing ~~persons~~ who have committed these offenses, ~~prohibits counties from contracting for services with providers who employ such violators, and prohibits the department of transportation from paying for such services.~~

Current law also requires an annual inspection of the equipment and condition of human service vehicles. This bill prohibits DOT from registering a vehicle that has not passed a required annual inspection.

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

insert A

and requires providers to obtain the official criminal histories of each driver.

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

insert 2-1

- 1 SECTION 1. 85.21 (3) (c) of the statutes is amended to read:
- 2 85.21 (3) (c) To make and execute contracts with counties to ensure the
- 3 provision of specialized transportation service, subject to sub. (3m). Payments under
- 4 such contracts to eligible applicants shall not exceed the county proportionate share,
- 5 except as supplemented under par. (e) or (f). A contract under this section shall
- 6 require the county to make a matching contribution of 20% of the contract amount
- 7 and to furnish information determined necessary by the department for periodic
- 8 program monitoring and year-end auditing and evaluation. A contract may permit
- 9 a county to hold aids received under this section on or after July 2, 1983, in trust,
- 10 according to rules promulgated by the department, for the exclusive purpose of
- 11 acquiring or maintaining equipment used for services authorized under this section.
- 12 All aids held in trust, as well as any accumulated interest, not expended for the
- 13 authorized purposes, shall be returned to the department for deposit in the
- 14 transportation fund. Nothing in this paragraph entitles a county to any investment
- 15 interest accumulated prior to the time the aid payment is actually received by the
- 16 county. A contract under this section shall prohibit the department from making any
- 17 payments under this section to a county that violates sub. (3m) (a).

**BILL**

1           **SECTION 2.** 85.21 (3m) of the statutes is created to read:

2           85.21 (3m) CONTRACT RESTRICTIONS; SERVICE PROHIBITIONS. (a) No county may

3           <sup>enter into a</sup> contract for services under this section with a specialized transportation service that  
4           ~~violates par. (b) while that transportation service is in violation or for a period of one~~  
5           ~~year, whichever is longer.~~

has violated par.  
(b) within the  
previous 12  
months.

6           (b) No specialized transportation service may do any of the following:

7           1. Employ as an operator any individual who has been convicted, within the  
8           previous 5 years, of a violation of s. 346.923.

9           2. Employ as operators individuals who, individually or in the aggregate, have  
10          been at fault in more than a total of 10 accidents in the previous 3 years.

11          3. Employ any number of operators, more than 10% of whom have been at fault  
12          in accidents in the previous 3 years.

13          4. Employ any number of operators less than the number of accidents for which  
14          operators of that specialized transportation service have been at fault.

15          5. Employ operators who, individually or in the aggregate, are responsible for  
16          more than a total of 25 unrelated violations of s. 346.923 within the previous 5 years.

17          6. Allow any operator to operate a human service vehicle for more than 10 hours  
18          in any 18-hour period or, if the specialized transportation service does not operate  
19          human service vehicles every day of the week, for any time exceeding 60 hours in one  
20          week or, if the specialized transportation service operates human service vehicles  
21          every day of the week, for any time exceeding 70 hours in any period of 8 consecutive  
22          days.

23          7. Employ as an operator any person who has not, within the 2 previous years,  
24          been fully trained in the proper use of any passenger restraint system available in  
25          the human service vehicle operated by that operator.

Insert  
3-25

## BILL

1           <sup>e</sup>  
 2           (c) Any person who violates par. (b) shall be fined not more than \$1,000 for the  
 3 first offense and shall be fined not less than \$1,000 nor more than \$5,000 for each  
 4 subsequent offense. Each day of violation after the first conviction shall constitute  
 5 a separate offense.

6           **SECTION 3.** 341.10 (13) of the statutes is created to read:

7           341.10 (13) The vehicle is required to be inspected under s. 110.05 and any of  
 8 the following applies:

9           (a) The vehicle has not been inspected.

10           (b) The most recent inspection of the vehicle indicates noncompliance with ss.  
 11 110.05 and 110.075, ch. 347 or rules promulgated under those sections or ch. 347. (b)

12           **SECTION 4.** 346.923 of the statutes is created to read:

13           **346.923 Human service vehicles; minimum operator qualifications.** No  
 14 person may operate a human service vehicle transporting any passenger unless all  
 15 of the following apply:

16           (a) ~~(a)~~ The operator possesses a valid operator's license issued under ch. 343 or by  
 17 another jurisdiction that authorizes the operation of the human service vehicle.

