

1999 DRAFTING REQUEST

Bill

Received: 09/10/98

Received By: nilsepe

Wanted: As time permits

Identical to LRB: 97-5305

For: Administration-Budget

By/Representing: Etzler

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - driver licenses

Extra Copies:

Topic:

DOA:.....Etzler - 1997 Act 84 (OAR/OWS) effective dates and technical cleanups

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 09/10/98	jgeller 09/11/98		_____			
/P1	nilsepe 10/6/98	gilfokm 10/6/98	jfrantze 09/16/98	_____	barmamj 09/16/98		State
/P2			ismith 10/7/98	_____	lrb_docadmin 10/7/98		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: 09/10/98

Received By: nilsepe

Wanted: As time permits

Identical to LRB: 97-5305

For: Legislative Reference Bureau

By/Representing: DOT

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - driver licenses

Extra Copies:

Topic:

1997 Act 84 (OAR/OWS) effective dates and technical cleanups

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	P1-9-11-98 /P2-10-6	UB 8/9/14 ES 10/7	JP 9/14 IS/JF 10/7	P2/no-PEN P2-yes		

FE Sent For:

<END>

PEW


97-5305

8/24/98

7001

WISCONSIN DEPARTMENT OF TRANSPORTATION  
LEGISLATIVE PROPOSAL FORM  
BUDGET / NON-BUDGET

SHORT TITLE OF ISSUE: OAR/OWS (Operating After Revocation/Operating While Suspended)--ACT 84  
REDESIGN (Revised 8/5/98)

DIVISION(S): Motor Vehicles, Bureau of Driver Services	DIVISION ADMINISTRATORS' SIGNATURES: 
DATE: August 5, 1998	TELEPHONE #:266-0179
OPB CONTACT PERSON:Lis Gorenstein	TELEPHONE #:266-2239
LEAD DIVISION CONTACT PERSON: Julie Clark	TELEPHONE #:266-7364
OGC CONTACT PERSON:Joe Maassen	

DEFINE PROBLEM PRECISELY

1) 1997 WI Act 84, changes the entire driver licensing withdrawal process. The effective date to implement Act 84 is May 1, 2000. DMV/BAS does not have the resources to complete system changes necessary to implement Act 84 at that date. We can implement some of the changes that require minimal or no systems work by January 1, 2000. These changes are listed on the attached sheet (Act 84 - No DP changes needed). We are requesting the remainder of Act 84 be effective May 1, 2001 with the ability of the Secretary to certify that specific changes are ready to be implemented sooner.

2) Corrective changes necessary to implement Act 84:

(A) The effective date of s.343.44(2) should have been the "first day of the 13th month AFTER the effective date of the Act"( May 1, 2002). This will make all OAR convictions civil offenses for the first year only and keep them out of circuit court All OAR convictions after May 1, 2002 will be criminal and must be prosecuted in circuit court.

(B) The change to amend 351.02(1)(a)10 is a technical correction. The reference to 6-303 was stricken in this section, but the descriptive language associated with 6-303 was not.

(C) Section 70 of Act 84 - The penalty for OWS (343.44(2)(a)) did not include local ordinance violations. This needs to be corrected.

3) The habitual traffic offender (HTO) revocation effective date is not consistent. Presently persons who surrender their drivers license are revoked effective on the date of the surrender, while others are effective on the date of the order. It is often difficult and labor intensive to track down the date of surrender (if there is one). We recommend making the HTO revocation effective the date of the order or the date of the last conviction.

PROPOSED SOLUTION

1) Amend s.85.515 to allow portions of Act 84 to become effective when DMV programs are ready. Amend the

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repeal of s.85.515 to be May 1, 2001 and amend the number of months until the repeal date. See attachment of provisions that can be implemented on January 1, 2000. The balance of Act 84 would be effective May 1, 2001.

2 (A) Amend s.343.44(2) effective date to be May 1, 2002.

(B) Amend 351.02(1)(a)10 by striking "operating a motor vehicle while the operating privilege or operator's license is revoked or suspended".

