



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

April 21, 1999

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 52: Graduated Driver's Licenses

Assembly Bill 52 was introduced on January 21, 1999, and referred to the Committee on Transportation. On February 25, 1999, that Committee recommended Assembly Substitute Amendment 2 to AB 52, as amended by AA 1 and AA 2 to ASA 2, for passage on a vote of 11 to 6. On March 11, 1999, the bill was referred to the Joint Committee on Finance.

### CURRENT LAW

Under current law, a person under the age of 18 cannot get a driver's license unless he or she is at least 16 years old, is in school or has graduated from high school and has completed an approved driver education course. The minimum standards for a driver education course are established by administrative rule and include: (a) at least 30 hours of classroom instruction; (b) at least six hours of observation instruction in a vehicle; and (c) at least six hours of actual vehicle operation. The first license that a person receives is a probationary license, which is valid for a period of two years after the person's next birthday following issuance, or up to three years in total.

There are few differences between a probationary license and a regular license. The holder of a probationary license is not restricted as to what time of day he or she may drive, or how many passengers may be present in the car. The statutes do give the Department of Transportation the authority, however, to assign different demerit point values to holders of a probationary license for violations of traffic laws. By rule, DOT has specified that a person with a probationary license shall have two extra points assessed against his or her record for a second or subsequent traffic offense committed while on probationary status. The accumulation of at least 12 points within a 12-month

period results in license suspension or revocation for either regular or probationary licenses. DOT may also require the holder of a probationary license to continue on probationary status past the period of the original license if that person has repeatedly violated traffic laws.

A person who is at least 15 years and six months old can receive an instructional permit that allows the person to drive under certain circumstances without meeting the requirements associated with receiving a probationary license. If the person who holds an instructional permit is at least 16 years old, he or she may drive as long as a driving instructor or another person who has a valid driver's license and has at least two years of driving experience is sitting in the front seat. If the permittee is not yet 16 years old, the accompanying person in the front seat must be an instructor, parent or guardian, or someone who is at least 21 years old and has been designated in writing by the permittee's parent or guardian to accompany the permittee. No permittee may drive at night unless accompanied by an instructor or a person who is at least 25 years old.

If the permittee is at least 16 years old, one other person (besides the accompanying adult in the front seat) may sit in the back seat as long as that person is at least 25 years old and has at least two years of driving experience. If the permittee (regardless of age) is accompanied by an instructor and is driving a car with dual controls, up to three other people may ride in the back seat.

## **SUMMARY OF ASSEMBLY SUBSTITUTE AMENDMENT 2 TO ASSEMBLY BILL 52**

### **Probationary License Prerequisites and Restrictions for Drivers Under 18 Years Old**

Assembly Substitute Amendment 2 to Assembly Bill 52 would modify both the prerequisites for receiving a "Class D" license (for the operation of a noncommercial vehicle other than a motorcycle) and the conditions under which the license holder may drive. The substitute amendment would require persons under the age of 18 to have 50 hours of driving practice, at least 10 of which are during hours of darkness, before being issued a license. Up to five hours of driving practice with a driving instructor could be double-counted, meaning that each hour would be counted as two towards the total. This requirement would not apply to applications for a restricted license (issued to persons between the ages of 14 to 18, at the discretion of DOT, under particular circumstances and with restrictions that limit the operation a vehicle for very specific purposes) or to special restricted licenses (issued to persons who are at least 14 years old and physically disabled or to persons who are at least 16 years old for the operation of a moped, motor bicycle or specially designed vehicle with a maximum speed of 35 miles per hour). In addition, a person under the age of 18 could not be issued a probationary license unless: (a) he or she had an instructional permit for at least six months; and (b) he or she was not convicted for committing any of a list of moving traffic violations that would be included in a rule promulgated by DOT, during the six-month period immediately prior to the application for a license. ASA 2 would allow DOT to promulgate a rule to waive the requirements that applicants, prior to receiving a probationary license, must have 50 hours of driving practice and must have had an instructional permit for six months, if the applicant is licensed by another state or other jurisdiction.

ASA 2 would also add certain restrictions related to the time of day that a licensee may drive a "Class D" vehicle and the passengers that may be in the vehicle, which would apply for the first nine months after a licensee is issued a probationary license, or until the licensee reaches the age of 18, whichever occurs first. The restrictions could be extended for certain reasons (discussed below), but could not be extended beyond a person's 18<sup>th</sup> birthday.

Under ASA 2, the licensee subject to the restrictions would not be able to drive between midnight and 5 a.m., unless he or she is traveling between home, work or school, or is accompanied by a person who sits in the front seat next to the driver who is either his or her parent or guardian or is another person who has a valid license, has at least two years of driving experience and also meets one of the following criteria: (a) is a qualified driver instructor; (b) is a spouse over the age of 19; or (c) is 21 years old or older, if that person has been designated in writing by a parent or guardian to accompany the driver.

ASA 2 would also prohibit a driver from driving with any passengers during the restriction period, other than members of the driver's immediate family or someone who meets the same criteria as the person that must be present for a probationary driver to drive between midnight and 5 a.m. (as described above).

Any period that a license is suspended or revoked would not be counted against the nine-month restriction period. If the licensee violates these restrictions, has his or her license suspended or revoked for any reason other than mental or physical disability, or commits any moving violation that is included in an administrative rule promulgated by DOT, the Department would be required to extend the restriction period by six months, but could not extend the restrictions beyond the person's 18<sup>th</sup> birthday. In the event of an extension, DOT would be required to notify the license holder by first-class mail. ASA 2 would specify that these restriction provisions could not be construed to create a separate cause of action against the parent or guardian of a probationary license holder or against the owner of a vehicle operated by a probationary license holder.

ASA 2 would provide for an exception to the time-of-day and passenger restrictions, if the probationary driver is driving a vehicle for an organized program that, without compensation, transports teenagers to their homes, as long as all of the following apply: (a) the driver possesses documentation, which must be signed by a person who is at least 25 years of age and associated with the program, that identifies the program and the driver and that authorizes him or her to drive a vehicle for the program at a specific date and time; (b) one other licensee who also provides service for the program and has the same authorizing documentation is also present in the vehicle; and (c) no more than three passengers are in the vehicle (not counting the driver and the other person providing service for the program). The restrictions would also not apply to a person who is traveling to or from the program, who could be accompanied by any number of persons also traveling to or from the program.

## **Probationary License and Instructional Permit Demerit Points and Suspension**

ASA 2 would modify the provisions relating to the suspension of probationary licenses for the accumulation of demerit points. ASA 2 would require DOT to assess twice the number of points that would be assigned to a holder of a regular license for traffic convictions committed by probationary drivers, instructional permit holders or persons who do not hold a license, but would hold a probationary license if they were licensed. The current law provisions related to demerit point suspension would continue to apply, however, to persons who are issued a probationary license before the later of the first day of the tenth month beginning after publication of the bill and July 1, 2000 (these provisions would sunset 37 months after the later of these two dates). ASA 2 would retain DOT's permissive authority to suspend a person's license for an accumulation of demerit points, but would require DOT to suspend a driver's probationary license, for a period of six months, if the driver collects 12 or more points within a 12-month period. These provisions would apply to all holders of probationary licenses and instructional permits, including those who are 18 years old or older.

### **Instructional Permits**

In addition to making changes to the restrictions associated with probationary licenses issued to persons under the age of 18, ASA 2 would make changes to provisions relating to instructional permits for "Class D" vehicles. ASA 2 would specify, regardless of whether a person was older or younger than the age of 16, who must be present in a vehicle for the permittee to drive. The accompanying person would have to sit in the front seat next to the driver, have a valid, regular "Class D" license, have at least two years of driving experience and also meet one of the following criteria: (a) be a qualified driver instructor who is 19 years old or older; (b) be a parent, guardian or spouse who is 19 years old or older; or (c) be 21 years old or older, except that if the driver is under the age of 18, that person must have been designated in writing by a parent or guardian to accompany the driver. If the accompanying person is a parent, guardian or spouse who is 19 years old or older, then members of the driver's immediate family would also be allowed in the vehicle as long as they are not in the front seat. If the accompanying person is a qualified instructor and the vehicle is equipped with dual controls, up to three other persons may be in the vehicle as long as they are not in the front seat.

ASA 2 would increase the period of validity for an instructional permit for the operation of vehicles other than commercial motor vehicles and school buses from six months to 12 months and would increase the fee for "Class D" permits from \$20 to \$25.

### **Seat Belt Law Enforcement**

ASA 2 would make a change to the manner in which seat belt laws are enforced for younger drivers. Under current law, a person may not operate a motor vehicle in Wisconsin without using a seat belt if the vehicle is required to be equipped with a seat belt, and may not operate the vehicle unless he or she reasonably expects that all passengers between the ages of four and 15 are using a

seat belt, unless they are not sitting in the front seat and the seat that they are sitting in does not have a shoulder harness. No person over the age of four may ride as a passenger in a vehicle in Wisconsin without wearing a seat belt, if the vehicle is required to be equipped with a seat belt, unless the seat is not in the front and does not have a shoulder harness.