18           (b) ~~(b)~~ The operator has not been at fault in any motor vehicle accident during the  
 19 12 months immediately preceding the operation of the human service vehicle.

20           (c) ~~(c)~~ (B) The operator has not been convicted of a violation of s. 346.63 (1), (2m) or  
 21 (5) or a local ordinance in conformity therewith, or of a violation of s. 346.63 (2)  
 22 (6), 940.09 (1) or 940.25, during the 12 months immediately preceding the operation  
 23 of the human service vehicle.

24           (d) ~~(d)~~ (A) The operator prominently displays an identification card issued by the  
 25 specialized transportation service that identifies the bearer as an operator, states his  
 or her name and contains a photograph of that person.

**BILL**

1 (e) ~~(b)~~ The operator has, within the 2 previous years, been fully trained in the  
2 proper use of any passenger restraint system available in the human service vehicle  
3 and, when requested by the passenger to do so, properly restrains the passenger.

4 **SECTION 5.** 346.95 (4) of the statutes is amended to read:

5 346.95 (4) Any person violating s. ~~346.923~~, 346.925 or 346.94 (8) or (8m) may  
6 be required to forfeit not to exceed \$20 for the first offense or not to exceed \$50 for  
7 each subsequent offense.

8 **SECTION 6. Initial applicability.**

9 ~~(1) The treatment of section 346.923 of the statutes first applies to violations  
10 committed on the effective date of this subsection.~~

11 ~~(2)~~ (2) The treatment of section 85.21 (3m) (a) of the statutes first applies to  
12 contracts that are entered into <sup>extended, modified</sup> or renewed on the effective date of this subsection.

13 ~~(3)~~ (3) The treatment of section 341.10 (13) of the statutes first applies to  
14 applications for registration submitted on the first day of the 4th month beginning  
15 after publication.

16 **SECTION 7. Effective date.**

17 (1) This act takes effect on ~~January~~ <sup>July</sup> 1, 2000, or on the first day of the 4th month  
18 beginning after publication, whichever is later.

19 (END)

insert  
5-3

INSET  
A

(91) The bill requires DOT to define the "serious crimes" that disqualify a convicted person from driving a human service vehicle; to prescribe and provide the background information forms to be completed by drivers; to hear the appeal of any driver disqualified because of a conviction for a serious crime; and to conduct training sessions throughout the state

to establish a list of other crimes that are substantially related to the transport of elderly or disabled persons and prescribe precautionary measures less stringent than a complete bar on employment as a driver;

on criminal background investigations, reporting and investigating abuse, neglect, <sup>(an)</sup> or theft of the property of elderly or disabled persons.

(end inset)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB  
.....

INSERT 2-1:

SECTION 1. 85.01 (2m) of the statutes is created to read:

85.01 (2m) "Operator" has the meaning given in s. 340.01 (41).

INSERT 3-25:

8. Employ as an operator any person who has not submitted to the specialized transportation service a completed background information form prescribed by the department under s. 346.923 (3) (d).

(c) If the background information form ~~completed~~ <sup>submitted</sup> by a person under par. (b) 8. indicates that the person is not eligible to ~~be employed as an operator~~ <sup>operate a</sup> specialized transportation service may employ the person as an operator for not more than 60 days pending the receipt of the information sought under par. (d).

(d) Every specialized transportation service shall obtain from the records maintained by the department of justice a criminal history search of each person who is or may be employed by the specialized transportation service as an operator. If the person who is the subject of the criminal history search is not a resident of this state, or if at any time within the 3 years preceding the date of the search that person has not been a resident of this state, the specialized transportation service shall make a good faith effort to obtain from ~~the~~ <sup>the</sup> state in which the person is a resident or was a resident within the 3 years preceding the date of the search information that is equivalent to a criminal history.

human service vehicle transporting any passengers

add commas

INSERT 4-4:

SECTION 2. 85.21 (5) of the statutes is created to read:

85.21 (5) OPERATOR BACKGROUND CHECKS. (a) Each county that receives aids under this section shall obtain a background information form completed by each



person employed as an operator by a specialized transportation service with which the county contracts for services described in this section.

(b) Every 4 years each specialized transportation service shall require each person employed by the specialized transportation service as an operator to complete a background information form that is provided to the specialized transportation service by the department. At least annually, each specialized transportation service shall send to the department copies of the background information forms completed during the previous year.

(c) A person who provides false information on a background information form required under this subsection may be required to forfeit not more than \$1,000 and may be subject to other sanctions specified by the department by rule.