(C) Amend s.343.44(2) PENALTIES. (a) Any person who violates sub. (1)(a) or a local ordinance in conformity with (1)(a) shall be required to forfeit not less than \$50 nor more than \$200."

3) Amend 351.025(2)(b) to read, "If the person's operating privilege is currently suspended or revoked, the revocation under this chapter is effective on ~~the date the person surrendered his or her operator's license for the current suspension or revocation or~~ the date of the conviction in sub.(1) ~~whichever is later.~~"

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#### LEGISLATIVE BACKGROUND

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1997 WI Act 84

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State of Wisconsin  
1997 - 1998 LEGISLATURE

LRB-5305

PEN [handwritten signature] 11/9 [handwritten initials]

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

99-0120/P1  
PEN: :

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1 AN ACT <sup>do</sup>; relating to: effective dates of 1997 Wisconsin Act 84<sup>✓</sup>, operating a  
2 motor vehicle with an operating privilege that is suspended or revoked and  
3 habitual traffic offenders.

*Analysis by the Legislative Reference Bureau*

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

ES

1997 Wisconsin Act 84<sup>✓</sup> made extensive changes to this state's laws regarding operating a motor vehicle with an operating privilege that is suspended or revoked (OAR or OWS). Most of those changes are scheduled to take effect on May 1, 2000, or sooner if the department of transportation's (DOT's) computer system can accommodate the necessary changes.

This bill delays the effective date of those delayed changes until May 1, 2001, or until DOT's computer system can accommodate the necessary changes, whichever occurs earlier. The bill specifies that DOT is not required to implement all of the changes simultaneously, but may establish different effective dates for those changes. The bill also makes an OAR or OWS committed in another jurisdiction a minor traffic offense for purposes of determining whether the offending driver is a habitual traffic offender. Under the bill, all OAR and OWS will be treated as minor traffic offense<sup>s</sup> without regard to where the offense was committed.

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

1 SECTION 1. 85.515 of the statutes is amended to read:

as created by 1997 Wisconsin Act 84,

2 85.515 Implementation of 1997 Wisconsin Act 84. If the secretary  
3 determines that the changes to the department's computerized information systems  
4 made necessary by 1997 Wisconsin Act 84 will be operational before May 1, 2000  
5 2001, the secretary shall publish a notice in the Wisconsin Administrative Register  
6 that states the date on which the changes to the department's computerized  
7 information system will begin operating, and that the clearly states which portion  
8 of revisions to the operator's license suspension and revocation law made by 1997  
9 Wisconsin Act 84 will become effective on that date.

NOTE: NOTE: Section 85.515 is repealed eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84.

History: History: 1997 a. 84.

10 SECTION 2. 343.44 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 84,

11 is amended to read:

12 343.44 (2) (a) Any person who violates sub. (1) (a) or a local ordinance in  
13 conformity therewith shall be required to forfeit not less than \$50 nor more than  
14 \$200.

History: 1997 a. 84.

15 SECTION 3. 343.44 (2) (am) of the statutes, as affected by 1997 Wisconsin Act

16 84, is amended to read:

343.44 (2) (am) (b)

17 (am) Any person who violates sub. (1) (b) before May 1, 1999 2002, may be  
18 required to forfeit not more than \$600, except that, if the person has been convicted  
19 of a previous violation described in sub. (1) (b) within the preceding 5-year period,  
20 the penalty under par. (b) shall apply.

History: 1971 c. 164 s. 83; 1971 c. 280, 307; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a); 1977 c. 165, 272; 1979 c. 221; 1981 c. 20; 1983 a. 535; 1989 a. 12, 105, 336; 1991 a. 39, 64, 189, 277; 1995 a. 113; 1997 a. 84.

