

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: **03/11/2002**

Received By: **fasttn**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Dyck**

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

Drafter: **fasttn**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **PJH, ARG - 1**

Submit via email: **NO**

Pre Topic:

LFB:.....Dyck -

Topic:

Comm. mr. vehicle disqualification for RR crossing violations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fasttn 03/12/2002	hhagen 03/12/2002		_____			
/1			rschluet 03/12/2002	_____	lrb_docadmin 03/13/2002		
/2	fasttn 03/13/2002	hhagen 03/13/2002	rschluet 03/13/2002	_____	lrb_docadmin 03/13/2002		

FE Sent For:

<END>

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/?	fasttn 03/12/2002	hhagen 03/12/2002		_____			
/1		12hnh 3/13/02	rschluet 03/12/2002	_____	lrb_docadmin 03/13/2002		

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/?	fasttn	11 hnh 3/12/02		 3-12-2			

FE Sent For:

<END>

Fast, Timothy

From: Dyck, Jon
Sent: Saturday, March 09, 2002 12:27 PM
To: Fast, Timothy
Subject: ARC adopted provisions

They've passed 10 items so far.

1. Eliminate a current law requirement that DOT get approval of the Joint Committee on Finance prior to using bond proceeds for passenger rail improvements between Milwaukee and Green Bay or Milwaukee and Madison or for passenger rail station improvements and, instead, prohibit DOT from using these bond proceeds unless the project is enumerated in the statutes. Prohibit DOT, beginning on January 1, 2003, from spending any funds on passenger rail route development if the anticipated expenditures for the project exceed 20% of the total cost of the project, but specify that this restriction does not apply to expenditures on activities that DOT would have to conduct in order to become eligible for federal participation on a passenger rail project.
2. AB 732 without the bonding authorization. The only thing is the provision requiring TEA projects to be awarded on an ongoing basis.
3. Direct the Department of Transportation to modify the Department's administrative rule related to the regulation of outdoor advertising to specify that no initial or annual permit fees may be charged for off-premises signs that are owned by nonprofit organizations.
4. AB 868
5. Assembly Amendment 1 to AB 593, minus the \$200,000 in 2001-02. In other words, provide the money only in 2002-03.
6. Require DOT to issue license plates for motorcycles that are four inches by seven inches in size and specify that the plates must have black lettering on a white background, beginning on the first day of the ninth month beginning after the effective date of the bill. Delete a provision, effective on the general effective date of the bill, that requires motorcycle veterans plates to be four inches by seven inches in size and, instead require such plates to be four inches by seven inches in size beginning on the first day of the ninth month beginning after the effective date of the bill.
7. SB 464 (railroad crossing violation disqualifications)
8. Prohibit DOT from constructing any rest area along or in close proximity with a state trunk highway at a location that is within a radius of five miles from an exit from the highway that provides access to motorist services, as defined for the purposes of the specific information sign program, first applying to construction of rest areas commenced on the effective date of the bill. Specify that this restriction does not apply to rest areas to be located within five miles of the state border or to any rest area that may be located near the Village of Belmont in Lafayette County. Specify that the total amount of any proposed expenditures or encumbrances that DOT does not make in the 2001-03 biennium as a result of this provision shall be expended or encumbered in the 2001-03 biennium to reopen previously closed rest areas or to keep open rest areas that are proposed for closure in areas where other rest areas and motorist services are not available. (This was in the budget bill, but was vetoed I think.)

2001

Date (time) needed SOON

LRB b 2424, 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

TNF : hmb :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**January 2002 SPECIAL SESSION CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 ASSEMBLY BILL 1**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page 211, line 3: after that line insert:

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

4. Failing to have sufficient space to go completely through the crossing without stopping.

5. Failing to obey any official traffic control sign, signal, marking, or other device or the directions of a traffic officer, railroad employee, or other enforcement official.

6. Failing to negotiate a crossing because of insufficient undercarriage clearance.

The period of disqualification is 60 days for a first conviction, or, within a three-year period, 120 days for a 2nd conviction, or one year for a 3rd or subsequent conviction.