**INSERT 5-3:**

(f) 1. The ~~person~~<sup>operator</sup> has not been convicted of a serious crime, has not been adjudicated delinquent on or after his or her 12th birthday for committing a serious crime, and does not have pending against him or her a charge for a serious crime.

2. No unit of government or a state agency, as defined in s. 16.61 (2) (d), has made a finding that the ~~person~~<sup>operator</sup> has abused or neglected any elderly person or disabled person ~~for misappropriated the property of any elderly person or disabled person~~ (f).

(2) (a) Notwithstanding sub. (1), the department may authorize a person to operate a human service vehicle transporting a passenger if the person demonstrates to the department by clear and convincing evidence, and in accordance with procedures established by the department by rule, that he or she has been rehabilitated. No person who has been convicted of any of the following offenses may demonstrate that he or she has been rehabilitated:

- 1. First-degree intentional homicide under s. 940.01.

who is convicted of a serious crime



2. First degree sexual assault under s. 940.225 (1). ✓

3. First degree sexual assault of a child under s. 948.02 (1). ✓

4. Second degree sexual assault of a child under s. 948.02 (2) if the person was, at the time of the sexual contact or sexual intercourse, more than 4 years older than the child with whom the person had the sexual contact or sexual intercourse. ✓

5. Repeated acts of sexual assault of the same child under s. 948.025 if the child had not attained the age of 13, or if the child had attained the age of 13 and had not attained the age of 16 and the person was, at the time of the sexual contact or sexual intercourse, more than 4 years older than the child with whom the person had the sexual contact or sexual intercourse. ✓

(b) Any person who fails under par. (a) to demonstrate to the department that he or she has been rehabilitated may appeal to the secretary or his or her designee. Any person who is adversely affected by a decision of the secretary or his or her designee under this paragraph has a right to a contested case hearing under ch. 227. ✓

(3) The department shall do all of the following: ✓

(a) Establish by rule a definition of "serious crime" for the purpose of this section. The definition shall include only crimes or acts that are substantially related to transporting an elderly person or disabled person. The definition shall include the offenses specified in ~~§ 345.023~~ <sup>sub.</sup> (2) (a). ✓

(b) Establish by rule a list of crimes or acts that are not included in the definition established under par. (a), that are substantially related to the transport of an elderly person or disabled person and the commission of which warrants a less stringent measure than a bar on employment as an operator. The rule shall be consistent with federal law and regulations and shall include a description of the



measures to be taken for the crimes or acts that the department lists under this paragraph.

(c) Conduct throughout the state periodic training sessions <sup>that cover</sup> criminal background investigations; <sup>con</sup> reporting and investigating misappropriation of property or abuse or neglect of an elderly person or disabled person; and <sup>con</sup> any other material that the department determines will better enable specialized transportation services to comply with the requirements of this section.

(d) Prescribe a background information form that directs the respondent to state whether any of the factors described in ~~§ 346.923~~ <sup>sub.</sup> (1) (f) 1., or in rules promulgated under ~~§ 346.923~~ <sup>subs.</sup> (3) (a) apply to the person. The department shall provide counties and specialized transportation services with copies of the form upon request.

2220/2dy  
cmh

Lazich  
= Sen. Lazich:

= The driver background check is based  
on s. 48.685, STATS.

-PEN

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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2220/2dn  
PEN:cmh:jf

August 26, 1999

Sen. Lazich:

The driver background check is based on s. 48.685, stats.

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

↑  
stays  
J

1999 BILL

Regen

1 AN ACT *to amend* 85.21 (3) (c) and 346.95 (4); and *to create* 85.01 (2m), 85.21  
2 (3m), 85.21 (5), 341.10 (13) and 346.923 of the statutes; **relating to:** the  
3 specialized transportation assistance program, minimum qualifications for the  
4 operator of a human service vehicle, inspection and registration of human  
5 service vehicles, grant rule-making authority and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

Under current law, any vehicle used to transport elderly or disabled persons in connection with a transportation assistance program that is administered or funded by this state is called a "human service vehicle". No person may drive a human service vehicle unless the vehicle is insured with property damage liability coverage of not less than \$10,000 and bodily injury liability coverage with limits of not less than \$75,000 per person. Current law establishes no minimum qualifications for the driver of a human service vehicle.