21 SECTION 4. 351.02 (1) (a) 10. of the statutes is amended to read:

as affected by 1997 Wisconsin Act 84,

1           351.02 (1) (a) 10. Any offense under the law of another jurisdiction prohibiting  
 2           conduct described in sections 6-207, 6-302, 10-102, 10-103, 10-104, 11-901,  
 3           11-902, 11-907 or 11-908 of the uniform vehicle code and model traffic ordinance  
 4           (1987), or prohibiting homicide or manslaughter resulting from the operation of a  
 5           motor vehicle, use of a motor vehicle in the commission of a felony, reckless or careless  
 6           driving or driving a motor vehicle with wilful or wanton disregard for the safety of  
 7           persons or property, driving or operating a motor vehicle while under the influence  
 8           of alcohol, a controlled substance, a controlled substance analog or any other drug  
 9           or a combination thereof as prohibited, refusal to submit to chemical testing,  
 10          ~~operating a motor vehicle while the operating privilege or operator's license is~~  
 11          ~~revoked or suspended,~~ perjury or the making false statements or affidavits to a  
 12          governmental agency in connection with the ownership or operation of a motor  
 13          vehicle, failing to stop and identify oneself as the driver or operator in the event of  
 14          a motor vehicle accident with a person or an attended motor vehicle or fleeing from  
 15          or attempting to elude a police, law enforcement or other peace officer, as those or  
 16          substantially similar terms are used in that jurisdiction's laws.

\*\*\*\*NOTE: Editor: The treatment of this section by 1997 Act 84 took effect 8/1/98, not 5/1/2000 as stated in the revisor's note. See section 168 (2) of 1997 Act 84. I have notified the revisor. A delayed effective date or double-drafting is not necessary here. Please delete this NOTE before typing.

NOTE: NOTE: Subd. 10. is amended eff. 5-1-2000 on the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84 to read:

10. Any offense under the law of another jurisdiction prohibiting conduct described in sections 6-207, 6-302, 10-102, 10-103, 10-104, 11-901, 11-902, 11-907 or 11-908 of the uniform vehicle code and model traffic ordinance (1987), or prohibiting homicide or manslaughter resulting from the operation of a motor vehicle, use of a motor vehicle in the commission of a felony, reckless or careless driving or driving a motor vehicle with wilful or wanton disregard for the safety of persons or property, driving or operating a motor vehicle while under the influence of alcohol, a controlled substance, a controlled substance analog or any other drug or a combination thereof as prohibited, refusal to submit to chemical testing, operating a motor vehicle while the operating privilege or operator's license is revoked or suspended, perjury or the making false statements or affidavits to a governmental agency in connection with the ownership or operation of a motor vehicle, failing to stop and identify oneself as the driver or operator in the event of a motor vehicle accident with a person or an attended motor vehicle or fleeing from or attempting to elude a police, law enforcement or other peace officer, as those or substantially similar terms are used in that jurisdiction's laws.

History: History: 1979 c. 333; 1983 a. 189 s. 329 (34); 1983 a. 459, 525, 535; 1985 a. 337; 1987 a. 3, 399; 1989 a. 56, 106; 1991 a. 39; 1995 a. 448; 1997 a. 84, 258.

SECTION 5. ~~1997~~ Wisconsin Act 84, Section 168 (intro.) is amended to read:

1997  
 [1997] Wisconsin Act 84] Section 168 (intro.) Effective dates. This act takes

effect on the date stated in the notice published by the secretary of transportation

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1 in the Wisconsin Administrative Register under section 85.515 of the statutes, as  
2 created by this act, or on <sup>✓</sup>the first day of the 25th month beginning after publication  
3 May 1, 2001, whichever is earlier, except as follows:

WFO - Fix  
components  
4  
5

SECTION <sup>9448 effective date</sup>~~348~~. <sup>Initial applicability; transportation. ↓</sup>

6 (1) OPERATING AFTER REVOCATION OR WHILE SUSPENDED. The treatment of section  
7 343.44 (2) (a) and (am) <sup>✓</sup>of the statutes takes effect on May 1, 2001, or on the date  
8 stated for those paragraphs in the notice published by the secretary of transportation  
9 in the Wisconsin Administrative Register under section 85.515 of the statutes,  
10 whichever is earlier.

(END) ✓



**PROPOSED SOLUTION**

1) Amend s.85.515 to allow portions of Act 84 to become effective when DMV programs are ready. Amend the repeal of s.85.515 to be May 1, 2001 and amend the number of months until the repeal date. See attachment of sections that can be implemented on January 1, 2000. The balance of Act 84 would be effective May 1, 2001.