Unlike other traffic laws, a law enforcement officer may not stop a vehicle solely for a violation of any of these prohibitions. ASA 2, however, would allow an officer to stop a vehicle for such a violation if the driver reasonably appears to be under the age of 18.

### **Driver's Education Fee Charged by Technical College Boards**

ASA 2 would allow technical college system boards to establish and collect reasonable fees for any driver education program or part of a program that is not required and is not taken for credit toward graduation. Under current law, school boards are allowed to establish such fees.

### **Administrative Rules for Traffic Convictions Resulting in Extension of Restrictions**

ASA 2 would require DOT to submit a draft rule to the Legislative Council staff by the first day of the fourth month beginning after the bill's publication, specifying which traffic offenses would result in the extension of the time-of-day and passenger restrictions if a probationary driver is convicted of one of the offenses while subject to those restrictions. However, the bill would specify certain offenses that could not result in such an extension. They are, as follows: (a) holding more than one driver's license; (b) driving without a valid license; (c) driving a school bus without a school bus endorsement; (d) violating lane restrictions related to motorcycles and mopeds; (e) failure to display a warning flag or light on a portion of a load that extends from the body of the vehicle; (f) failure to carry or display warning flares or other warning devices on certain vehicles; (g) defective horn or unnecessary use; (h) unlawful horn or siren; (i) unlawful use of emergency vehicle siren; (j) violation of mirror requirements; (k) wiper violations; (l) no fenders or mudguards on a truck; (m) improper drawbar, trailer hitch or mobile home coupling; (n) violation of eye protective gear regulations for motorcyclists; (o) defective motorcycle handlebars; (p) violation of motorcycle seating requirements; (q) improper moped equipment; (r) driving with a revoked or suspended license; and (s) driving with an expired license.

### **Initial Applicability and Effective Dates**

The provisions relating to the practice driving hours prerequisite, instructional permit restrictions and instructional permit periods and fees would first apply to licenses or permits applied for on the first day of the fourth month beginning after publication of the bill. The provision relating to primary seat belt law enforcement would also first apply on the first day of the fourth month beginning after publication. The provisions relating to the six-month instructional permit prerequisite, time-of-day and passenger restrictions for probationary licenses and mandatory six-month suspensions for demerit point accumulations by probationary licensees would first apply to licenses and permits applied for on the first day of the tenth month beginning after publication or on

July 1, 2000, whichever is later. ASA 2 includes two different initial applicability dates (the first days of the fourth month and the tenth month) for the provision relating to the doubling of demerit points for probationary licensees or instructional permit holders. A technical amendment would be required to clarify that this provision would first apply to licenses and permits applied for on the first day of the tenth month beginning after publication, which was the intent of the Assembly Committee on Transportation.

## **SUMMARY OF AMENDMENTS TO ASA 2**

Assembly Amendment 1 to ASA 2, which was adopted by the Assembly Committee on Transportation on a vote of 16 to 1, would specify that the time-of-day and passenger restrictions for probationary licensees would not apply to any licensee operating a motor vehicle for emergency purposes.

Assembly Amendment 2 to ASA 2, which was adopted by the Assembly Committee on Transportation on a vote of 13 to 4, would eliminate the provision of ASA 2 relating to primary seat belt enforcement for young drivers.

Assembly Amendment 3 to ASA 2, which was introduced by Representative Huebsch on March 11, 1999, after the Assembly Committee on Transportation took executive action on ASA 2, would modify the traffic conviction demerit point scale for drivers who hold instructional permits or probationary licenses (or who would hold a probationary license, if they were licensed), to specify that these drivers would be assessed 1.25 times the number of points (instead of twice, as under ASA 2) that would be assessed to a driver with a regular license, rounded up to the nearest whole point.

Assembly Amendment 4 to ASA 2, which was introduced by Representative Huebsch on March 11, 1999, after the Assembly Committee on Transportation took executive action on ASA 2, would eliminate the time-of-day restriction (midnight to 5 a.m.) that ASA 2 would create for young drivers.

## **FISCAL EFFECT**

DOT indicates that ASA 2 would increase the Department's ongoing workload, primarily due to an increase in public contacts and additional license suspensions. In addition, DOT anticipates an increase in the production of informational publications explaining the new driving practice hours requirement. To perform the additional work and publish the materials, DOT estimates that an additional 0.4 FTE and \$46,100 annually would be required. DOT also estimates that there would be an ongoing increase in revenue of \$47,800 annually from the increase in the instructional permit fee and from additional collection of license reinstatement fees, due to an increase in license suspensions. These amounts represent the annualized cost and revenue impacts of the bill. Since

the majority of the substitute amendment's provisions would not be effective until July 1, 2000, at the earliest, a large part of the ongoing fiscal impact would not occur until 2000-01.

DOT also estimates that implementing the substitute amendment would involve one-time costs of \$383,600. Of this amount, \$292,700 would be related to data processing and \$90,600 would be for training DMV staff on the new requirements (\$18,000) and a public information campaign (\$72,600). The data processing modifications would be necessary to modify the driver database to keep track of restriction periods and traffic convictions that result in an extension of restrictions. Since the data processing and informational campaign would be done prior to the effective date of the probationary license provisions, these costs would likely be incurred in 1999-00.

The substitute amendment would not provide additional funds for the Division of Motor Vehicles for either one-time costs or the anticipated ongoing workload increase, so these costs would have to be absorbed within the Division's base budget (\$62,127,100).

Prepared by: Jon Dyck

**WISCONSIN ASSEMBLY ROLL CALL  
1999-2000 SESSION  
SPEAKER JENSEN**

**AB 52  
BY OLSEN  
GRADUATED DRIVER LICENSING  
REJECT AMENDMENT  
AA4 - ASA3 OFFERED BY MEYER**

AYES - 45 NAYS - 54 NOT VOTING - 0 PAIRED - 0

A	N	NV	NAME	A	N	NV	NAME	A	N	NV	NAME
A			AINSWORTH (R)		N		KAUFERT (R)			N	REYNOLDS (D)
A			ALBERS (R)	A			KEDZIE (R)	A			RHOADES (R)
	N		BALOW (D)	A			KELSO (R)	A			RICHARDS (D)
	N		BERCEAU (D)	A			KESTELL (R)		N		RILEY (D)
	N		BLACK (D)	A			KLUSMAN (R)	A			RYBA (D)
	N		BOCK (D)	A			KREIBICH (R)		N		SCHNEIDER (D)
	N		BOYLE (D)	A			KREUSER (D)		N		SCHOOFF (D)
A			BRANDEMUEHL (R)	A			KRUG (D)		N		SERATTI (R)
	N		CARPENTER (D)		N		KRUSICK (D)		N		SHERMAN (D)
	N		COGGS (D)	A			LA FAVE (D)		N		SINICKI (D)
	N		COLON (D)	A			LADWIG (R)		N		SKINDRUD (R)
	N		CULLEN (D)	A			LASEE (R)	A			SPILLNER (R)
	N		DUFF (R)		N		LASSA (D)		N		STASKUNAS (D)
A			FOTI (R)	A			LEHMAN, J. (D)	A			STEINBRINK (D)
A			FREESE (R)	A			LEHMAN, M. (R)	A			STONE (R)
	N		GARD (R)		N		LEIBHAM (R)		N		SUDER (R)
A			GOETSCH (R)		N		MEYER (D)	A			SYKORA (R)
	N		GRONEMUS (D)		N		MEYERHOFER (D)	A			TOWNSEND (R)
	N		GROTHMAN (R)		N		MILLER (D)		N		TRAVIS (D)
	N		GUNDERSON (R)		N		MONTGOMERY (R)		N		TURNER (D)
A			GUNDRUM (R)		N		MORRIS-TATUM (D)		N		UNDERHEIM (R)
A			HAHN (R)	A			MUSSER (R)	A			URBAN (R)
	N		HANDRICK (R)		N		NASS (R)	A			VRAKAS (R)
	N		HASENOHRL (D)	A			OLSEN (R)	A			WALKER (R)
	N		HEBL (D)	A			OTT (R)	A			WARD (R)
A			HOVEN (R)	A			OWENS (R)		N		WASSERMAN (D)
	N		HUBER (D)		N		PETROWSKI (R)		N		WAUKAU (D)
	N		HUBLER (D)		N		PETTIS (R)	A			WIECKERT (R)
	N		HUEBSCH (R)		N		PLALE (D)		N		WILLIAMS (D)
A			HUNDERTMARK (R)	A			PLOUFF (D)		N		WOOD (D)
A			HUTCHISON (R)		N		POCAN (D)		N		YOUNG (D)
A			JESKEWITZ (R)	A			PORTER (R)		N		ZIEGELBAUER (D)
	N		JOHNSRUD (R)	A			POWERS (R)	A			SPEAKER (R)