The bill also provides that no employer may knowingly allow, permit, or authorize an employee to operate a commercial motor vehicle in violation of any federal, state, or local law, rule, or regulation relating to railroad crossings. The penalty for a violation is a fine of not more than \$10,000.

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.~~

439e.

1 " SECTION 14 343.23 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 84,
2 is amended to read:

3 343.23 (2) (b) The information specified in par. (a) must be filed by the
4 department so that the complete operator's record is available for the use of the
5 secretary in determining whether operating privileges of such person shall be
6 suspended, revoked, canceled, or withheld in the interest of public safety. The record
7 of suspensions, revocations, and convictions that would be counted under s. 343.307
8 (2) shall be maintained permanently. The record of convictions for disqualifying
9 offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record
10 of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j) shall be
11 maintained for at least 3 years. The record of convictions for disqualifying offenses
12 under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years
13 after a licensee transfers residency to another state such record may be transferred

SENATE BILL 464

1 to another state of licensure of the licensee if that state accepts responsibility for
 2 maintaining a permanent record of convictions for disqualifying offenses. Such
 3 reports and records may be cumulative beyond the period for which a license is
 4 granted, but the secretary, in exercising the power of suspension granted under s.
 5 343.32 (2) may consider only those reports and records entered during the 4-year
 6 period immediately preceding the exercise of such power of suspension.

7 ~~SECTION 2~~ 343.245 (3) (c) of the statutes is created to read:

8 439g. 343.245 (3) (c) No employer may knowingly allow, permit, or authorize an
 9 employee to operate a commercial motor vehicle in violation of any federal, state, or
 10 local law, rule, or regulation relating to railroad crossings.

11 ~~SECTION 3~~ 343.245 (4) (a) of the statutes is amended to read:

12 439i. 343.245 (4) (a) Except as provided in ~~par.~~ pars. (b) and (c), any person who
 13 violates sub. (2) or (3) shall forfeit not more than \$2,500.

14 439j. ~~SECTION 4~~ 343.245 (4) (c) of the statutes is created to read:

15 343.245 (4) (c) Any person who violates sub. (3) (c) shall forfeit not more than
 16 \$10,000. "

17 " ~~SECTION 5~~ 343.315 (2) (j) of the statutes is created to read:

18 343.315 (2) (j) A person is disqualified for a period of 60 days from operating
 19 a commercial motor vehicle if convicted of a railroad crossing violation, or 120 days
 20 if convicted of 2 railroad crossing violations or one year if convicted of 3 or more
 21 railroad crossing violations, arising from separate occurrences committed within a
 22 3-year period while driving or operating a commercial motor vehicle. In this
 23 paragraph, "railroad crossing violation" means a violation of a federal, state, or local
 24 law, rule, or regulation relating to any of the following offenses at a railroad crossing:

#. Page 211, line 10: after that line insert:

SENATE BILL 464

1 1. If the operator is not always required to stop the vehicle, failing to reduce
2 speed and determine that the tracks are clear of any approaching train.

3 2. If the operator is not always required to stop the vehicle, failing to stop before
4 reaching the crossing if the tracks are not clear.

5 3. If the operator is always required to stop the vehicle, failing to do so before
6 proceeding onto the crossing.

7 4. Failing to have sufficient space to proceed completely through the crossing
8 without stopping the vehicle.

9 5. Failing to obey any official traffic control device or the directions of any traffic
10 officer, railroad employee, or other enforcement official.

11 6. Failing to successfully proceed through the crossing because of insufficient
12 undercarriage clearance.

441p.