2)(A) Amend s.343.44(2) effective date to be May 1, 2002.

(B) Amend 351.02(1)(a)10 by striking "operating a motor vehicle while the operating privilege or operator's license is revoked or suspended".

(C) Amend s.343.44(2) PENALTIES. (a) Any person who violates sub. (1)(a) or a local ordinance in conformity with (1)(a) shall be required to forfeit not less than \$50 nor more than \$200."

3) Amend 351.025(2)(a) to read, The revocation is effective on the date the department mails the notice of revocation, ~~except as provided in par. (b).~~

Repeal 351.025(2)(b).

**LEGISLATIVE BACKGROUND**

1997 WI Act 84

8/20/98  
revised  
drafting  
INSTRUCTIONS  
Sent 9/2/98  
-PEN

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

99-0120/P1  
PEN:jlg

insert

do not generate

1 AN ACT ~~...~~; relating to: effective dates of 1997 Wisconsin Act 84, operating a  
2 motor vehicle with an operating privilege that is suspended or revoked and  
3 habitual traffic offenders.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

1997 Wisconsin Act 84 made extensive changes to this state's laws regarding operating a motor vehicle with an operating privilege that is suspended or revoked (OAR or OWS). Most of those changes are scheduled to take effect on May 1, 2000, or sooner if the department of transportation's (DOT's) computer system can accommodate the necessary changes.

This bill delays the effective date of those delayed changes until May 1, 2001, or until DOT's computer system can accommodate the necessary changes, whichever occurs earlier. The bill specifies that DOT is not required to implement all of the changes simultaneously, but may establish different effective dates for those changes. The bill ~~also~~ makes an OAR or OWS committed in another jurisdiction a minor traffic offense for purposes of determining whether the offending driver is a habitual traffic offender. Under the bill, all OAR and OWS will be treated as minor traffic offenses, without regard to where the offense was committed.

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

STET.

plain

PROOF W/FOLIO

1 SECTION 1. 85.515 of the statutes, as created by 1997 Wisconsin Act 84, is  
2 amended to read:

3 **85.515 Implementation of 1997 Wisconsin Act 84.** If the secretary  
4 determines that the changes to the department's computerized information systems  
5 made necessary by 1997 Wisconsin Act 84 will be operational before May 1, 2000  
6 2001, the secretary shall publish a notice in the Wisconsin Administrative Register  
7 that states the date on which the changes to the department's computerized  
8 information system will begin operating, and that the clearly states which portion  
9 of revisions to the operator's license suspension and revocation law made by 1997  
10 Wisconsin Act 84 will become effective on that date.

STET.

11 SECTION 2. 343.44 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 84,  
12 is amended to read:

13 343.44 (2) (a) Any person who violates sub. (1) (a) or a local ordinance in  
14 conformity therewith shall be required to forfeit not less than \$50 nor more than  
15 \$200.

STET.

16 SECTION 3. 343.44 (2) (am) of the statutes, as affected by 1997 Wisconsin Act  
17 ~~84~~ is amended to read:

18 **343.44 (2) (am)** Any person who violates sub. (1) (b) before May 1, 1999 2002,  
19 may be required to forfeit not more than \$600, except that, if the person has been  
20 convicted of a previous violation described in sub. (1) (b) within the preceding 5-year  
21 period, the penalty under par. (b) shall apply.

STET.

