

2001 DRAFTING REQUEST

Bill

Received: **02/28/2001**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Kitty Rhoades (608) 266-1526**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **TNF, ARG**

Pre Topic:

No specific pre topic given

Topic:

Limits on occupational drivers licenses for failure to pay forfeiture

Instructions:

An ODL can be valid only for up to 6 months from date of suspension. If forfeiture is not paid by then, no ODL

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>
/?	phurley 03/08/2001	jdye 03/09/2001					S&L
/1			jfrantze 03/09/2001		lrb_docadmin 03/09/2001	lrb_docadmin 03/20/2001	

FE Sent For:

<END>

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1?	phurley	1 3/9 jld	2/03/9	2/6/9 / KM 3/9			

FE Sent For:

<END>

2675/1
LRB-2425/1
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↑
stays

2001 BILL

Reagen

- 1 AN ACT to amend 343.10 (1) (a), 345.47 (1) (b), 800.09 (1) (c) and 800.095 (4) (b)
- 2 4. of the statutes; relating to: authority of a court to suspend an adult's
- 3 operating privilege for failing to pay a forfeiture for an ordinance violation
- 4 unrelated to the operation of a motor vehicle.

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. ~~The person may not apply for an occupational driver's license during the period of suspension, and the suspension for failure to pay generally lasts until the person pays the amount owed.~~ The suspension orders are forwarded to the department of transportation, 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.

✓
Insert A

This bill permits circuit courts and municipal courts to suspend the operating privilege of an adult (a person at least 18 years of age) solely because the adult has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle. An adult whose operating privilege is suspended for failure to pay the forfeiture may apply immediately for an occupational driver's license.

, and the occupational driver's license is valid for up to 180 days from the date of suspension.

BILL

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

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

1 **SECTION 1.** 343.10 (1) (a) of the statutes is amended to read:

2 343.10 (1) (a) If a person's license or operating privilege is revoked or
 3 suspended under this chapter or s. ~~767.303~~ 767.303, 345.47 (1) (b), 800.09 (1) (c), 800.095 (4)
 4 (b) 4., or 961.50 and if the person is engaged in an occupation, including homemaking
 5 or full-time or part-time study, or a trade making it essential that he or she operate
 6 a motor vehicle, the person, after payment of the fee provided in sub. (6), may file an
 7 application with the department setting forth in detail the need for operating a motor
 8 vehicle. No person may file more than one application with respect to each revocation
 9 or suspension of the person's license or operating privilege under this chapter or s.
 10 ~~767.303~~ 767.303, 345.47 (1) (b), 800.09 (1) (c), 800.095 (4) (b) 4., or 961.50, except that this
 11 limitation does not apply to an application to amend an occupational license
 12 restriction.

13 **SECTION 2.** 345.47 (1) (b) of the statutes is amended to read:

14 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
 15 or revocation, that the defendant's operating privilege be suspended. The operating
 16 privilege shall be suspended for 30 days or until the person pays the forfeiture, the
 17 penalty assessment, if required by s. 757.05, the jail assessment, if required by s.
 18 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177,
 19 346.495, or 346.65 (4r), and the crime laboratories and drug law enforcement
 20 assessment, if required by s. 165.755, but not to exceed 2 years. Suspension under
 21 this paragraph shall not affect the power of the court to suspend or revoke under s.

✓ 767.303,

✓
Insert
B

BILL

1 343.30 or the power of the secretary to suspend or revoke the operating privilege.

2 There shall be no minimum waiting period before issuance of an occupational license
3 under s. 343.10 to a person whose operating privilege has been suspended under this
4 paragraph if the person is otherwise eligible for issuance of an occupational license.

5 This paragraph does not apply if the judgment was entered solely for violation of an
6 ordinance unrelated to the violator's operation of a motor vehicle, and the violator
7 was under 18 years of age at the time of the violation.