This bill establishes minimum qualifications for the driver of a human service vehicle. Under the bill, no person may drive a human service vehicle transporting passengers unless the person possesses a valid driver's license; has not been convicted of, or is not currently charged with, a serious crime; has not abused or neglected an elderly or disabled person; has recently been trained in the proper use of passenger restraint systems and, within the immediately preceding 12 months, has not been at fault in any motor vehicle accident or found guilty of any offense involving a motor vehicle and alcohol or a controlled substance. The bill requires

**BILL**

each driver of a human service vehicle periodically to submit a completed background information form to his or her employer to demonstrate the driver's eligibility to operate human service vehicles. The bill allows a driver convicted of certain serious crimes to demonstrate that he or she is rehabilitated and may be authorized by the department of transportation (DOT) to drive human service vehicles. A person who drives a human service vehicle in violation of these minimum qualifications may be required to forfeit not more than \$20 for a first violation and not more than \$50 for each subsequent violation.

The bill prohibits a provider of specialized transportation services from employing drivers who have committed these offenses or who refuse to submit completed background information forms as required; and requires providers to obtain the official criminal histories of each driver.

The bill prohibits counties from contracting for specialized transportation services with providers who employ such violators and requires counties to obtain the drivers' completed background information forms.

The bill requires DOT to define the "serious crimes" that disqualify a convicted person from driving a human service vehicle; to establish a list of other crimes that are substantially related to the transport of elderly or disabled persons and prescribe precautionary measures less stringent than a complete bar on employment as a driver; to prescribe and provide the background information forms to be completed by drivers; to hear the appeal of any driver who is disqualified because of a conviction for a serious crime; and to conduct training sessions throughout the state on criminal background investigations, reporting and investigating abuse, neglect, or theft of the property of an elderly or disabled person.

Current law also requires an annual inspection of the equipment and condition of human service vehicles. This bill prohibits DOT from registering a vehicle that has not passed a required annual inspection.

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.** 85.01 (2m) of the statutes is created to read:
- 2           85.01 (2m) "Operator" has the meaning given in s. 340.01 (41).
- 3           **SECTION 2.** 85.21 (3) (c) of the statutes is amended to read:
- 4           85.21 (3) (c) To make and execute contracts with counties to ensure the
- 5 provision of specialized transportation service, subject to sub. (3m). Payments under
- 6 such contracts to eligible applicants shall not exceed the county proportionate share,

## BILL

1 except as supplemented under par. (e) or (f). A contract under this section shall  
 2 require the county to make a matching contribution of 20% of the contract amount  
 3 and to furnish information determined necessary by the department for periodic  
 4 program monitoring and year-end auditing and evaluation. A contract may permit  
 5 a county to hold aids received under this section on or after July 2, 1983, in trust,  
 6 according to rules promulgated by the department, for the exclusive purpose of  
 7 acquiring or maintaining equipment used for services authorized under this section.  
 8 All aids held in trust, as well as any accumulated interest, not expended for the  
 9 authorized purposes, shall be returned to the department for deposit in the  
 10 transportation fund. Nothing in this paragraph entitles a county to any investment  
 11 interest accumulated prior to the time the aid payment is actually received by the  
 12 county. A contract under this section shall prohibit the department from making any  
 13 payments under this section to a county that violates sub. (3m) (a).

14 SECTION 3. 85.21 (3m) of the statutes is created to read:

15 85.21 (3m) CONTRACT RESTRICTIONS; SERVICE PROHIBITIONS. (a) No county may  
 16 enter into a contract for services under this section with a specialized transportation  
 17 service that has violated par. (b) within the previous 12 months.

18 (b) No specialized transportation service may do any of the following:

19 1. Employ as an operator any ~~individual~~ <sup>person</sup> who has been convicted, within the  
 20 previous 5 years, of a violation of s. 346.923.

21 2. Employ as operators ~~individuals~~ <sup>persons</sup> who, individually or in the aggregate, have  
 22 been at fault in more than a total of 10 accidents in the previous 3 years.

23 3. Employ any number of operators, more than 10% of whom have been at fault  
 24 in accidents in the previous 3 years.



BILL

1 4. Employ any number of operators less than the number of accidents for which  
2 operators of that specialized transportation service have been at fault.

3 5. Employ <sup>as</sup> operators <sup>persons</sup> who, individually or in the aggregate, are responsible for  
4 more than a total of 25 unrelated violations of s. 346.923 within the previous 5 years.