22 SECTION 4. 351.02 (1) (a) 10. of the statutes, as affected by 1997 Wisconsin Act  
23 ~~84~~ is amended to read:

24 **351.02 (1) (a) 10.** Any offense under the law of another jurisdiction prohibiting  
25 conduct described in sections 6-207, 6-302, 10-102, 10-103, 10-104,

PROOF w/FOLIO

1 11-901,11-902, 11-907 or 11-908 of the uniform vehicle code and model traffic  
 2 ordinance (1987), or prohibiting homicide or manslaughter resulting from the  
 3 operation of a motor vehicle, use of a motor vehicle in the commission of a felony,  
 4 reckless or careless driving or driving a motor vehicle with wilful or wanton  
 5 disregard for the safety of persons or property, driving or operating a motor vehicle  
 6 while under the influence of alcohol, a controlled substance, a controlled substance  
 7 analog or any other drug or a combination thereof as prohibited, refusal to submit  
 8 to chemical testing, ~~operating a motor vehicle while the operating privilege or~~  
 9 ~~operator's license is revoked or suspended~~, perjury or the making false statements  
 10 or affidavits to a governmental agency in connection with the ownership or operation  
 11 of a motor vehicle, failing to stop and identify oneself as the driver or operator in the  
 12 event of a motor vehicle accident with a person or an attended motor vehicle or fleeing  
 13 from or attempting to elude a police, law enforcement or other peace officer, as those  
 14 or substantially similar terms are used in that jurisdiction's laws.

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SECTION 5. 1997 Wisconsin Act 84, section 168 (intro.) is amended to read:

16 [1997 Wisconsin Act 84] Section 168 (intro.) **Effective dates.** This act takes  
 17 effect on the date stated in the notice published by the secretary of transportation  
 18 in the Wisconsin Administrative Register under section 85.515 of the statutes, as  
 19 created by this act, or on ~~the first day of the 25th month beginning after publication~~  
 20 May 1, 2001, whichever is earlier, except as follows:

SECTION 9448. **Effective date; transportation.**

22 (1) OPERATING AFTER REVOCATION OR WHILE SUSPENDED. The treatment of section  
 23 343.44 (2) (a) and (am) of the statutes takes effect on May 1, 2001, or on the date  
 24 stated for those paragraphs in the notice published by the secretary of transportation

1 in the Wisconsin Administrative Register under section 85.515 of the statutes,  
2 whichever is earlier.

3 (END) ✓

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-5305/P2ins  
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Currently, DOT is required to revoke for a period of ~~3~~<sup>five</sup> years the operating privilege of a person determined to be a habitual traffic offender. The revocation commences on ~~3~~<sup>one</sup> of ~~3~~<sup>five</sup> dates, either on the day DOT mails the person notice of the revocation or, if the person is already suspended or revoked, on the day the person is convicted and first considered a habitual traffic offender or on the date the person surrendered his or her operator's license to begin the current revocation or suspension period. This bill makes all ~~3~~<sup>five</sup>-year revocations by DOT for habitual traffic offenders begin on the date DOT mails notice of the revocation.

SECTION 1. 351.025 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 84, ~~is~~ <sup>STET</sup>

insert  
3-14

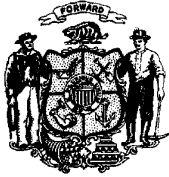
is renumbered 351.025<sup>(2)</sup> and amended to read:

351.025 (2) The revocation is effective on the date the department mails the notice of revocation, ~~except as provided in par. (b).~~

History: 1985 a. 71.

SECTION 2. 351.025 (2) (b) of the statutes is repealed.

(end insert)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0120/PD

PEN:jlj:jf

stay

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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

DOA: Etzler

Handwritten notes: "No Etzler" (circled and crossed out) and "but see FE-5 pg. 2; see all pages." (circled).

1 AN ACT <sup>Don't</sup> <sup>ConCat</sup> relating to: effective dates of 1997 Wisconsin Act 84, operating a  
2 motor vehicle with an operating privilege that is suspended or revoked and  
3 habitual traffic offenders.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

1997 Wisconsin Act 84 made extensive changes to this state's laws regarding operating a motor vehicle with an operating privilege that is suspended or revoked (OAR or OWS). Most of those changes are scheduled to take effect on May 1, 2000, or sooner if the department of transportation's (DOT's) computer system can accommodate the necessary changes.

This bill delays the effective date of those delayed changes until May 1, 2001, or until DOT's computer system can accommodate the necessary changes, whichever occurs earlier. The bill specifies that DOT is not required to implement all of the changes simultaneously, but may establish different effective dates for those changes. The bill makes an OAR or OWS committed in another jurisdiction a minor traffic offense for purposes of determining whether the offending driver is a habitual traffic offender. Under the bill, all OAR and OWS will be treated as minor traffic offenses, without regard to where the offense was committed.

