

**2001 DRAFTING REQUEST**

**Bill**

Received: 10/31/2000

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Bonnie Ladwig (608) 266-9171

By/Representing: Janine Hale

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Alt. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **TNF**

**Pre Topic:**

No specific pre topic given

**Topic:**

Suspending juveniles' operating privileges for failure to pay forfeiture

**Instructions:**

Replaces 01-0766

**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	phurley 10/31/2000	jdye 10/31/2000	pgreensl 10/31/2000	_____	lrb_docadmin 10/31/2000	lrb_docadminS&L 12/18/2000	

FE Sent For:

<END>

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/?	phurley		10/31 PG	10/31 <u>PG/HK</u>			

FE Sent For:

&lt;END&gt;

0613

**Hurley, Peggy**

**From:** Hurley, Peggy  
**Sent:** Monday, October 02, 2000 2:06 PM  
**To:** Hale, Janine  
**Subject:** FW: Drafting request

Hello, Janine

Please let me introduce myself: my name is Peggy Hurley, I started working for the Legislative Reference Bureau in August and I will be drafting in the area of Transportation. I have received the request below from Paul Nilsen, and I will enter the request today. I will have the draft to you as soon as possible. If you have any questions, my phone number is 266-8906. I look forward to working with you.

Peggy Hurley  
Legislative Attorney  
Legislative Reference Bureau

-----Original Message-----

**From:** Hale, Janine  
**Sent:** Monday, October 02, 2000 1:58 PM  
**To:** Nilsen, Paul  
**Subject:** Drafting request

Paul,

Since Rep. Ladwig is unopposed for the Nov. 7<sup>th</sup> general election, it is my understanding that our office can start requesting bill drafts for the 2001-2002 session. I realize that we cannot introduce anything until January, but we would like to get a head start.

At this time, Rep. Ladwig would like to request a re-draft of 1999 Assembly Bill 648 (LRB 3977) for the 2001-2002 session. This legislation relates to the authority of a court to revoke or suspend a juvenile's driver's license. She would like the exact same language as written in 1999 AB 648.

If you have any questions, please feel free to contact me. Also, I would greatly appreciate an e-mail message back confirming your receipt of this request.

Thank you.

Janine Hale

*Janine Hale, Chief of Staff  
Office of Representative Bonnie Ladwig  
113 West, State Capitol  
P.O. Box 8952  
Madison, WI 53708  
(608)266-9171  
[janine.hale@legis.state.wi.us](mailto:janine.hale@legis.state.wi.us)*

Draft

1999 ASSEMBLY BILL 648

by Thursday please

1/10/15/20

January 11, 2000 - Introduced by Representatives LADWIG, MONTGOMERY, JENSEN, GOETSCH, HUEBSCH, KAUFERT, KREUSER, J. LEHMAN, NASS, RYBA, SPILLNER, URBAN and VRKAS, cosponsored by Senators PLACHE, DARLING, COWLES, DRZEWIECKI, FITZGERALD, HUELSMAN, LAZICH, PANZER and ROESSLER. Referred to Committee on Children and Families.

Regen

1 AN ACT *to amend* 938.17 (2) (d), 938.34 (8) and 938.343 (2) of the statutes; and  
2 *to affect* 1999 Wisconsin Act 9, section 9350 (11g); **relating to:** authority of a  
3 court to ~~revoke or~~ suspend a juvenile's operating privilege for violations of  
4 ordinances unrelated to the operation of a motor vehicle or for failing to pay a  
5 penalty for such a violation ~~and making an appropriation.~~

**Analysis by the Legislative Reference Bureau**

Under current law, circuit courts and municipal courts may suspend ~~or revoke~~ a person's motor vehicle operating privilege for a variety of reasons, including failure to pay an amount ordered by the court. Suspensions ~~and revocations~~ for failure to pay generally last until the person pays the amount owed. The suspensions ~~and revocation~~ orders are forwarded to the department of transportation (DOT), which updates the person's driving record to reflect the suspension ~~or revocation~~. 1999 Wisconsin Act 9 eliminates the authority of circuit courts and municipal courts to suspend ~~or revoke~~ a person's operating privilege solely because of the person's failure to pay a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle, effective December 1, 1999.