IN CHAIR: JENSEN

NO VACANT DISTRICTS

SEQUENCE NO. 66  
Wednesday, May 12, 1999  
2:22 PM

**WISCONSIN ASSEMBLY ROLL CALL  
1999-2000 SESSION  
SPEAKER JENSEN**

**AB 52  
BY OLSEN  
GRADUATED DRIVER LICENSING  
ADOPT AMENDMENT  
AA4 - ASA3 OFFERED BY MEYER**

AYES - 56 NAYS - 43 NOT VOTING - 0 PAIRED - 0

A N NV NAME	A N NV NAME	A N NV NAME
N AINSWORTH (R)	A KAUFERT (R)	A REYNOLDS (D)
A ALBERS (R)	N KEDZIE (R)	N RHOADES (R)
A BALOW (D)	N KELSO (R)	A RICHARDS (D)
A BERCEAU (D)	N KESTELL (R)	A RILEY (D)
A BLACK (D)	N KLUSMAN (R)	A RYBA (D)
A BOCK (D)	N KREIBICH (R)	A SCHNEIDER (D)
A BOYLE (D)	N KREUSER (D)	A SCHOOFF (D)
N BRANDEMUEHL (R)	A KRUG (D)	A SERATTI (R)
A CARPENTER (D)	A KRUSICK (D)	A SHERMAN (D)
A COGGS (D)	N LA FAVE (D)	A SINICKI (D)
A COLON (D)	N LADWIG (R)	A SKINDRUD (R)
A CULLEN (D)	N LASEE (R)	N SPILLNER (R)
A DUFF (R)	A LASSA (D)	A STASKUNAS (D)
N FOTI (R)	N LEHMAN, J. (D)	N STEINBRINK (D)
N FREESE (R)	N LEHMAN, M. (R)	N STONE (R)
A GARD (R)	A LEIBHAM (R)	A SUDER (R)
N GOETSCH (R)	A MEYER (D)	N SYKORA (R)
A GRONEMUS (D)	A MEYERHOFER (D)	N TOWNSEND (R)
A GROTHMAN (R)	A MILLER (D)	A TRAVIS (D)
A GUNDERSON (R)	N MONTGOMERY (R)	A TURNER (D)
N GUNDRUM (R)	A MORRIS-TATUM (D)	A UNDERHEIM (R)
N HAHN (R)	A MUSSER (R)	N URBAN (R)
A HANDRICK (R)	N NASS (R)	N VRAKAS (R)
A HASENOHRL (D)	N OLSEN (R)	N WALKER (R)
A HEBL (D)	N OTT (R)	N WARD (R)
N HOVEN (R)	N OWENS (R)	A WASSERMAN (D)
A HUBER (D)	A PETROWSKI (R)	A WAUKAU (D)
A HUBLER (D)	A PETTIS (R)	N WIECKERT (R)
N HUEBSCH (R)	A PLALE (D)	A WILLIAMS (D)
N HUNDERTMARK (R)	N PLOUFF (D)	A WOOD (D)
N HUTCHISON (R)	A POCAN (D)	A YOUNG (D)
N JESKEWITZ (R)	N PORTER (R)	A ZIEGELBAUER (D)
A JOHNSRUD (R)	N POWERS (R)	N SPEAKER (R)

IN CHAIR: JENSEN

NO VACANT DISTRICTS

SEQUENCE NO. 68  
Wednesday, May 12, 1999  
2:31 PM

WISCONSIN ASSEMBLY ROLL CALL  
1999-2000 SESSION  
SPEAKER JENSEN

**AB 52**  
BY OLSEN  
GRADUATED DRIVER LICENSING  
**TABLE AMENDMENT**  
AA4 - ASA3 OFFERED BY MEYER

AYES - 45 NAYS - 54 NOT VOTING - 0 PAIRED - 0

A	N	NV	NAME		A	N	NV	NAME		A	N	NV	NAME	
A			AINSWORTH	(R)										
	N		ALBERS	(R)		N		KAUFERT	(R)				N	REYNOLDS (D)
	N		BALOW	(D)	A			KEDZIE	(R)	A				RHOADES (R)
	N		BERCEAU	(D)	A			KELSO	(R)	A				RICHARDS (D)
	N		BLACK	(D)	A			KESTELL	(R)		N			RILEY (D)
	N		BOCK	(D)	A			KLUSMAN	(R)		N			RYBA (D)
	N		BOYLE	(D)	A			KREIBICH	(R)		N			SCHNEIDER (D)
A			BRANDEMUEHL	(R)	A			KREUSER	(D)		N			SCHOOFF (D)
	N		CARPENTER	(D)		N		KRUG	(D)		N			SERATTI (R)
	N		COGGS	(D)		N		KRUSICK	(D)		N			SHERMAN (D)
A			COLON	(D)	A			LA FAVE	(D)		N			SINICKI (D)
	N		CULLEN	(D)	A			LADWIG	(R)		N			SKINDRUD (R)
	N		DUFF	(R)	A			LASEE	(R)	A				SPILLNER (R)
A			FOTI	(R)		N		LASSA	(D)		N			STASKUNAS (D)
A			FREESE	(R)	A			LEHMAN, J.	(D)	A				STEINBRINK (D)
	N		GARD	(R)	A			LEHMAN, M.	(R)	A				STONE (R)
A			GOETSCH	(R)		N		LEIBHAM	(R)		N			SUDER (R)
	N		GRONEMUS	(D)		N		MEYER	(D)	A				SYKORA (R)
	N		GROTHMAN	(R)		N		MEYERHOFER	(D)	A				TOWNSEND (R)
	N		GUNDERSON	(R)		N		MILLER	(D)		N			TRAVIS (D)
A			GUNDRUM	(R)	A			MONTGOMERY	(R)		N			TURNER (D)
A			HAHN	(R)		N		MORRIS-TATUM	(D)		N			UNDERHEIM (R)
	N		HANDRICK	(R)		N		MUSSER	(R)	A				URBAN (R)
	N		HASENCHIRL	(D)	A			NASS	(R)	A				VRAKAS (R)
	N		HEBL	(D)	A			OLSEN	(R)	A				WALKER (R)
A			HOVEN	(R)	A			OTT	(R)	A				WARD (R)
	N		HUBER	(D)	A			OWENS	(R)		N			WASSERMAN (D)
	N		HUBLER	(D)		N		PETROWSKI	(R)		N			WAUKAU (D)
A			HUEBSCH	(R)		N		PETTIS	(R)		N			WIECKERT (R)
A			HUNDERTMARK	(R)		N		PLALE	(D)		N			WILLIAMS (D)
A			HUTCHISON	(R)	A			PLOUFF	(D)		N			WOOD (D)
A			JESKEWITZ	(R)		N		POCAN	(D)		N			YOUNG (D)
	N		JOHNSRUD	(R)	A			PORTER	(R)		N			ZIEGELBAUER (D)
					A			POWERS	(R)	A				SPEAKER (R)

IN CHAIR: JENSEN

NO VACANT DISTRICTS

SEQUENCE NO. 67  
Wednesday, May 12, 1999  
2:31 PM



Cullen  
Krusick  
Gunderson  
Bock  
Carpenter

ASSEMBLY AMENDMENT , 12  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1999 ASSEMBLY BILL 52

*not genuine*

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 1, line 7: after "programs;" insert "assuring financial responsibility for
- 3 the operation of motor vehicles;"
- 4 **2.** Page 4, line 15: after "conviction." insert "The department may not issue a
- 5 probationary license to operate "Class D" vehicles under this section to an applicant
- 6 who is under 18 years of age unless the applicant submits to the department proof,
- 7 in the form and manner required by the department, that the applicant has in effect
- 8 a motor vehicle liability policy or bond that meets the requirements under s. 344.15
- 9 for any motor vehicle operated by the applicant insuring against loss resulting from
- 10 liability imposed by law for bodily injury, death and property damage sustained by
- 11 any person arising out of the ownership, maintenance, operation or use of the motor
- 12 vehicle."

1           **3.** Page 8, line 18: after that line insert:

2           “**SECTION 16gd.** 344.10 of the statutes is created to read:

3           **344.10 Compulsory financial responsibility for certain probationary**

4 **licensees. (1) (a) 1.** No person subject to operating restrictions under s. 343.085

5 (2m)(a) may operate a motor vehicle upon a highway in this state unless the operator

6 has in effect a motor vehicle liability policy or bond for the motor vehicle, which meets

7 the requirements under s. 344.15, insuring against loss resulting from liability

8 imposed by law for bodily injury, death and property damage sustained by any person

9 arising out of the ownership, maintenance, operation or use of the motor vehicle.

10           2. No person subject to operating restrictions under s. 343.085 (2m) (a) may

11 operate a motor vehicle upon a highway in this state unless the person has in his or

12 her immediate possession at all times while operating the vehicle proof that he or she

13 is in compliance with subd. 1. or that the requirements of subd. 1. do not apply to him

14 or her. The operator of the motor vehicle who is subject to operating restrictions

15 under s. 343.085 (2m)(a) shall display the proof required under this subdivision upon

16 demand from any law enforcement officer.

17           (b) 1. No person charged with violating par. (a) 1. may be convicted if the person

18 produces proof that he or she was in compliance with par. (a) 1. or that the

19 requirements of par. (a) 1. did not apply to him or her at the time of the arrest. Such

20 proof may be produced either at the time of the person's appearance in court in

21 response to the uniform traffic citation, or in the office of the arresting officer within

22 5 days after the date of issuance of the uniform traffic citation.