Currently, DOT is required to revoke for a period of five years the operating privilege of a person determined to be a habitual traffic offender. The revocation commences on one of three dates, either on the day DOT mails the person notice of

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the revocation or, if the person is already suspended or revoked, on the day the person is convicted and first considered a habitual traffic offender or on the date the person surrendered his or her operator's license to begin the current revocation or suspension period. This bill makes all five-year revocations by DOT for habitual traffic offenders begin on the date DOT mails notice of the revocation.

---

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

1           **SECTION 1.** 85.515 of the statutes, as created by 1997 Wisconsin Act 84, is  
2 amended to read:

3           **85.515 Implementation of 1997 Wisconsin Act 84.** If the secretary  
4 determines that the changes to the department's computerized information systems  
5 made necessary by 1997 Wisconsin Act 84 will be operational before May 1, ~~2000~~  
6 2001, the secretary shall publish a notice in the Wisconsin Administrative Register  
7 that states the date on which the changes to the department's computerized  
8 information system will begin operating, and that ~~the~~ clearly states which portion  
9 of revisions to the operator's license suspension and revocation law made by 1997  
10 Wisconsin Act 84 will become effective on that date.

11           **SECTION 2.** 343.44 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 84,  
12 is amended to read:

13           343.44 (2) (a) Any person who violates sub. (1) (a) or a local ordinance in  
14 conformity therewith shall be required to forfeit not less than \$50 nor more than  
15 \$200.

16           **SECTION 3.** 343.44 (2) (am) of the statutes, as affected by 1997 Wisconsin Act  
17 84, is amended to read:

18           **343.44 (2) (am)** Any person who violates sub. (1) (b) before May 1, ~~1999~~ 2002,  
19 may be required to forfeit not more than \$600, except that, if the person has been



1 convicted of a previous violation described in sub. (1) (b) within the preceding 5-year  
2 period, the penalty under par. (b) shall apply.

3 **SECTION 4.** 351.02 (1) (a) 10. of the statutes, as affected by 1997 Wisconsin Act  
4 84, is amended to read:

5 351.02 (1) (a) 10. Any offense under the law of another jurisdiction prohibiting  
6 conduct described in sections 6-207, 6-302, 10-102, 10-103, 10-104,  
7 11-901, 11-902, 11-907 or 11-908 of the uniform vehicle code and model traffic  
8 ordinance (1987), or prohibiting homicide or manslaughter resulting from the  
9 operation of a motor vehicle, use of a motor vehicle in the commission of a felony,  
10 reckless or careless driving or driving a motor vehicle with wilful or wanton  
11 disregard for the safety of persons or property, driving or operating a motor vehicle  
12 while under the influence of alcohol, a controlled substance, a controlled substance  
13 analog or any other drug or a combination thereof as prohibited, refusal to submit  
14 to chemical testing, ~~operating a motor vehicle while the operating privilege or~~  
15 ~~operator's license is revoked or suspended,~~ perjury or the making false statements  
16 or affidavits to a governmental agency in connection with the ownership or operation  
17 of a motor vehicle, failing to stop and identify oneself as the driver or operator in the  
18 event of a motor vehicle accident with a person or an attended motor vehicle or fleeing  
19 from or attempting to elude a police, law enforcement or other peace officer, as those  
20 or substantially similar terms are used in that jurisdiction's laws.

21 **SECTION 5.** 351.025 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 84,  
22 is renumbered 351.025 (2) and amended to read:

23 351.025 (2) The revocation is effective on the date the department mails the  
24 notice of revocation, ~~except as provided in par. (b).~~

25 **SECTION 6.** 351.025 (2) (b) of the statutes is repealed.