are not permitted

This bill restores the authority of circuit courts and municipal courts to suspend ~~or revoke~~ the operating privilege of a juvenile (a person under 17 years of age who is alleged to have committed a crime or, if no crime is alleged, a person under 18 years of age) solely because the juvenile has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

**ASSEMBLY BILL 648**

Fix  
Component

2nd/10/01

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

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

1 SECTION 1. 938.17 (2) (d) of the statutes, ~~as affected by 1999 Wisconsin Act 9~~  
2 is amended to read:

3 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
4 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that  
5 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)  
6 or 961.575 (2), the court shall enter any of the dispositional orders permitted under  
7 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture  
8 imposed by the municipal court, the court may not impose a jail sentence but may  
9 suspend any license issued under ch. 29 for not less than 30 days nor more than 5  
10 years, or, ~~unless the forfeiture was imposed for violating an ordinance unrelated to~~  
11 ~~the juvenile's operation of a motor vehicle, may suspend the juvenile's operating~~  
12 privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.  
13 If a court suspends a license or privilege under this section, the court shall  
14 immediately take possession of the applicable license and forward it to the  
15 department that issued the license, together with the notice of suspension clearly  
16 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
17 the forfeiture is paid during the period of suspension, the court shall immediately  
18 notify the department, which shall thereupon return the license to the person.

19 SECTION 2. 938.34 (8) of the statutes, ~~as affected by 1999 Wisconsin Act 9~~  
20 amended to read:

↑  
STET

185

234

ASSEMBLY BILL 648

PWF

1 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
 2 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The  
 3 maximum forfeiture that the court may impose under this subsection for a violation  
 4 by a juvenile is the maximum amount of the fine that may be imposed on an adult  
 5 for committing that violation or, if the violation is applicable only to a person under  
 6 18 years of age, \$100. Any such order shall include a finding that the juvenile alone  
 7 is financially able to pay the forfeiture and shall allow up to 12 months for payment.  
 8 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
 9 other alternatives under this section, in accordance with the conditions specified in  
 10 this chapter; or the court may suspend any license issued under ch. 29 for not less  
 11 than 30 days nor more than 5 years, or, <sup>✓</sup> unless the forfeiture was imposed for  
 12 violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may  
 13 suspend the juvenile's operating privilege, <sup>plain comma</sup> as defined in s. 340.01 (40), for not <sup>less</sup>  
 14 ~~than 30 days nor~~ <sup>2 plain</sup> more than 5 years. If the court suspends any license under this  
 15 subsection, the clerk of the court shall immediately take possession of the suspended  
 16 license and forward it to the department which issued the license, together with a  
 17 notice of suspension clearly stating that the suspension is for failure to pay a  
 18 forfeiture imposed by the court. If the forfeiture is paid during the period of  
 19 suspension, the suspension shall be reduced to the time period which has already  
 20 elapsed and the court shall immediately notify the department which shall then  
 21 return the license to the juvenile. Any recovery under this subsection shall be  
 22 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)

23 (h)

24 SECTION 3. 938.343 (2) of the statutes ~~(as affected by 1989 Wisconsin Act 185)~~ is  
 25 amended to read:

STET

185

ASSEMBLY BILL 648

SECTION 3

1 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may  
 2 be imposed on an adult for committing that violation or, if the violation is only  
 3 applicable to a person under 18 years of age, \$50. Any such order shall include a  
 4 finding that the juvenile alone is financially able to pay and shall allow up to 12  
 5 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
 6 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~  
 7 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle,~~ may  
 8 suspend the juvenile's operating privileges <sup>plain</sup> as defined in s. 340.01 (40), for not ~~less~~ <sup>STRIKE</sup>  
 9 ~~than 30 days nor~~ <sup>delete</sup> ~~more than 8~~ <sup>plain</sup> years. The court shall immediately take possession  
 10 of the suspended license and forward it to the department which issued the license,  
 11 together with the notice of suspension clearly stating that the suspension is for  
 12 failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the  
 13 period of suspension, the court shall immediately notify the department, which will  
 14 thereupon return the license to the person. Any recovery under this subsection shall  
 15 be reduced by the amount recovered as a forfeiture for the same act under s. 938.45  
 16 (1r) (b).