23           2. Proof of compliance with par. (a) 1. may be evidenced by display of the motor

24 vehicle policy or bond in effect for the motor vehicle under s. 344.15, a copy of that

1 policy or bond or an identification card issued to the person by the insurer indicating  
2 that the policy or bond is in effect or by display of certification of insurance under s.  
3 344.31 or a copy of that certification.

4 (2) Proof of financial responsibility may be evidenced by a deposit of money or  
5 securities in the amount, form and manner specified in s. 344.37.

6 (3) Notwithstanding s. 349.02, a law enforcement officer may not stop or  
7 inspect a vehicle solely to determine compliance with sub. (1) (a) 1. or 2. or both or  
8 a local ordinance in conformity with sub. (1) (a) 1. or 2. or both. This subsection does  
9 not limit the authority of a law enforcement officer to issue a citation for a violation  
10 of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity with sub. (1) (a) 1. or  
11 2. or both observed in the course of a stop or inspection made for other purposes,  
12 except that a law enforcement officer may not take a person into physical custody  
13 solely for a violation of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity  
14 with sub. (1) (a) 1. or 2. or both.

15 (4) The department shall include with each operator's license issued under s.  
16 343.085 to an applicant under 18 years of age written notification of the  
17 requirements and penalties under this section.

18 (5) (a) Any person who violates sub. (1) (a) 1. shall forfeit not more than \$500.

19 (b) Any person who violates sub. (1) (a) 2. may be required to forfeit \$10.

20 **SECTION 16gh.** 344.15 (1) of the statutes is amended to read:

21 344.15 (1) No policy or bond is effective under s. 343.085(1)(b), 344.10 or 344.14  
22 unless issued by an insurer authorized to do ~~an automobile~~ a motor vehicle liability  
23 or surety business in this state, except as provided in sub. (2), or unless the policy or  
24 bond is subject, if the accident has resulted in bodily injury or death, to a limit,  
25 exclusive of interest and costs, of not less than \$25,000 because of bodily injury to or

1 death of one person in any one accident and, subject to that limit for one person, to  
2 a limit of not less than \$50,000 because of bodily injury to or death of 2 or more  
3 persons in any one accident and, if the accident has resulted in injury to or  
4 destruction of property, to a limit of not less than \$10,000 because of injury to or  
5 destruction of property of others in any one accident.

6 **SECTION 16gp.** 344.15 (2) (intro.) of the statutes is amended to read:

7 344.15 (2) (intro.) A policy or bond with respect to a vehicle which was not  
8 registered in this state or was registered elsewhere at the time of the effective date  
9 of the policy or bond or the most recent renewal thereof may be effective under s.  
10 343.085 (1) (b), 344.10 or 344.14 even though not issued by an insurer authorized to  
11 do ~~an automobile~~ a motor vehicle liability or surety business in this state if the  
12 following conditions are complied with:

13 **SECTION 16gt.** 344.15 (4) of the statutes is amended to read:

14 344.15 (4) After receipt of the report of an accident of the type specified in s.  
15 344.12, the secretary may forward to the insurer named therein, that portion of the  
16 report or other notice which pertains to ~~an automobile~~ a motor vehicle liability policy  
17 or bond. The secretary shall assume that ~~an automobile~~ a motor vehicle liability  
18 policy or bond as described in this section was in effect and applied to both the owner  
19 and operator with respect to the accident unless the insurer notifies the secretary  
20 otherwise within 30 days from the mailing to the insurer of that portion of the report  
21 or other notice pertaining to the ~~automobile~~ motor vehicle liability policy or bond.  
22 Upon receipt of notice from the insurer that ~~an automobile~~ a motor vehicle liability  
23 policy or bond was in effect as to the owner only, the operator only or was not in effect  
24 as to either of them, the secretary shall within the remainder of the 90-day period  
25 specified in s. 344.13 (3) require the owner or operator or both, whichever is

1 applicable, to deposit security pursuant to this chapter. As respects permission to  
2 operate the vehicle, the insurer may correct the report or other notice only if it files  
3 with the secretary within the 30-day period specified in this subsection an affidavit  
4 signed by the owner stating that the operator did not have the owner's permission  
5 to operate the vehicle. Where the insurer's failure to notify the secretary within 30  
6 days of a correction in that portion of the report or other notice pertaining to ~~an~~  
7 ~~automobile~~ a motor vehicle liability policy or bond is caused by fraud, the insurer  
8 shall notify the secretary of the correction within 30 days of the time the fraud is  
9 discovered.

10 **SECTION 16md.** 344.15 (5) of the statutes is amended to read:

11 344.15 (5) Nothing in this chapter shall be construed to impose any obligation  
12 not otherwise assumed by the insurer in its ~~automobile~~ motor vehicle liability policy  
13 or bond except that if no correction is made in the report or other notice within 30  
14 days after it is mailed to the insurer, the insurer, except in case of fraud, whenever  
15 such fraud may occur, is stopped from using as a defense to its liability the insured's  
16 failure to give permission to the operator or a violation of the purposes of use specified  
17 in the ~~automobile~~ motor vehicle liability policy or bond or the use of the vehicle  
18 beyond agreed geographical limits.

19 **SECTION 16mh.** 344.32 (1) (intro.) of the statutes is amended to read:

20 344.32 (1) (intro.) A nonresident may give proof of financial responsibility by  
21 filing with the secretary a written certification of an insurer authorized to transact  
22 ~~an automobile~~ a motor vehicle liability or surety business in the state in which the  
23 person resides or by transmitting such certification to the secretary by another  
24 means approved by the secretary, provided the certification otherwise conforms to

1 this chapter. The secretary shall accept the certification if the insurer complies with  
2 the following with respect to the policies so certified:

3 **SECTION 16mp.** 344.33 (1) of the statutes is amended to read:

4 344.33 (1) CERTIFICATION. In ~~this chapter ss. 344.30 to 344.34~~, “motor vehicle  
5 liability policy” means a motor vehicle policy of liability insurance, certified as  
6 provided in s. 344.31 or 344.32 as proof of financial responsibility for the future, and  
7 issued, except as otherwise provided in s. 344.32, by an insurer authorized to do ~~an~~  
8 ~~automobile~~ a motor vehicle liability business in this state to or for the benefit of the  
9 person named in the policy as the insured.

10 **SECTION 16mt.** 344.35 (title) of the statutes is amended to read:

11 **344.35 (title)** ~~This chapter~~ **Section 344.33 not to affect other policies.**

12 **SECTION 16rd.** 344.35 (1) of the statutes is amended to read:

13 344.35 (1) ~~This chapter~~ Section 344.33 does not apply to or affect policies of  
14 ~~automobile~~ motor vehicle insurance against liability which may now or hereafter be  
15 required by any other law of this state. If such policies contain an agreement or are  
16 endorsed to conform to the requirements of ~~this chapter s. 344.33~~, they may be  
17 certified as proof of financial responsibility under this chapter.

18 **SECTION 16rh.** 344.35 (2) of the statutes is amended to read:

19 344.35 (2) ~~This chapter~~ Section 344.33 does not apply to or affect policies  
20 insuring solely the insured named in the policy against liability resulting from the  
21 maintenance or use by persons in the insured’s employ or on the insured’s behalf of  
22 motor vehicles not owned by the insured.

23 **SECTION 16rp.** 344.51 (1m) of the statutes is amended to read:

24 344.51 (1m) No lessor or rental company may for compensation rent or lease  
25 any motor vehicle unless there is filed with the department on a form prescribed by

1 the department a certificate for a good and sufficient bond or policy of insurance  
2 issued by an insurer authorized to do ~~an automobile~~ a motor vehicle liability  
3 insurance or surety business in this state. The certificate shall provide that the  
4 insurer which issued it will be liable for damages caused by the negligent operation  
5 of the motor vehicle in the amounts set forth in s. 344.01 (2) (d). No lessor or rental  
6 company complying with this subsection, and no lessor or rental company entering  
7 into or acquiring an interest in any contract for the rental or leasing of a motor vehicle  
8 for which any other lessor or rental company has complied with this subsection, is  
9 liable for damages caused by the negligent operation of the motor vehicle by another  
10 person.

11 **SECTION 16rt.** 345.61 (1) (a) of the statutes is amended to read:

12 345.61 (1) (a) Any domestic or foreign surety company which has qualified to  
13 transact surety business in this state may, in any year, become surety in an amount  
14 not to exceed \$200 with respect to any guaranteed arrest bond certificates issued in  
15 such year by an automobile club, association or by an insurance company authorized  
16 to write ~~automobile~~ motor vehicle liability insurance within this state, by filing with  
17 the commissioner of insurance an undertaking thus to become surety.