1           **SECTION 7.** 1997 Wisconsin Act 84, section 168 (intro.) is amended to read:

2           [1997 Wisconsin Act 84] Section 168 **Effective dates.** (intro.) This act takes  
3 effect on the date stated in the notice published by the secretary of transportation  
4 in the Wisconsin Administrative Register under section 85.515 of the statutes, as  
5 created by this act, or on ~~the first day of the 25th month beginning after publication~~  
6 May 1, 2001, whichever is earlier, except as follows: \_\_\_\_\_ 50

⑦           **SECTION 944. Effective date; transportation.**

8           (1) OPERATING AFTER REVOCATION OR WHILE SUSPENDED. The treatment of section  
9 343.44 (2) (a) and (am) of the statutes takes effect on May 1, 2001, or on the date  
10 stated for those paragraphs in the notice published by the secretary of transportation  
11 in the Wisconsin Administrative Register under section 85.515 of the statutes,  
12 whichever is earlier.

13

(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0120/P2  
PEN:jlg:ijs

DOA:.....Etzler - 1997 Act 84 (OAR/OWS) effective dates and technical cleanups

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1     **AN ACT ...; relating to:** effective dates of 1997 Wisconsin Act 84, operating a  
2             motor vehicle with an operating privilege that is suspended or revoked and  
3             habitual traffic offenders.

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*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

1997 Wisconsin Act 84 made extensive changes to this state's laws regarding operating a motor vehicle with an operating privilege that is suspended or revoked (OAR or OWS). Most of those changes are scheduled to take effect on May 1, 2000, or sooner if the department of transportation's (DOT's) computer system can accommodate the necessary changes.

This bill delays the effective date of those delayed changes until May 1, 2001, or until DOT's computer system can accommodate the necessary changes, whichever occurs earlier. The bill specifies that DOT is not required to implement all of the changes simultaneously, but may establish different effective dates for those changes. The bill makes an OAR or OWS committed in another jurisdiction a minor traffic offense for purposes of determining whether the offending driver is a habitual traffic offender. Under the bill, all OAR and OWS will be treated as minor traffic offenses, without regard to where the offense was committed.

Currently, DOT is required to revoke for a period of five years the operating privilege of a person determined to be a habitual traffic offender. The revocation commences on one of three dates, either on the day DOT mails the person notice of the revocation or, if the person is already suspended or revoked, on the day the person is convicted and first considered a habitual traffic offender or on the date the person surrendered his or her operator's license to begin the current revocation or suspension period. This bill makes all five-year revocations by DOT for habitual traffic offenders begin on the date DOT mails notice of the revocation.

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

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

1           **SECTION 1.** 85.515 of the statutes, as created by 1997 Wisconsin Act 84, is  
2 amended to read:

3           **85.515 Implementation of 1997 Wisconsin Act 84.** If the secretary  
4 determines that the changes to the department's computerized information systems  
5 made necessary by 1997 Wisconsin Act 84 will be operational before May 1, 2000  
6 2001, the secretary shall publish a notice in the Wisconsin Administrative Register  
7 that states the date on which the changes to the department's computerized  
8 information system will begin operating, and that the clearly states which portion  
9 of revisions to the operator's license suspension and revocation law made by 1997  
10 Wisconsin Act 84 will become effective on that date.

11           **SECTION 2.** 343.44 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 84,  
12 is amended to read:

13           343.44 (2) (a) Any person who violates sub. (1) (a) or a local ordinance in  
14 conformity therewith shall be required to forfeit not less than \$50 nor more than  
15 \$200.

16           **SECTION 3.** 343.44 (2) (am) of the statutes, as affected by 1997 Wisconsin Act  
17 84, is amended to read:

1           **343.44 (2)** (am) Any person who violates sub. (1) (b) before May 1, ~~1999~~ 2002,  
2           may be required to forfeit not more than \$600, except that, if the person has been  
3           convicted of a previous violation described in sub. (1) (b) within the preceding 5-year  
4           period, the penalty under par. (b) shall apply.