13 SECTION 343.315 (3) (b) of the statutes is amended to read:

14 343.315 (3) (b) If a person's license or operating privilege is not otherwise
15 revoked or suspended as the result of an offense committed after March 31, 1992,
16 which results in disqualification under sub. (2) (a) to (f), (h) or (i), or (j), the
17 department shall immediately disqualify the person from operating a commercial
18 motor vehicle for the period required under sub. (2) (a) to (f), (h) or (i), or (j). Upon
19 proper application by the person and payment of a duplicate license fee, the
20 department may issue a separate license authorizing only the operation of vehicles
21 other than commercial motor vehicles. Upon expiration of the period of
22 disqualification, the person may apply for authorization to operate commercial
23 motor vehicles under s. 343.26. "

24 ~~SECTION 2. Initial applicability.~~

#. Page 437, line 21: after that line insert:

#, Page 448, line 19: after that line insert:

2001 - 2002 Legislature

- 5 -

LRB-3045/1
TNF:hmh:jf
SECTION 7

SENATE BILL 464

1 ~~This act~~ first applies to offenses committed on the effective date of this
2 subsection."

3 ~~Section 8 Effective date~~

4 ~~This act~~ takes effect on October 4, 2002. "

5 (END)

(CS)
"(1**b**) RAILROAD CROSSING
VIOLATION DISQUALIFICATIONS.
The treatment of sections
343.23(2)(b), 343.245
(3)(c) and (4)(a) and
(c), and 343.315(2)(j)
and (3)(b) of the statutes

"(1**f**) RAILROAD CROSSING
VIOLATION DISQUALIFICATIONS. ✓
The treatment of sections 343.23
(2)(b), 343.245(3)(c) and
(4)(a) and (c), and 343.315
(2)(j) and (3)(b) of the
statutes and SECTION 9352
(1c) of this act



WANTED TODAY
Wed. 3/13

D-NOTE

State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2424/6
TNF:hmh:rs
Stays
2 (Redraft
maker
has been
run

LFB:.....Dyck - Comm. mr. vehicle disqualification for RR crossing violations

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

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

2 1. Page 211, line 3: after that line insert:

3 "SECTION 439e. 343.23 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
4 84, is amended to read:

5 343.23 (2) (b) The information specified in par. (a) must be filed by the
6 department so that the complete operator's record is available for the use of the
7 secretary in determining whether operating privileges of such person shall be
8 suspended, revoked, canceled, or withheld in the interest of public safety. The record
9 of suspensions, revocations, and convictions that would be counted under s. 343.307
10 (2) shall be maintained permanently. The record of convictions for disqualifying

1 offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record
2 of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j) shall be
3 maintained for at least 3 years. The record of convictions for disqualifying offenses
4 under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years
5 after a licensee transfers residency to another state such record may be transferred
6 to another state of licensure of the licensee if that state accepts responsibility for
7 maintaining a permanent record of convictions for disqualifying offenses. Such
8 reports and records may be cumulative beyond the period for which a license is
9 granted, but the secretary, in exercising the power of suspension granted under s.
10 343.32 (2) may consider only those reports and records entered during the 4-year
11 period immediately preceding the exercise of such power of suspension.

12 **SECTION 439g.** 343.245 (3) (c) of the statutes is created to read:

13 343.245 (3) (c) No employer may knowingly allow, permit, or authorize an
14 employee to operate a commercial motor vehicle in violation of any federal, state, or
15 local law, rule, or regulation relating to railroad crossings.

16 **SECTION 439i.** 343.245 (4) (a) of the statutes is amended to read:

17 343.245 (4) (a) Except as provided in ~~par.~~ pars. (b) and (c), any person who
18 violates sub. (2) or (3) shall forfeit not more than \$2,500.

19 **SECTION 439j.** 343.245 (4) (c) of the statutes is created to read:

20 343.245 (4) (c) Any person who violates sub. (3) (c) shall forfeit not more than
21 \$10,000.”.

22 **2.** Page 211, line 10: after that line insert:

23 **“SECTION 441m.** 343.315 (2) (j) of the statutes is created to read:

1 343.315 (2) (j) A person is disqualified for a period of 60 days from operating
2 a commercial motor vehicle if convicted of a railroad crossing violation, or 120 days
3 if convicted of 2 railroad crossing violations or one year if convicted of 3 or more
4 railroad crossing violations, arising from separate occurrences committed within a
5 3-year period while driving or operating a commercial motor vehicle. In this
6 paragraph, "railroad crossing violation" means a violation of a federal, state, or local
7 law, rule, or regulation relating to any of the following offenses at a railroad crossing:

8 1. If the operator is not always required to stop the vehicle, failing to reduce
9 speed and determine that the tracks are clear of any approaching train.