18 **SECTION 16vd.** 345.61 (2) (c) of the statutes is amended to read:

19 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means  
20 any printed card or other certificate issued by an automobile club, association or  
21 insurance company to any of its members or insureds, which card or certificate is  
22 signed by the member or insureds and contains a printed statement that the  
23 automobile club, association or insurance company and a surety company, or an  
24 insurance company authorized to transact both ~~automobile~~ motor vehicle liability  
25 insurance and surety business, guarantee the appearance of the persons whose

1 signature appears on the card or certificate and that they will in the event of failure  
2 of the person to appear in court at the time of trial, pay any fine or forfeiture imposed  
3 on the person, including the penalty assessment required by s. 165.87, the jail  
4 assessment required by s. 302.46 (1), the railroad crossing improvement assessment  
5 required by s. 346.177, 346.495 or 346.65 (4r) and the crime laboratories and drug  
6 law enforcement assessment required by s. 165.755, in an amount not exceeding  
7 \$200, or \$1,000 as provided in sub. (1) (b).

8 **SECTION 16vh.** 345.61 (3) of the statutes is amended to read:

9 345.61 (3) Any guaranteed arrest bond certificate with respect to which a  
10 surety company has become surety, or a guaranteed arrest bond certificate issued by  
11 an insurance company authorized to transact both ~~automobile~~ motor vehicle liability  
12 insurance and surety business within this state as herein provided, shall, when  
13 posted by the person whose signature appears thereon, be accepted in lieu of cash bail  
14 or other bond in an amount not to exceed \$200, or \$1,000 as provided in sub. (1) (b),  
15 as a bail bond, to guarantee the appearance of such person in any court in this state,  
16 including all municipal courts in this state, at such time as may be required by such  
17 court, when the person is arrested for violation of any vehicle law of this state or any  
18 motor vehicle ordinance of any county or municipality in this state except for the  
19 offense of driving under the influence of intoxicating liquors or of drugs or for any  
20 felony committed prior to the date of expiration shown on such guaranteed arrest  
21 bond certificates; provided, that any such guaranteed arrest bond certificates so  
22 posted as bail bond in any court in this state shall be subject to the forfeiture and  
23 enforcement provisions with respect to bail bonds in criminal cases as otherwise  
24 provided by law or as hereafter may be provided by law, and that any such  
25 guaranteed arrest bond certificate posted as a bail bond in any municipal court of this

1 state shall be subject to the forfeiture and enforcement provisions, if any, of the  
2 charter or ordinance of the particular county or municipality pertaining to bail bonds  
3 posted.”

4 4. Page 9, line 18: delete “and 343.32 (2) (bc)” and substitute “, 343.32 (2) (bc),  
5 344.10, 344.15 (1), (2) (intro.), (4) and (5), 344.32 (1) (intro.), 344.33 (1), 344.35 (title),  
6 (1) and (2), 344.51 (1m) and 345.61 (1) (a), (2) (c) and (3)”.

7 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0374/1  
PEN:jlg:jf

Krug

ASSEMBLY AMENDMENT, 3  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1999 ASSEMBLY BILL 52

*rejection  
red  
2 hours  
52-47  
X*

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 2, line 5: delete "30" and substitute "50".
- 3 **2.** Page 2, line 14: delete "30" and substitute "50".
- 4 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0359/1  
PEN:cmh:km

ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1999 ASSEMBLY BILL 52

*rejection*  
*56-43*  
*X*

May 11, 1999 - Offered by Representative GRONEMUS.

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 8, line 15: delete "6 months" and substitute "3 months".

3 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0401/1  
PEN:kmg:hmh

Young  
Morris - Tatum

ASSEMBLY AMENDMENT, 13  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1999 ASSEMBLY BILL 52

40 - 59  
X

16<sup>tu</sup>

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 8, line 18: after that line insert:

3 **"SECTION 16r.** 345.19 of the statutes is created to read:

4 **345.19 Report on certain traffic stops of probationary licensees. (1)**

5 Each law enforcement agency in this state shall collect and maintain a record of the

6 operator's license number of any person whose vehicle is stopped for a suspected

7 violation of s. 343.085 (2m)(a) and to whom a citation for a violation of s. 343.085 (2m)

8 (a) is not issued. Not later than January 15 of each year, each law enforcement

9 agency shall submit to the department the operator's license numbers collected and

10 maintained under this subsection during the preceding year.

11 **(2)** The department shall compile data identifying the age on the date of the

12 traffic stop, race or ethnicity, and gender of each person whose driver's license

1 number is reported under sub. (1) or who, during the preceding year, is issued a  
2 citation for a violation of s. 343.085 (2m) (a). The department shall organize the  
3 identifying data showing all traffic stops made and citations issued by each law  
4 enforcement agency. Not later than March 1 of each year, the department shall  
5 submit to the legislature under s. 13.172 (2) the data compiled under this  
6 subsection.”.

7 **2.** Page 9, line 18: delete “and 343.32 (2) (bc)” and substitute “, 343.32 (2) (bc)  
8 and 345.19”.

9 (END)

5-12-99

LRB FILE COPY

LRB

/1

ASSEMBLY AMENDMENT 14

to \_\_\_\_\_ amendment \_\_\_\_\_

to Assembly substitute amendment 3

TO Assembly BILL 52

Offered by LEIBHAM

At the locations indicated, amend the Substituted amendment

as follows:

1. Page 4, line 19: delete "9-month" and  
substitute "6-month"

(End)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0361/1  
PEN:kmg:km

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1999 ASSEMBLY BILL 52**

70-29  
X

May 11, 1999 - Offered by Representative PLALE.

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 9, line 22: delete "July 1" and substitute "September 1".

3 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0387/1  
PEN:jlg:hmh

Kautert

ASSEMBLY AMENDMENT, 10  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1999 ASSEMBLY BILL 52

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 7, line 17: after that line insert:

3 "SECTION 11m. 343.17 (3) (a) 13. of the statutes is created to read:

4 343.17 (3) (a) 13. If the person is under 18 years of age at the time of issuance  
5 of the license, a distinctive appearance specified by the department that clearly  
6 identifies to the public that the person was under 18 years of age at the time of  
7 issuance of the license.

8 SECTION 11r. 343.19 (1) of the statutes is amended to read:

9 343.19 (1) If a license issued under this chapter or an identification card issued  
10 under s. 343.50 is lost or destroyed or the name or address named in the license or  
11 identification card is changed or the condition specified in s. 343.17 (3) (a) 12. or 13.  
12 no longer applies, the person to whom the license or identification card was issued

1 may obtain a duplicate thereof or substitute therefor upon furnishing proof  
2 satisfactory to the department of name and date of birth and that the license or  
3 identification card has been lost or destroyed or that application for a duplicate  
4 license or identification card is being made for a change of address or name or  
5 because the condition specified in s. 343.17 (3) (a) 12. or 13. no longer applies. If the  
6 original license or identification card is found it shall immediately be transmitted to  
7 the department. Duplicates of nonphoto licenses shall be issued as nonphoto  
8 licenses.”.

9 **2.** Page 9, line 22: after that line insert:

10 “(3d) OPERATORS’ LICENSES ISSUED TO CHILDREN UNDER 18 YEARS OF AGE. The  
11 treatment of section 343.17 (3) (a) 13. of the statutes first applies to licenses issued  
12 on January 1, 2000, or on the day after the effective date of this subsection, whichever  
13 is later.”.

14 (END)

ASSEMBLY AMENDMENT

2

to

~~1~~

amendment

13

to

A

substitute amendment

3

TO

Assembly

BILL

52

Offered by

Young, Boek

At the locations indicated, amend the

amendment

as follows:

1. Page 1, line 6:

AFTER "NUMBER"

INSERT: ", DATE \* TIME OF TRAFFIC STOP, RACE OR  
" ETHNICITY, AND GENDER

rejection  
green

AA14

63-36  
X





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0381/1  
PEN:kmg:ch

*Kaufert*

ASSEMBLY AMENDMENT, 9  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1999 ASSEMBLY BILL 52

At the locations indicated, amend the substitute amendment as follows:

1. Page 4, line 19: delete "9-month" and substitute "6-month".

(END)



Berceau  
Miller  
Balow  
Morris - Tatum  
Meyerhofer  
Schooff  
Sherman  
Reynolds  
Riley  
Siniicki  
Ryba

ASSEMBLY AMENDMENT, 7  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1999 ASSEMBLY BILL 52

Travis  
Plovitt  
Colon  
Gronemus  
Pocan  
Young  
Turner  
Richards  
Carpenter  
Bock  
Coggis

*rejection*  
*green*  
*61-38*  
*X*

1  
2  
3  
4  
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6  
7  
8  
9

At the locations indicated, amend the substitute amendment as follows:

1. Page 6, line 1: before that line insert:

“(as) Notwithstanding s. 349.02, a law enforcement officer may not stop or inspect a vehicle solely to determine compliance with par. (a) or a local ordinance in conformity with par. (a). This paragraph does not limit the authority of a law enforcement officer to issue a citation for a violation of par. (a) or a local ordinance in conformity with par. (a) observed in the course of a stop or inspection made for other purposes.”.