PWF

17 SECTION 4. 1999 Wisconsin Act 9, section 9350 (11g) is amended to read:

18 [1999 Wisconsin Act 9] Section 9350 (11g) SUSPENSION OF OPERATING PRIVILEGES  
 19 FOR FAILURE TO PAY CERTAIN FORFEITURES. The treatment of sections 345.47 (1) (b),  
 20 800.09 (1) (c), and 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8) and 938.343 (2) of the  
 21 statutes first applies to forfeitures imposed on the first day of the second month  
 22 beginning after publication.

23 9 Sec #. Initial applicability. (END)

(#) This act first applies to forfeitures imposed on the day after publication.

(END) ✓



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

LRB-0613/2dn

PJH:.....

Jld

Attention: Ms. Janine Hale:

Please review this draft carefully to ensure that it is consistent with your intent.

1999 Wisconsin Act 9 eliminated the ability of circuit courts and municipal courts to suspend any person's motor vehicle operating privilege solely because of the person's failure to pay a forfeiture for an ordinance violation unrelated to the operation of a motor vehicle. These suspensions had been processed by the department of transportation (DOT). Accordingly, 1999 Wisconsin Act 9 eliminated 2.0 SEG FTE positions from DOT and reduced DOT's appropriations by \$657,900 in each fiscal year of the biennium to reflect the reduced workload.

This bill restores the authority of circuit courts and municipal courts to suspend a juvenile's motor vehicle operating privilege solely because of the juvenile's failure to pay a forfeiture for an ordinance violation unrelated to the operation of a motor vehicle, but does not include authorization for any additional DOT positions or increase funding to DOT.

Please let me know if you wish to include authorization for any additional DOT positions or increase funding to DOT. If you do, please bear in mind that if the bill is passed before the 2001-2002 budget is passed, the budget bill will repeal and recreate the existing budget and these appropriations may be affected. There are several ways to address this problem; we can discuss them at your convenience if you want to include appropriations or position authorization in this bill.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: peggy.hurley@legis.state.wi.us

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

LRB-0766/1dn  
PJH:jld:pg

October 19, 2000

Attention: Ms. Janine Hale:

Please review this draft carefully to ensure that it is consistent with your intent.

1999 Wisconsin Act 9 eliminated the ability of circuit courts and municipal courts to suspend any person's motor vehicle operating privilege solely because of the person's failure to pay a forfeiture for an ordinance violation unrelated to the operation of a motor vehicle. These suspensions had been processed by the department of transportation (DOT). Accordingly, 1999 Wisconsin Act 9 eliminated 2.0 SEG FTE positions from DOT and reduced DOT's appropriations by \$657,900 in each fiscal year of the biennium to reflect the reduced workload.

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Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.state.wi.us](mailto:peggy.hurley@legis.state.wi.us)

**Hurley, Peggy**

**From:** Hale, Janine  
**Sent:** Tuesday, October 24, 2000 1:42 PM  
**To:** Hurley, Peggy  
**Cc:** Sappenfield, Anne  
**Subject:** Draft of LRB 0766

Peggy,

Thank you for the draft of LRB 0766/1 relating to suspension of a juvenile's driver's license for non-driving violations.

To answer the question in your drafter's note, Rep. Ladwig is not interested in pursuing funding for additional DOT staff.

Also, Rep. Ladwig would like to request a second draft of the bill with the following changes:

On page 4, line 3 delete the language "unless the forfeiture was imposed for..."

On page 4 line 4 delete the language "...violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may..."

If you have any questions, please feel free to contact me.