5 6. Allow any operator to operate a human service vehicle for more than 10 hours  
6 in any 18-hour period or, if the specialized transportation service does not operate  
7 human service vehicles every day of the week, for any time exceeding 60 hours in one  
8 week or, if the specialized transportation service operates human service vehicles  
9 every day of the week, for any time exceeding 70 hours in any period of 8 consecutive  
10 days.

11 7. Employ as an operator any person who has not, within the 2 previous years,  
12 been fully trained in the proper use of any passenger restraint system available in  
13 the human service vehicle operated by that operator.

14 8. Employ as an operator any person who has not submitted to the specialized  
15 transportation service a completed background information form prescribed by the  
16 department under s. 346.923 (3) (d).

*insert*  
*4-6*  
17 (c) If the background information form submitted by a person under par. (b) 8.  
18 indicates that the person is not eligible under s. 346.923 to operate a human service  
19 vehicle transporting any passengers, a specialized transportation service may  
20 employ the person as an operator for not more than 60 days pending the receipt of  
21 the information sought under par. (d).

22 (d) Every specialized transportation service shall obtain from the records  
23 maintained by the department of justice a criminal history search of each person who  
24 is or may be employed by the specialized transportation service as an operator. If the  
25 person who is the subject of the criminal history search is not a resident of this state,

**BILL**

1 or if at any time within the 3 years preceding the date of the search that person has  
2 not been a resident of this state, the specialized transportation service shall make  
3 a good faith effort to obtain from any state in which the person is a resident, or was  
4 a resident within the 3 years preceding the date of the search, information that is  
5 equivalent to a criminal history.

6 (e) Any person who violates par. (b) shall be fined not more than \$1,000 for the  
7 first offense and shall be fined not less than \$1,000 nor more than \$5,000 for each  
8 subsequent offense. Each day of violation after the first conviction shall constitute  
9 a separate offense.

10 **SECTION 4.** 85.21 (5) of the statutes is created to read:

11 85.21 (5) OPERATOR BACKGROUND CHECKS. (a) Each county that receives aids  
12 under this section shall obtain a background information form completed by each  
13 person employed as an operator by a specialized transportation service with which  
14 the county contracts for services described in this section.

15 (b) Every 4 years each specialized transportation service shall require each  
16 person employed by the specialized transportation service as an operator to complete  
17 a background information form that is provided to the specialized transportation  
18 service by the department. At least annually, each specialized transportation service  
19 shall send to the department copies of the background information forms completed  
20 during the previous year.

21 (c) A person who provides false information on a background information form  
22 required under this subsection may be required to forfeit not more than \$1,000 and  
23 may be subject to other sanctions specified by the department by rule.

24 **SECTION 5.** 341.10 (13) of the statutes is created to read:

**BILL**

1           341.10 (13) The vehicle is required to be inspected under s. 110.05 and any of  
2 the following applies:

3           (a) The vehicle has not been inspected.

4           (b) The most recent inspection of the vehicle indicates noncompliance with ss.  
5 110.05 and 110.075, ch. 347 or rules promulgated under those sections or ch. 347.

6           **SECTION 6.** 346.923 of the statutes is created to read:

7           **346.923 Human service vehicles; minimum operator qualifications. (1)**

8 No person may operate a human service vehicle transporting any passenger unless  
9 all of the following apply:

10          (a) The operator possesses a valid operator's license issued under ch. 343 or by  
11 another jurisdiction that authorizes the operation of the human service vehicle.

12          (b) The operator has not been at fault in any motor vehicle accident during the  
13 12 months immediately preceding the operation of the human service vehicle.

14          (c) The operator has not been convicted of a violation of s. 346.63 (1), (2m) or  
15 (5) or a local ordinance in conformity therewith, or of a violation of s. 346.63 (2) or  
16 (6), 940.09 (1) or 940.25, during the 12 months immediately preceding the operation  
17 of the human service vehicle.

18          (d) The operator prominently displays an identification card issued by the  
19 specialized transportation service that identifies the bearer as an operator, states his  
20 or her name and contains <sup>his or her</sup> a photograph ~~of that person~~. ✓

21          (e) The operator has, within the 2 previous years, been fully trained in the  
22 proper use of any passenger restraint system available in the human service vehicle  
23 and, when requested by the passenger to do so, properly restrains the passenger.

**BILL**

1 (f) 1. The operator has not been convicted of a serious crime, has not been  
2 adjudicated delinquent on or after his or her 12th birthday for committing a serious  
3 crime, and does not have pending against him or her a charge for a serious crime.