(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0377/1  
PEN:kmg:ijs

*Kaufert*

ASSEMBLY AMENDMENT, 8  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1999 ASSEMBLY BILL 52

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 4, line 22: delete lines 22 to 24 and substitute:
- 3 "1. If, in addition to the licensee, the vehicle is occupied by any person other
- 4 than the following:
- 5 a. Any number of members of the licensee's immediate family.
- 6 b. A person who meets the requirements under s. 343.07 (1) (a).
- 7 c. Not more than one other person not described in subd. 1. a. and b."
- 8 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0394/1  
PEN:kmg&jlg:jf

*Albers*

ASSEMBLY AMENDMENT, 6  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1999 ASSEMBLY BILL 52

*passed*  
↓

*Albers*

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 8, line 1: delete "The scale" and substitute "1. Except as provided in
- 3 subd. 2., the scale".
- 4 **2.** Page 8, line 6: delete "1." and substitute "a."
- 5 **3.** Page 8, line 7: delete "2." and substitute "b."
- 6 **4.** Page 8, line 8: delete "3. A" and substitute "c. A".
- 7 **5.** Page 8, line 8: after that line insert:
- 8 "2. The secretary may not increase under subd. 1. the number of demerit points
- 9 that are assessed for a violation of ch. 347."
- 10 **6.** Page 8, line 15: delete "6 months" and substitute "3 months".

11

(END)

*Albers*  
*66-33*  
*X*



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0376/1  
PEN:kmg:ijs

*Klusman*

ASSEMBLY AMENDMENT, 5  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1999 ASSEMBLY BILL 52

*rejection  
7/27*

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 5, line 23: after that line insert:
- 3 “(ap) Paragraph (a) 1. does not apply to a licensee who is employed to care for
- 4 a child, if the licensee possesses documentation that is signed and dated by the child’s
- 5 parent or legal guardian, identifies the licensee and child, and states the origin and
- 6 destination of travel, and if the licensee is traveling on a direct route between the
- 7 locations specified in the documentation.”
- 8 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0396/1  
PEN:kmg:ch

Meyer

ASSEMBLY AMENDMENT, 11  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1999 ASSEMBLY BILL 52

*rejection  
green  
24-15  
x*

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 1. Page 2, line 5: delete "30" and substitute "10".
- 3 2. Page 2, line 6: delete "10" and substitute "3".
- 4 3. Page 2, line 9: delete the material beginning with ", except" and ending with
- 5 "manner" on line 11.
- 6 4. Page 2, line 14: delete "30" and substitute "10".
- 7 (END)

ASSEMBLY AMENDMENT 1

to § AA5 amendment \_\_\_\_\_

to A substitute amendment 3

TO AB BILL 52

Offered by Klusman

At the locations indicated, amend the amendment

as follows:

1. Page 1, line 6: delete "is" and after "licensee" insert "and the child identified in the documentation and no other person are"  
(End)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa0379/1  
PEN:kmg:hmh

May 4

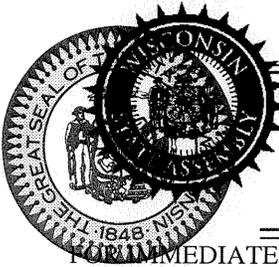
ASSEMBLY AMENDMENT, 4  
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,  
TO 1999 ASSEMBLY BILL 52

*rejection  
passed*

*refer to committee  
26-76  
K*

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 4, line 22: delete lines 22 to 24 and substitute:
- 3 "1. If, in addition to the licensee, the vehicle is occupied by any person other
- 4 than the following:
- 5 a. Any number of members of the licensee's immediate family.
- 6 b. A person who meets the requirements under s. 343.07 (1) (a).
- 7 c. Not more than one other person not described in subd. 1. a. and b."

8 (END)



# Joe Schmoie

**DAVID BRANDEMUEHL**  
State Representative • 100th Assembly District  
**State Representative**  
**49th Assembly District**

FOR IMMEDIATE RELEASE

MAY 19, 1999

CONTACT STATE REPRESENTATIVE JOE SCHMOE, 608/266-0000

## ASSEMBLY PASSES SAFEGUARDS FOR TEEN DRIVERS

*Schmoie says graduated license bill will help save lives*

**MADISON...** Travelers on Wisconsin's roads can feel a little bit safer, thanks to legislation putting additional safeguards on teen drivers, which passed the state Assembly today with a 82-17 vote.

State Representative Joe Schmoie (R- River Bottom), a strong supporter of the legislation, said the bill will make teens safer drivers by giving them more teaching and experience behind the wheel.

"I think kids today need to learn more responsibility," said Schmoie. "Driving a car is a privilege, not a right. This initiative allows newly licensed drivers to earn the privilege of driving."

Last month, a van load of teenagers went out of control and crashed in a Hales Corners park lagoon. Two teenagers were killed in the accident.

"Hopefully, these additional safeguards will reduce the chances of such a tragedy happening again in Wisconsin," Schmoie said. "We need to make sure our teens are ready to operate safely behind the wheel before we turn the keys over to them."

The measure calls for several major changes in the way new drivers are licensed:

After a teenager gets a learner's permit, the new driver would have to hold it for six months and spend 30 hours practicing behind the wheel accompanied by a parent or guardian, up from the current six hours.

For nine months after getting a probationary license, a 16-year-old could have only family members or adults or one unrelated person in the vehicle. A new driver could not get behind the wheel between midnight and 5 a.m., except in an emergency, or to go to school or work.

Schmoie said 26 states currently have similar safeguards to protect teen drivers.

"We tried to address the legitimate concern of working teens and parents who rely on their teen driver to pick up their younger brother or sister from school or soccer practice," Schmoie said. "These family errands will still be allowed under this legislation."

The bill will now go to the Senate. Schmoie said he hoped that the Senate will follow the Assembly's lead and act quickly to pass the bill.

"If this legislation can help save one person's life, we need to implement it as soon as possible," said Schmoie. "I'm sure my colleagues in the Senate would agree with me."



MAY 20 1999

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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536  
Telephone: (608) 266-1304  
Fax: (608) 266-3830  
Email: leg.council@legis.state.wi.us

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DATE: May 20, 1999  
TO: INTERESTED LEGISLATORS  
FROM: William Ford, Senior Staff Attorney  
SUBJECT: Graduated Driver Licensing Bill as Passed by the Assembly

### A. INTRODUCTION

This memorandum describes Engrossed 1999 Assembly Bill 52 (the "Engrossed Bill"), relating to graduated driver licensing. The Engrossed Bill was passed by the Assembly on May 19, 1999 and messaged to the Senate for consideration.

The Engrossed Bill imposes a number of conditions and restrictions upon the issuance of instruction permits and upon the initial issuance of motor vehicle operator's licenses (driver's licenses) to persons who are under 18 years of age in order to implement a system commonly referred to as "graduated driver licensing." As will be explained in more detail below, the Engrossed Bill does this by increasing operator training requirements, imposing additional restrictions relating to persons who are required, or who are allowed, to be in a motor vehicle operated by a person subject to graduated driver licensing; and imposing additional penalties on persons subject to graduated driver licensing for certain offenses committed while operating a motor vehicle.

### B. INSTRUCTION PERMITS

#### 1. Current Law

Under *current law*, a person who is at least 15-1/2 years of age and who has passed the knowledge test prescribed by the Department of Transportation (DOT) for the issuance of a driver's license may apply for an *instruction permit* [s. 343.07, Stats.]. Generally, an instruction permit may not be issued to anyone under 18 years of age unless the person is enrolled in an approved driver education and training course for the purpose of receiving training in the operation of motor vehicles. An instruction permit authorizes a person to operate a motor

vehicle, except a commercial motor vehicle, school bus or type 1 motorcycle, a motor bicycle or a moped, subject to the following restrictions:

a. A permittee at least 16 years of age *must* be accompanied by a qualified instructor (as defined in s. 343.07 (5), Stats.) or by a licensed person with at least two years of licensed driving experience who occupies the seat beside the permittee. If the person accompanying the operator is a qualified instructor and the vehicle used for instruction is equipped with dual controls, up to three other persons may occupy seats in the motor vehicle other than the front seat. If the accompanying person is not a qualified instructor, one other licensed person 25 years of age or more with at least two years of driving experience may occupy a seat in the motor vehicle other than the front seat. No other persons may be in the vehicle.

b. If the permittee is under 16 years of age, the permittee *must* be accompanied by a qualified instructor or a person who is at least 21 years of age who is authorized to accompany the permittee in writing by the parent or guardian of the permittee. If the person accompanying the operator is a qualified instructor and the vehicle used for instruction is equipped with dual controls, up to three other persons may occupy seats in the motor vehicle other than the front seat. This person must occupy the seat beside the permittee. No other persons may be in the vehicle.

c. A permittee (regardless of age) may not operate a motor vehicle during hours of darkness unless accompanied by a qualified instructor or a licensed person 25 years of age or more with at least two years of driving experience who occupies the seat beside the permittee. "Hours of darkness" is defined as the period from one-half hour after sunset to one-half hour before sunrise and all other times when there is not sufficient natural light to render clearly visible any person or vehicle upon a highway at a distance of 500 feet. [s. 340.01 (23), Stats.]