Janine

*Janine Hale, Chief of Staff*  
*Office of Representative Bonnie Ladwig*  
*113 West, State Capitol*  
*P.O. Box 8952*  
*Madison, WI 53708*  
*(608)266-9171*  
[janine.hale@legis.state.wi.us](mailto:janine.hale@legis.state.wi.us)



State of Wisconsin  
2001 - 2002 LEGISLATURE

-0849/1  
LRB-0766/1

PJH:jld:pg

SOON

2001 BILL

In  
10-25-00

redraft  
already  
can

Reger

1 AN ACT to amend 938.17 (2) (d), 938.34 (8) and 938.343 (2) of the statutes;  
2 relating to: authority of a court to suspend a juvenile's operating privilege for  
3 violations of ordinances unrelated to the operation of a motor vehicle or for  
4 failing to pay a penalty for such a violation.

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**Analysis by the Legislative Reference Bureau**

Under current law, circuit courts and municipal courts may suspend a person's motor vehicle operating privilege for a variety of reasons, including failure to pay an amount ordered by the court. Suspensions for failure to pay generally last until the person pays the amount owed. The suspension orders are forwarded to the department of transportation (DOT), which updates the person's driving record to reflect the suspension. However, under current law, circuit courts and municipal courts are not permitted to suspend a person's operating privilege solely because of the person's failure to pay a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

This bill permits circuit courts and municipal courts to suspend the operating privilege of a juvenile (a person under 17 years of age who is alleged to have committed a crime or, if no crime is alleged, a person under 18 years of age) solely because the juvenile has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

**BILL**

For further information see the *state and local* 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.** 938.17 (2) (d) of the statutes is amended to read:

2           938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
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5 or 961.575 (2), the court shall enter any of the dispositional orders permitted under  
6 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture  
7 imposed by the municipal court, the court may not impose a jail sentence but may  
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11 ~~privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.~~  
12 If a court suspends a license or privilege under this section, the court shall  
13 immediately take possession of the applicable license and forward it to the  
14 department that issued the license, together with the notice of suspension clearly  
15 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
16 the forfeiture is paid during the period of suspension, the court shall immediately  
17 notify the department, which shall thereupon return the license to the person.

18           **SECTION 2.** 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act 185,  
19 is amended to read:

20           938.34 (8) **FORFEITURE.** Impose a forfeiture based upon a determination that  
21 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The

**BILL**

1 maximum forfeiture that the court may impose under this subsection for a violation  
2 by a juvenile is the maximum amount of the fine that may be imposed on an adult  
3 for committing that violation or, if the violation is applicable only to a person under  
4 18 years of age, \$100. Any such order shall include a finding that the juvenile alone  
5 is financially able to pay the forfeiture and shall allow up to 12 months for payment.  
6 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
7 other alternatives under this section, in accordance with the conditions specified in  
8 this chapter; or the court may suspend any license issued under ch. 29 for not less  
9 than 30 days nor more than 5 years, ~~or, unless the forfeiture was imposed for~~  
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11 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more  
12 than 2 years. If the court suspends any license under this subsection, the clerk of the  
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16 the forfeiture is paid during the period of suspension, the suspension shall be reduced  
17 to the time period which has already elapsed and the court shall immediately notify  
18 the department which shall then return the license to the juvenile. Any recovery  
19 under this subsection shall be reduced by the amount recovered as a forfeiture for  
20 the same act under s. 938.45 (1r) (b).

21 **SECTION 3.** 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act 185,  
22 is amended to read:

23 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may  
24 be imposed on an adult for committing that violation or, if the violation is only  
25 applicable to a person under 18 years of age, \$50. Any such order shall include a

**BILL**

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9 forfeiture imposed by the court. If the forfeiture is paid during the period of  
10 suspension, the court shall immediately notify the department, which will thereupon  
11 return the license to the person. Any recovery under this subsection shall be reduced  
12 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

**SECTION 4. Initial applicability.**

14 (1) This act first applies to forfeitures imposed on the day after publication.

15 (END)



State of Wisconsin  
2001 - 2002 LEGISLATURE

0849  
LRB-0766/03

PJH:jld:km

2001 BILL

redraft  
not yet  
run

soon  
10-27-00

D-note  
in new  
version  
0849

Regen

1 AN ACT to amend 938.17 (2) (d), 938.34 (8) and 938.343 (2) of the statutes;  
2 relating to: authority of a court to suspend a juvenile's operating privilege for  
3 violations of ordinances unrelated to the operation of a motor vehicle or for  
4 failing to pay a penalty for such a violation.