4 2. No unit of government or a state agency, as defined in s. 16.61 (2) (d), has  
5 made a finding that the operator has abused or neglected any elderly person or  
6 disabled person or misappropriated the property of any elderly person or disabled  
7 person.

8 (2) (a) Notwithstanding sub. (1) (f) 1., the department may authorize a person  
9 who is convicted of a serious crime to operate a human service vehicle transporting  
10 a passenger if the person demonstrates to the department by clear and convincing  
11 evidence, and in accordance with procedures established by the department by rule,  
12 that he or she has been rehabilitated. No person who has been convicted of any of  
13 the following offenses may demonstrate that he or she has been rehabilitated:

14 1. First-degree intentional homicide under s. 940.01.

15 2. First-degree sexual assault under s. 940.225 (1).

16 3. First-degree sexual assault of a child under s. 948.02 (1).

17 4. Second-degree sexual assault of a child under s. 948.02 (2) if the person was,  
18 at the time of the sexual contact or sexual intercourse, more than 4 years older than  
19 the child with whom the person had the sexual contact or sexual intercourse.

20 5. Repeated acts of sexual assault of the same child under s. 948.025 if the child  
21 had not attained the age of 13, or if the child had attained the age of 13 and had not  
22 attained the age of 16 and the person was, at the time of the sexual contact or sexual  
23 intercourse, more than 4 years older than the child with whom the person had the  
24 sexual contact or sexual intercourse.

**BILL**

1           (b) Any person who fails under par. (a) to demonstrate to the department that  
2 he or she has been rehabilitated may appeal to the secretary or his or her designee.  
3 Any person who is adversely affected by a decision of the secretary or his or her  
4 designee under this paragraph has a right to a contested case hearing under ch. 227.

5           (3) The department shall do all of the following:

6           (a) Establish by rule a definition of “serious crime” for the purpose of this  
7 section. The definition shall include only crimes or acts that are substantially related  
8 to transporting an elderly person or disabled person. The definition shall include the  
9 offenses specified in sub. (2) (a).

10          (b) Establish by rule a list of crimes or acts that are not included in the  
11 definition established under par. (a), that are substantially related to the transport  
12 of an elderly person or disabled person and the commission of which warrants a less  
13 stringent measure than a bar on employment as an operator. The rule shall be  
14 consistent with federal law and regulations and shall include a description of the  
15 measures to be taken for the crimes or acts that the department lists under this  
16 paragraph.

17          (c) Conduct periodic training sessions throughout the state on criminal  
18 background investigations; on reporting and investigating misappropriation of  
19 property or abuse or neglect of an elderly person or disabled person; and on any other  
20 material that the department determines will better enable specialized  
21 transportation services to comply with the requirements of this section.

22          (d) Prescribe a background information form that directs the respondent to  
23 state whether any of the factors described in sub. (1) (f) 1., or in rules promulgated  
24 under sub. (3) (a) apply to the person. The department shall provide counties and  
25 specialized transportation services with copies of the form upon request.

**BILL**

1           **SECTION 7.** 346.95 (4) of the statutes is amended to read:

2           346.95 (4) Any person violating s. 346.923, 346.925 or 346.94 (8) or (8m) may  
3           be required to forfeit not to exceed \$20 for the first offense or not to exceed \$50 for  
4           each subsequent offense.

5           **SECTION 8. Initial applicability.**

6           (1) The treatment of section 85.21 (3m) (a) of the statutes first applies to  
7           contracts that are entered into, extended, modified or renewed on the effective date  
8           of this subsection.

9           (2) The treatment of section 341.10 (13) of the statutes first applies to  
10          applications for registration submitted on the first day of the 4th month beginning  
11          after publication.

12          **SECTION 9. Effective date.**

13          (1) This act takes effect on July 1, 2000, or on the first day of the 4th month  
14          beginning after publication, whichever is later.

15   (END)

insec  
4-3

text:  
treat 9.9 Except as provided in par. (c), employ  
as an operator any person whose criminal history  
obtained under par. (d) indicates a  
conviction for a serious crime, unless the  
department determines under s. 346.923 (2) that the person is rehabilitated.

(end insert)

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

FEB 09 2000

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 02/09/2000

**To:** Senator Lazich

**Relating to LRB drafting number:** LRB-2220

**Topic**

Human service vehicles; operator qualifications, vehicle inspections

**Subject(s)**

Transportation - mass transit

1. **JACKET** the draft for introduction Mary Lazich  
in the **Senate**  or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.  
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction Yes.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

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