## **2. The Engrossed Bill**

The Engrossed Bill revises the qualifications for persons who must or may accompany a permittee while operating a motor vehicle. (The Engrossed Bill does not affect persons holding motorcycle instruction permits.) Under the Engrossed Bill, a permittee *must* be accompanied by one of the following persons, who must hold a valid regular motor vehicle operator's license, have at least two years of licensed driving experience and occupy the seat next to the permittee:

a. A qualified instructor who is at least 19 years of age. If the motor vehicle used for instruction is equipped with dual controls, up to three other persons in addition to the qualified instructor may occupy a vehicle operated by the permittee.

b. The permittee's parent, guardian or spouse who is at least 19 years of age. In addition to the parent, guardian or spouse, the permittee's immediate family members may occupy seats in the motor vehicle other than the front seat.

c. A person who is at least 21 years of age. However, if the permittee is younger than 18 years of age, the accompanying person must be designated in writing to accompany the permittee by the permittee's parent or guardian prior to the operation of the vehicle by the permittee.

In addition, the Engrossed Bill increases the period of validity for an instruction permit from six months to one year [SECTION 6] and increases the fee for an instruction permit from \$20 to \$25. [SECTION 13.] The restrictions under current law relating to who must accompany a permittee operating during hours of darkness, are not affected by the Engrossed Bill.

### **C. PROBATIONARY LICENSE**

#### **1. Current Law**

Under current law, an applicant who qualifies for initial issuance of a driver's license, including passing the driving test prescribed by DOT, is issued a probationary license which generally lasts until the applicant's second birthday occurring after the date on which the probationary license is issued. (However, a person who is at least 21 years of age and has been licensed to drive in another jurisdiction for at least three years is issued a regular driver's license and not a probationary license [s. 343.085, Stats.].) During the probationary period, the number of demerit points assessed by DOT for a second or subsequent traffic conviction is increased by two demerit points. A person who accumulates an excessive number of demerit points may have his or her probationary period increased or operating privilege suspended.

#### **2. The Engrossed Bill**

The Engrossed Bill revises the eligibility requirements for a probationary license issued to an applicant for a driver's license (but not for a "motorcycle only" license) who is under 18 years of age. These changed eligibility requirements are:

- a. The applicant must have held an instruction permit for at least six months before applying for a driver's license.
- b. The applicant may not have been convicted of a moving violation specified by DOT by rule within a six-month period immediately preceding the application.
- c. The applicant must have accumulated at least 30 hours of behind-the-wheel driving experience, at least 10 of which were during hours of darkness. Each hour of behind-the-wheel driving experience while accompanied by a qualified instructor, up to five hours, is counted as two hours of behind-the-wheel driving experience. Secondary schools and technical colleges are authorized to provide driving instruction for the 30-hour requirement.

In addition, the Engrossed Bill creates driving restrictions that apply to persons (other than persons with "motorcycle only" licenses or persons operating a motor vehicle for emergency purposes) who are under the age of 18 at the time the probationary license is issued. During the first nine months following the issuance of a probationary license, or until attaining the age of 18, whichever occurs first, these licensees may not:

- a. Transport persons other than immediate family members, persons at least 21 years of age or more than one person who is not an immediate family member or at least 21 years of age.
- b. Drive between the hours of 12 midnight and 5:00 a.m. unless the licensee's parent or guardian or a person who is authorized to accompany a person driving under an instruction

permit occupies the seat beside the licensee or unless the licensee is traveling between his or her place of residence, school or place of employment.

These two restrictions do not apply, under certain circumstances and with proper authentication, to a person operating a motor vehicle in the service of an organized program that, without compensation, transports teenagers to their homes.

The DOT is required to extend the two restrictions listed above for an additional six-month period if any of the following occurs while the licensee is subject to the restrictions:

- a. The licensee is convicted of a moving offense specified by DOT by rule.
- b. The licensee violates one of the two restrictions in a. or b.
- c. A court or the DOT suspends or revokes the licensee's operating privilege for any reason other than a mental or physical disability. The nine-month period of restriction does not run while a person's operating privilege is suspended or revoked.

[SECTIONS 8-10.]

The Engrossed Bill provides that no separate cause of action under tort law is created by the provisions of the Engrossed Bill that specify the persons who may accompany a person with a probationary license. [SECTION 9.]

#### **D. SUSPENSION FOR EXCESSIVE DEMERIT POINT ACCUMULATION**

##### **1. Current Law**

Under current law, DOT may suspend a person's operating privilege for excessive demerit point accumulation if a person accumulates 12 demerit points in 12 months. During the period of a probationary license, two demerit points are added to the otherwise applicable demerit points for a second or subsequent violation of a traffic law. [s. 343.085 (3) and (5), Stats.]

##### **2. The Engrossed Bill**

Under the Engrossed Bill, the number of demerit points assessed against a person who violates a traffic law, other than a motor equipment violation under ch. 347, Stats., while operating under an instruction permit or a probationary license is doubled if the person has a previous traffic conviction for which demerit points were assessed. The DOT is required to suspend the operating privilege of a probationary licensee who accumulates 12 demerit points in 12 months. [SECTIONS 14 and 15.]

**E. DISTINCTIVE DRIVER'S LICENSES ISSUED TO PERSONS UNDER 18 YEARS OF AGE**

The Engrossed Bill requires that the DOT issue a motor vehicle operator's license to a person under 18 years of age that has a distinctive appearance that clearly identifies to the public that the person was under 18 years of age at the time of issuance of the license.

**F. EFFECTIVE DATES; INITIAL APPLICABILITY**

The provisions of the Engrossed Bill requiring 30 hours of driving experience, specifying who must or may be in a motor vehicle operated by a person operating under an instruction permit, providing that instruction permits are valid for 12 months after issuance and increasing the fee for an instruction permit first apply to persons who apply for instruction permits or operator's licenses on the first day of the fourth month after the Engrossed Bill is enacted and published as a law.

The provisions of the Engrossed Bill restricting persons who may be transported in a motor vehicle and nighttime operation of a motor vehicle operated by a person under 18 years of age, assessing additional demerit points to persons with a probationary license, requiring that an applicant for a license have held an instruction permit for at least six months and not have violated certain traffic laws, first apply to persons who apply for instruction permits or operator's licenses on the first day of the 10th month after the Engrossed Bill is enacted and published as a law, or September 1, 2000, whichever is later.

Please contact me at the Legislative Council Staff offices if I can be of further assistance.

WF:wu:rv;ksm;jal

**GRADUATED DRIVER LICENSE (GDL)  
1999 WISCONSIN ACT 9**

*file*

**What is the problem? Why do we need GDL?**

- Teens are over represented in crashes - they make up 6.3% of all drivers but are involved in 14.9% of crashes.
- No chance to learn from experience - for 2 out of 3 teen drivers killed in crashes, it is their 1<sup>st</sup> (and last) crash.
- High risk driving and inexperience are main contributing factors in teen crashes.
- Teen driver death rates increase with passengers on board.

Number of Passengers	AGE & % INCREASE IN DEATH RATE	
	16	17
1	39%	48%
2	86%	158%
3 or more	182%	207%

- It isn't just the drivers that are impacted - 3 out of 4 teen passengers killed or seriously injured in crashes were in cars driven by other teens.

**How does GDL address the problem?**

- GDL requires more practice time for teens before they become licensed.
- It keeps teens in lower risk driving situations when they are first licensed.
- Probationary drivers are taken off the road more quickly for multiple driving offenses.

**When does GDL start?**

Effective Date	Provision
December 1, 1999	<ul style="list-style-type: none"> <li>• Increase in Class D and school bus test fees from \$10 to \$15.</li> </ul>
February 1, 2000	<p>For drivers under age 18:</p> <ul style="list-style-type: none"> <li>• 30 hours driving experience prior to issuance of a probationary license.</li> <li>• Distinctive license showing driver is under age 18.</li> </ul> <p>For all drivers regardless of age:</p> <ul style="list-style-type: none"> <li>• Class D instruction permit valid for 12 months, previously valid for 6.</li> <li>• Increase Class D instruction permit fee from \$20 to \$25.</li> <li>• Simplifies definition of who can accompany permit holders</li> </ul>
September 1, 2000	<p>For drivers under age 18:</p> <ul style="list-style-type: none"> <li>• Hold instruction permit 6 months before getting probationary license.</li> <li>• 6 months violation free before getting probationary license.</li> <li>• Probationary license has night driving and passenger restrictions for first nine months</li> <li>• Restrictions extended 6 months for driving convictions or revocation/suspension of driving privilege.</li> </ul> <p>For all <i>probationary</i> drivers regardless of age:</p> <ul style="list-style-type: none"> <li>• Demerit points doubled for 2<sup>nd</sup> and subsequent driving convictions.</li> <li>• 6 month suspension for accumulation of 12 points in 12 months.</li> </ul>

The crash information used in this document is taken from The Wisconsin Traffic Crash Facts Book, the Division of Motor Vehicles' Accident Database, and the Journal of the American Medical Association.