5           **SECTION 4.** 351.02 (1) (a) 10. of the statutes, as affected by 1997 Wisconsin Act  
6           84, is amended to read:

7           351.02 (1) (a) 10. Any offense under the law of another jurisdiction prohibiting  
8           conduct described in sections 6-207, 6-302, 10-102, 10-103, 10-104,  
9           11-901, 11-902, 11-907 or 11-908 of the uniform vehicle code and model traffic  
10          ordinance (1987), or prohibiting homicide or manslaughter resulting from the  
11          operation of a motor vehicle, use of a motor vehicle in the commission of a felony,  
12          reckless or careless driving or driving a motor vehicle with wilful or wanton  
13          disregard for the safety of persons or property, driving or operating a motor vehicle  
14          while under the influence of alcohol, a controlled substance, a controlled substance  
15          analog or any other drug or a combination thereof as prohibited, refusal to submit  
16          to chemical testing, ~~operating a motor vehicle while the operating privilege or~~  
17          ~~operator's license is revoked or suspended~~, perjury or the making false statements  
18          or affidavits to a governmental agency in connection with the ownership or operation  
19          of a motor vehicle, failing to stop and identify oneself as the driver or operator in the  
20          event of a motor vehicle accident with a person or an attended motor vehicle or fleeing  
21          from or attempting to elude a police, law enforcement or other peace officer, as those  
22          or substantially similar terms are used in that jurisdiction's laws.

23          **SECTION 5.** 351.025 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 84,  
24          is renumbered 351.025 (2) and amended to read:

1           351.025 (2) The revocation is effective on the date the department mails the  
2 notice of revocation, ~~except as provided in par. (b).~~

3           **SECTION 6.** 351.025 (2) (b) of the statutes is repealed.

4           **SECTION 7.** 1997 Wisconsin Act 84, section 168 (intro.) is amended to read:

5           [1997 Wisconsin Act 84] Section 168 **Effective dates.** (intro.) This act takes  
6 effect on the date stated in the notice published by the secretary of transportation  
7 in the Wisconsin Administrative Register under section 85.515 of the statutes, as  
8 created by this act, or on ~~the first day of the 25th month beginning after publication~~  
9 May 1, 2001, whichever is earlier, except as follows:

10           **SECTION 9450. Effective date; transportation.**

11           (1) OPERATING AFTER REVOCATION OR WHILE SUSPENDED. The treatment of section  
12 343.44 (2) (a) and (am) of the statutes takes effect on May 1, 2001, or on the date  
13 stated for those paragraphs in the notice published by the secretary of transportation  
14 in the Wisconsin Administrative Register under section 85.515 of the statutes,  
15 whichever is earlier.

16

(END)

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**NOTE TO DRAFTING FILE for LRB-0120:**

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

DOA:.....Etzler - 1997 Act 84 (OAR/OWS) effective dates and technical cleanups

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1     **AN ACT** ...; **relating to:** effective dates of 1997 Wisconsin Act 84, operating a  
2             motor vehicle with an operating privilege that is suspended or revoked and  
3             habitual traffic offenders.

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*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

1997 Wisconsin Act 84 made extensive changes to this state's laws regarding operating a motor vehicle with an operating privilege that is suspended or revoked (OAR or OWS). Most of those changes are scheduled to take effect on May 1, 2000, or sooner if the department of transportation's (DOT's) computer system can accommodate the necessary changes.

This bill delays the effective date of those delayed changes until May 1, 2001, or until DOT's computer system can accommodate the necessary changes, whichever occurs earlier. The bill specifies that DOT is not required to implement all of the changes simultaneously, but may establish different effective dates for those changes. The bill makes an OAR or OWS committed in another jurisdiction a minor traffic offense for purposes of determining whether the offending driver is a habitual traffic offender. Under the bill, all OAR and OWS will be treated as minor traffic offenses, without regard to where the offense was committed.



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12          reckless or careless driving or driving a motor vehicle with wilful or wanton  
13          disregard for the safety of persons or property, driving or operating a motor vehicle  
14          while under the influence of alcohol, a controlled substance, a controlled substance  
15          analog or any other drug or a combination thereof as prohibited, refusal to submit  
16          to chemical testing, ~~operating a motor vehicle while the operating privilege or~~  
17          ~~operator's license is revoked or suspended~~, perjury or the making false statements  
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