10 2. If the operator is not always required to stop the vehicle, failing to stop before
11 reaching the crossing if the tracks are not clear.

12 3. If the operator is always required to stop the vehicle, failing to do so before
13 proceeding onto the crossing.

14 4. Failing to have sufficient space to proceed completely through the crossing
15 without stopping the vehicle.

16 5. Failing to obey any official traffic control device or the directions of any traffic
17 officer, railroad employee, or other enforcement official.

18 6. Failing to successfully proceed through the crossing because of insufficient
19 undercarriage clearance.

20 **SECTION 441p.** 343.315 (3) (b) of the statutes is amended to read:

21 343.315 (3) (b) If a person's license or operating privilege is not otherwise
22 revoked or suspended as the result of an offense committed after March 31, 1992,
23 which results in disqualification under sub. (2) (a) to (f), (h) ~~or~~ (i), or (j), the
24 department shall immediately disqualify the person from operating a commercial
25 motor vehicle for the period required under sub. (2) (a) to (f), (h) ~~or~~ (i), or (j). Upon

1 proper application by the person and payment of a duplicate license fee, the
2 department may issue a separate license authorizing only the operation of vehicles
3 other than commercial motor vehicles. Upon expiration of the period of
4 disqualification, the person may apply for authorization to operate commercial
5 motor vehicles under s. 343.26.”.

6 **3.** Page 437, line 21: after that line insert:

7 “(1h) RAILROAD CROSSING VIOLATION DISQUALIFICATIONS. The treatment of
8 sections 343.23 (2) (b), 343.245 (3) (c) and (4) (a) and (c), and 343.315 (2) (j) and (3)
9 (b) of the statutes first applies to offenses committed on the effective date of this
10 subsection.”.

11 **4.** Page 448, line 19: after that line insert:

12 “(1f) RAILROAD CROSSING VIOLATION DISQUALIFICATIONS. The treatment of sections
13 343.23 (2) (b), 343.245 (3) (c) and (4) (a) and (c), and 343.315 (2) (j) and (3) (b) of the
14 statutes and SECTION 9352 ~~(1h)~~ of this act takes effect on October 4, 2002.”.

15 (END)

D-NOTE

✓
(1h)

LRB62424/2dn
TNF: hmh

DRAFTER'S NOTE

This draft is identical to LRB62424/1,
except that it changes "SECTION 9352(1c)"
to "SECTION 9352(1h)".

TNF

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

LRBb2424/2dn
TNF:hmh:rs

March 13, 2002

This draft is identical to LRBb2424/1, except that it changes "SECTION 9352 (1c)" to "SECTION 9352 (1h)."

Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: tim.fast@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2424/2
TNF:hmh:rs

LFB:.....Dyck - Comm. mr. vehicle disqualification for RR crossing violations

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18 6. Failing to successfully proceed through the crossing because of insufficient
19 undercarriage clearance.

20 **SECTION 441p.** 343.315 (3) (b) of the statutes is amended to read:

21 343.315 (3) (b) If a person's license or operating privilege is not otherwise
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24 department shall immediately disqualify the person from operating a commercial
25 motor vehicle for the period required under sub. (2) (a) to (f), (h) ~~or~~, (i), or (j). Upon

1 proper application by the person and payment of a duplicate license fee, the
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6 **3.** Page 437, line 21: after that line insert:

7 “(1h) RAILROAD CROSSING VIOLATION DISQUALIFICATIONS. The treatment of
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10 subsection.”.

11 **4.** Page 448, line 19: after that line insert:

12 “(1f) RAILROAD CROSSING VIOLATION DISQUALIFICATIONS. The treatment of sections
13 343.23 (2) (b), 343.245 (3) (c) and (4) (a) and (c), and 343.315 (2) (j) and (3) (b) of the
14 statutes and SECTION 9352 (1h) of this act takes effect on October 4, 2002.”.

15 (END)