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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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DATE: November 3, 1999  
TO: INTERESTED LEGISLATORS  
FROM: William Ford, Senior Staff Attorney  
SUBJECT: Graduated Driver Licensing Provisions of 1999 Wisconsin Act 9

### A. INTRODUCTION

This memorandum describes the provisions of 1999 Wisconsin Act 9 (the "Act"), relating to graduated driver licensing.

The Act imposes a number of conditions and restrictions upon the issuance of instruction permits and upon the initial issuance of motor vehicle operator's licenses (driver's licenses) to persons who are under 18 years of age in order to implement a system commonly referred to as "graduated driver licensing." As will be explained in more detail below, the Act does this by increasing operator training requirements, imposing additional restrictions relating to persons who are required, or who are allowed, to be in a motor vehicle operated by a person subject to graduated driver licensing; and imposing additional penalties on persons subject to graduated driver licensing for certain offenses committed while operating a motor vehicle.

### B. INSTRUCTION PERMITS

#### 1. Current Law

Under *current law*, a person who is at least 15-1/2 years of age and who has passed the knowledge test prescribed by the Department of Transportation (DOT) for the issuance of a driver's license may apply for an *instruction permit* [s. 343.07, Stats.]. Generally, an instruction permit may not be issued to anyone under 18 years of age unless the person is enrolled in an approved driver education and training course for the purpose of receiving training in the operation of motor vehicles. An instruction permit authorizes a person to operate a motor vehicle, except a commercial motor vehicle, school bus or type 1 motorcycle, a motor bicycle or a moped, subject to the following restrictions:

a. A permittee at least 16 years of age *must* be accompanied by a qualified instructor (as defined in s. 343.07 (5), Stats.) or by a licensed person with at least two years of licensed driving experience who occupies the seat beside the permittee. If the person accompanying the operator is a qualified instructor and the vehicle used for instruction is equipped with dual controls, up to three other persons may occupy seats in the motor vehicle other than the front seat. If the accompanying person is not a qualified instructor, one other licensed person 25 years of age or more with at least two years of driving experience may occupy a seat in the motor vehicle other than the front seat. No other persons may be in the vehicle.

b. If the permittee is under 16 years of age, the permittee *must* be accompanied by a qualified instructor or a person who is at least 21 years of age who is authorized to accompany the permittee in writing by the parent or guardian of the permittee. If the person accompanying the operator is a qualified instructor and the vehicle used for instruction is equipped with dual controls, up to three other persons may occupy seats in the motor vehicle other than the front seat. This person must occupy the seat beside the permittee. No other persons may be in the vehicle.

c. A permittee (regardless of age) may not operate a motor vehicle during hours of darkness unless accompanied by a qualified instructor or a licensed person 25 years of age or more with at least two years of driving experience who occupies the seat beside the permittee. "Hours of darkness" is defined as the period from one-half hour after sunset to one-half hour before sunrise and all other times when there is not sufficient natural light to render clearly visible any person or vehicle upon a highway at a distance of 500 feet. [s. 340.01 (23), Stats.]

## 2. The Act

The Act revises the qualifications for persons who must or may accompany a permittee while operating a motor vehicle. (The Act does not affect persons holding motorcycle instruction permits.) Under the Act, a permittee *must* be accompanied by one of the following persons, who must hold a valid regular motor vehicle operator's license, have at least two years of licensed driving experience and occupy the seat next to the permittee:

a. A qualified instructor who is at least 19 years of age. If the motor vehicle used for instruction is equipped with dual controls, up to three other persons in addition to the qualified instructor may occupy a vehicle operated by the permittee.

b. The permittee's parent, guardian or spouse who is at least 19 years of age. In addition to the parent, guardian or spouse, the permittee's immediate family members may occupy seats in the motor vehicle other than the front seat.

c. A person who is at least 21 years of age. However, if the permittee is younger than 18 years of age, the accompanying person must be designated in writing to accompany the permittee by the permittee's parent or guardian prior to the operation of the vehicle by the permittee.

[SECTION 2734qf.]

In addition, the Act increases the period of validity for an instruction permit from six months to one year [SECTION 2734qt] and increases the fee for an instruction permit from \$20 to

\$25. [SECTION 2746m.] The restrictions under current law relating to who must accompany a permittee operating during hours of darkness, are not affected by the Act.

### C. PROBATIONARY LICENSE

#### 1. Current Law

Under current law, an applicant who qualifies for initial issuance of a driver's license, including passing the driving test prescribed by DOT, is issued a probationary license which generally lasts until the applicant's second birthday occurring after the date on which the probationary license is issued. (However, a person who is at least 21 years of age and has been licensed to drive in another jurisdiction for at least three years is issued a regular driver's license and not a probationary license [s. 343.085, Stats.].) During the probationary period, the number of demerit points assessed by DOT for a second or subsequent traffic conviction is increased by two demerit points. A person who accumulates an excessive number of demerit points may have his or her probationary period increased or operating privilege suspended.

#### 2. The Act

The Act revises the eligibility requirements for a probationary license issued to an applicant for a driver's license (but not for a "motorcycle only" license) who is under 18 years of age. These changed eligibility requirements are:

a. The applicant must have held an instruction permit for at least six months before applying for a driver's license.

b. The applicant may not have been convicted of a moving violation specified by DOT by rule within a six-month period immediately preceding the application.

c. The applicant must have accumulated at least 30 hours of behind-the-wheel driving experience, at least 10 of which were during hours of darkness. Each hour of behind-the-wheel driving experience while accompanied by a qualified instructor, up to five hours, is counted as two hours of behind-the-wheel driving experience. Secondary schools and technical colleges are authorized to provide driving instruction for the 30-hour requirement.

In addition, the Act creates driving restrictions that apply to persons (other than persons with "motorcycle only" licenses or persons operating a motor vehicle for emergency purposes) who are under the age of 18 at the time the probationary license is issued. During the first nine months following the issuance of a probationary license, or until attaining the age of 18, whichever occurs first, these licensees may not:

a. Transport persons other than immediate family members, persons at least 21 years of age or more than one person who is not an immediate family member or at least 21 years of age.

b. Drive between the hours of 12 midnight and 5:00 a.m. unless the licensee's parent or guardian or a person who is authorized to accompany a person driving under an instruction permit occupies the seat beside the licensee or unless the licensee is traveling between his or her place of residence, school or place of employment.

These two restrictions do not apply, under certain circumstances and with proper authentication, to a person operating a motor vehicle in the service of an organized program that, without compensation, transports teenagers to their homes.

The DOT is required to extend the two restrictions listed above for an additional six-month period if any of the following occurs while the licensee is subject to the restrictions:

- a. The licensee is convicted of a moving offense specified by DOT by rule.
- b. The licensee violates one of the two restrictions in a. or b.
- c. A court or the DOT suspends or revokes the licensee's operating privilege for any reason other than a mental or physical disability. The nine-month period of restriction does not run while a person's operating privilege is suspended or revoked.

[SECTIONS 2734rh and rp.]

The Act provides that no separate cause of action under tort law is created by the provisions of the Act that specify the persons who may accompany a person with a probationary license. [SECTION 2734rh.]

#### **D. SUSPENSION FOR EXCESSIVE DEMERIT POINT ACCUMULATION**

##### **1. Current Law**

Under current law, DOT may suspend a person's operating privilege for excessive demerit point accumulation if a person accumulates 12 demerit points in 12 months. During the period of a probationary license, two demerit points are added to the otherwise applicable demerit points for a second or subsequent violation of a traffic law. [s. 343.085 (3) and (5), Stats.]

##### **2. The Act**

Under the Act, the number of demerit points assessed against a person who violates a traffic law, other than a motor equipment violation under ch. 347, Stats., while operating under an instruction permit or a probationary license is doubled if the person has a previous traffic conviction for which demerit points were assessed. The DOT is required to suspend the operating privilege of a probationary licensee who accumulates 12 demerit points in 12 months. [SECTIONS 2734rs and rv.]

#### **E. DISTINCTIVE DRIVER'S LICENSES ISSUED TO PERSONS UNDER 18 YEARS OF AGE**

The Act requires that the DOT issue a motor vehicle operator's license to a person under 18 years of age that has a distinctive appearance that clearly identifies to the public that the person was under 18 years of age at the time of issuance of the license. [SECTION 2744g.]

**F. EFFECTIVE DATES; INITIAL APPLICABILITY**

The provisions of the Act requiring 30 hours of driving experience, specifying who must or may be in a motor vehicle operated by a person operating under an instruction permit, providing that instruction permits are valid for 12 months after issuance and increasing the fee for an instruction permit first apply to persons who apply for instruction permits or operator's licenses on February 1, 2000.

The provisions of the Act restricting persons who may be transported in a motor vehicle and nighttime operation of a motor vehicle operated by a person under 18 years of age, assessing additional demerit points to persons with a probationary license, requiring that an applicant for a license have held an instruction permit for at least six months and not have violated certain traffic laws, first apply to persons who apply for instruction permits or operator's licenses on September 1, 2000.

Please contact me at the Legislative Council Staff offices if I can be of further assistance.

WF:wu:rv:tlu;ksm;jal