8 **SECTION 3.** 800.09 (1) (c) of the statutes is amended to read:

9 800.09 (1) (c) The court may suspend the defendant's operating privilege, as
10 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments,
11 and costs are paid, if the defendant has not done so within 60 days after the date the
12 restitution or payments or both are to be made under par. (a) and has not notified the
13 court that he or she is unable to comply with the judgment, as provided under s.
14 800.095 (4) (a), except that the suspension period may not exceed 2 years. The court
15 shall take possession of the suspended license and shall forward the license, along
16 with a notice of the suspension clearly stating that the suspension is for failure to
17 comply with a judgment of the court, to the department of transportation. There
18 shall be no minimum waiting period before issuance of an occupational license under
19 s. 343.10 to a person whose operating privilege has been suspended under this
20 paragraph if the person is otherwise eligible for issuance of an occupational license.

21 This paragraph does not apply if the forfeiture is assessed for violation of an
22 ordinance that is unrelated to the violator's operation of a motor vehicle, and the
23 violator was under 18 years of age at the time of the violation.

24 **SECTION 4.** 800.095 (4) (b) 4. of the statutes is amended to read:

BILL

1 800.095 (4) (b) 4. That the defendant's operating privilege, as defined in s.
2 340.01 (40), be suspended until the judgment is complied with, except that the
3 suspension period may not exceed 2 years. There shall be no minimum waiting
4 period before issuance of an occupational license under s. 343.10 to a person whose
5 operating privilege has been suspended under this subdivision if the person is
6 otherwise eligible for issuance of an occupational license. This subdivision does not
7 apply if the forfeiture is assessed for violation of an ordinance that is unrelated to the
8 violator's operation of a motor vehicle, and the violator was under 18 years of age at
9 the time of the violation.

10

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2673/lins
FJH.....

1 Insert A:

2 ¶ Current law allows a person whose operating privilege is suspended or revoked
3 for certain reasons to apply for an occupational driver's license during the period of
4 suspension or revocation after, in most cases, a minimum waiting period (usually 15
5 days after the person's operating privilege was suspended or revoked). Generally, the
6 occupational driver's license is valid until ~~2~~^{two} days after the period of suspension or
7 revocation. However, a person whose operating privilege is suspended for failure to
8 pay an amount ordered by the court may not apply for an occupational driver's
9 license.

10 Insert B:

11 **SECTION 1.** 343.10 (2) (dr) [✓] of the statutes is created to read:

12 343.10 (2) (dr) A person whose operating privilege is suspended under s. 345.47
13 (1) (b), [✓] 800.09 (1) (c), [✓] or 800.095 (4) (b) 4. [✓] is not eligible for an occupational license
14 after 180 days have elapsed since the date of suspension.

15 **SECTION 2.** 343.10 (7) (f) [✓] of the statutes is renumbered 343.10 (7) (f) 1. and
16 amended to read:

17 343.10 (7) (f) 1. The expiration date of the occupational license is the 2nd
18 working day after the date of termination of the period of revocation or suspension
19 as provided by law, except as provided in subd. 2. [✓] The occupational license may be
20 revoked, suspended or canceled before termination of that period. An occupational
21 license is not renewable when it expires. If an occupational license expires and is not
22 revoked, suspended or canceled, the licensee may obtain a new license upon that
23 expiration but only if he or she complies with the conditions specified in s. 343.38.

1 Revocation, suspension or cancellation of an occupational license has the same effect
2 as revocation, suspension or cancellation of any other license.

History: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337; 1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109.

3 **SECTION 3.** 343.10 (7) (f) 2. of the statutes is created to read:

4 343.10 (7) (f) 2. If the person's license or operating privilege was suspended
5 under s. 345.47 (1) (b), [✓]800.09 (1) (c), [✓]or 800.095 (4) (b) 4., the expiration date of the
6 occupational license shall be no later than 180[✓]days after the date of the suspension.



State of Wisconsin

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CHIEF

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

March 9, 2001

MEMORANDUM

To: Representative Rhoades

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-2673 Limits on occupational drivers licenses 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.