**Analysis by the Legislative Reference Bureau**

Under current law, circuit courts and municipal courts may suspend a person's motor vehicle operating privilege for a variety of reasons, including failure to pay an amount ordered by the court. Suspensions for failure to pay generally last until the person pays the amount owed. The suspension orders are forwarded to the department of transportation (DOT), which updates the person's driving record to reflect the suspension. However, under current law, circuit courts and municipal courts are not permitted to suspend a person's operating privilege solely because of the person's failure to pay a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

This bill permits circuit courts and municipal courts to suspend the operating privilege of a juvenile (a person under 17 years of age who is alleged to have committed a crime or, if no crime is alleged, a person under 18 years of age) solely because the juvenile has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.



**BILL**

For further information see the *state and local* 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.** 938.17 (2) (d) of the statutes is amended to read:

2           938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
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18           **SECTION 2.** 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act 185,  
19 is amended to read:

20           938.34 (8) **FORFEITURE.** Impose a forfeiture based upon a determination that  
21 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The

**BILL**

1 maximum forfeiture that the court may impose under this subsection for a violation  
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5 is financially able to pay the forfeiture and shall allow up to 12 months for payment.  
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**BILL**

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6 more than 2 years. The court shall immediately take possession of the suspended  
7 license and forward it to the department which issued the license, together with the  
8 notice of suspension clearly stating that the suspension is for failure to pay a  
9 forfeiture imposed by the court. If the forfeiture is paid during the period of  
10 suspension, the court shall immediately notify the department, which will thereupon  
11 return the license to the person. Any recovery under this subsection shall be reduced  
12 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

**SECTION 4. Initial applicability.**

(1) This act first applies to forfeitures imposed on the day after publication.

(END)

D-note



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

LRB-0849/1dn

PJH:.....

JH

Janine Hale:

This draft replaces LRB-0766/2. It is identical to that draft except that the number has changed and the word "may" has been stricken from page 4, line 4, as you requested.

Our office experienced computer difficulties and LRB-0766 had to be replaced. Please throw away all versions of LRB-0766 and use this version from this point forward. If you have any questions, please let me know. I apologize for any confusion or inconvenience.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.state.wi.us](mailto:peggy.hurley@legis.state.wi.us)

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

LRB-0849/1dn  
PJH:jld:pg

October 31, 2000

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# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

October 31, 2000

### MEMORANDUM

To: Representative Ladwig

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-0849 Suspending juveniles' operating privileges for failure to pay forfeiture

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY     JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-8906 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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STEPHEN R. MILLER  
CHIEF

January 23, 2001

## MEMORANDUM

**To:** Representative Ladwig

**From:** Peggy Hurley, Attorney, (608) 266-8906

**Subject:** Technical Memorandum to 2001 AB-5 (LRB 01-0849/1)

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

# CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

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Date: 1/18/01

File Ref:

To: Legislative Reference Bureau

From: James Thiel  
General Counsel, Department of Transportation

Subject: Technical Note for AB 5

As it is currently drafted, AB 5:

1. Provides for suspension periods different than currently provided in ch. 938:
  - The period of suspension under 938.17(2)(b) is 30 days to 5 years. (ordinance violations)
  - The period of suspension under 938.34(8) is not more than 2 years. (found delinquent)
  - The period of suspension under 938.343(2) is not more than 2 years. (ordinance violations)

Consistent suspension periods will streamline and make Court and DMV processing more efficient.

2. Provides for implementation the day after publication. The Division would prefer 6 months after publication to incorporate the automation of data entry of FPJ withdrawals into other DP efforts.

After the authority to withdraw driver licenses for juveniles was withdrawn by 1999 Act 9, the Courts used other statutory provisions to withdraw the youthful offender's license. This resulted in more complicated processing for DMV. The complications impact the potential to efficiently automate. With this proposal, automation can be more easily accomplished, although, given other legislative mandates and restricted staff resources the Division would appreciate 6 months lead time to implement.

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

Authorized Signature