

**2003 DRAFTING REQUEST**

**Bill**

Received: **11/06/2003**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **John Ainsworth (608) 266-3097**

By/Representing: **Kristina Boardman (aide)**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **TNF, PJH**

Submit via email: **YES**

Requester's email: **Rep.Ainsworth@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Return of surrendered driver licenses to state of issue

---

**Instructions:**

See Attached

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**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>
/?							State
/P1	agary 11/17/2003	kgilfoy 11/25/2003	jfrantze 11/26/2003		mbarman 11/26/2003		State
/1	agary 01/21/2004	kgilfoy 01/22/2004	pgreensl 01/22/2004		lemery 01/22/2004	lnorthro 01/27/2004	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For: *at intro*

<END>

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FE Sent For: *1-1/22 Kmg* *100 PS* *PS* *PS* *R*

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1?	agary	1/1-11/25 KMEJ	Jo 11/26	Sell 11/26			

FE Sent For:

<END>

## Gary, Aaron

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**From:** Boardman, Kristina  
**Sent:** Thursday, November 06, 2003 9:56 AM  
**To:** Gary, Aaron  
**Subject:** operator licenses

Aaron:

The DOT has requested two statutory changes - which Representative Ainsworth has agreed to have drafted and introduce:

- 1) Legislation removing language mandating a court, judge, or law enforcement officer to take possession of a driver license in the course of other proceedings or actions. Courts would given the option to pick up the license if they wish to do so.
- 2) Legislation eliminating the requirement of returning the surrendered driver license to the other jurisdiction. Instead, the licenses that are picked up would be destroyed and a printed report would be provided in it's place.

I have attached copies of the DOT legislative initiative forms - which provide additional detail on these requests.

Thank you so much for your help on this. If you are not the correct drafting attorney on this topic - could you please forward it?

Thank you Aaron.

*Kristina Boardman*  
*Representative Ainsworth's Office*  
608.266.3097



DL Surrender.doc



Leg Issue.doc



*king*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*D - Note*

*Gen. Conf.*

1 AN ACT */*...; relating to: issuance of operators' licenses to persons previously  
2 licensed in another state.

***Analysis by the Legislative Reference Bureau***

Under current law, a person who holds a valid motor vehicle operator's license issued by another state or jurisdiction must surrender this out-of-state operator's license to the Department of Transportation (DOT) upon application to DOT for issuance of a Wisconsin operator's license. Within 30 days after application to DOT, DOT must return the out-of-state license to the state of issuance together with information that the applicant is now licensed in this state or has been refused a license by this state, as applicable.

This bill requires that, in lieu of returning an out-of-state license to the state of issuance, DOT must destroy the license and report in writing to the state of issuance that the license has been destroyed.

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:***

3 SECTION 1. 343.11 (2) of the statutes is amended to read:  
4 343.11 (2) ~~Upon the expiration of~~ Within 30 days following the application, the  
5 department shall ~~return~~ destroy all surrendered licenses and report in writing to the

1 issuing ~~department together with information~~ jurisdiction that the licensee is now  
2 licensed in this state or has been refused a license by this state, whichever the case  
3 may be, and that the license from the issuing jurisdiction has been surrendered and  
4 destroyed.

5 **SECTION 2. Initial applicability.**

6 (1) This act first applies to applications submitted to the department of  
7 transportation on the effective date of this subsection.

8 (END)

D - Note

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

LRB-3660/P1dn

ARG: k...



ATTN: Kristina Boardman

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

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

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

LRB-3660/P1dn  
ARG:kmgjf

November 26, 2003

ATTN: Kristina Boardman

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

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

## Gary, Aaron

---

**From:** Boardman, Kristina  
**Sent:** Tuesday, December 16, 2003 12:19 PM  
**To:** Gary, Aaron  
**Subject:** RE: LRB 3660

I will forward your questions to the Department and get back to you. Thanks for looking into this.

Kristina

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

**From:** Gary, Aaron  
**Sent:** Tuesday, December 16, 2003 12:15 PM  
**To:** Boardman, Kristina  
**Subject:** RE: LRB 3660

Hi Kristina,

I'm wondering if the change at p. 2, lines 2-3 really works. My understanding is that if I walked into DMV today with an Idaho license, DMV would take the Idaho license and issue me a temporary Wisconsin license. I would then walk out the door with the temporary Wisconsin license and DMV would soon thereafter (perhaps within 24 hours) do a check on me. If it turns out that I had certain convictions in Idaho or was otherwise not qualified to be licensed in Wisconsin, DMV would cancel the temporary Wisconsin license right away and keep the Idaho license. Do you want to confirm, or want me to confirm, with DOT that this is accurate? If it is, the statute shouldn't require, without exception, that DOT must inform Idaho that the person is now licensed in Wisconsin, so I find the striking at p. 2 lines 2-3 troubling. An alternative would be to throw in the modifier "if applicable."

Thanks. Aaron

Aaron R. Gary  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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

**From:** Hurley, Peggy  
**Sent:** Tuesday, December 16, 2003 11:16 AM  
**To:** Gary, Aaron  
**Subject:** FW: LRB 3660

Hi Aaron,

It looks like you drafted this bill; do you want to do the /1?

Peggy J. Hurley  
Legislative Reference Bureau  
One East Main Street  
Madison, Wisconsin 53701-2037  
608 266 8906

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

**From:** Boardman, Kristina  
**Sent:** Tuesday, December 16, 2003 10:56 AM  
**To:** Hurley, Peggy  
**Subject:** LRB 3660

<< File: 03-3660P1rev.pdf >>

Peggy:

DMV has reviewed the draft for LRB 3660 - and has suggested a couple changes. These changes are included in the attachment. If you have any questions/concerns regarding these revisions - please let me know.

Thank you.

*Kristina Boardman*

*Representative Ainsworth's Office*

608.266.3097

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to amend* 343.11 (2) of the statutes; **relating to:** issuance of operators'  
2 licenses to persons previously licensed in another state.

---

***Analysis by the Legislative Reference Bureau***

Under current law, a person who holds a valid motor vehicle operator's license issued by another state or jurisdiction must surrender this out-of-state operator's license to the Department of Transportation (DOT) upon application to DOT for issuance of a Wisconsin operator's license. Within 30 days after application to DOT, DOT must return the out-of-state license to the state of issuance, together with information that the applicant is now licensed in this state or has been refused a license by this state, as applicable.

This bill requires that, in lieu of returning an out-of-state license to the state of issuance, DOT must destroy the license and report ~~in writing~~ to the state of issuance that the license has been destroyed.

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:***

3 SECTION 1. 343.11 (2) of the statutes is amended to read:

4 343.11 (2) ~~Upon the expiration of~~ Within 30 days following the application, the  
5 department shall ~~return~~ destroy all surrendered licenses and report ~~in writing~~ to the

1 issuing ~~department together with information~~ jurisdiction that the licensee is now  
2 licensed in this state ~~or has been refused a license by this state, whichever the case~~  
3 ~~may be,~~ and that the license from the issuing jurisdiction has been surrendered and  
4 destroyed.

5 **SECTION 2. Initial applicability.**

6 (1) This act first applies to applications submitted to the department of  
7 transportation on the effective date of this subsection.

8 (END)

## Gary, Aaron

---

**From:** Gary, Aaron  
**Sent:** Wednesday, December 17, 2003 2:25 PM  
**To:** Boardman, Kristina  
**Subject:** RE: LRB 3660

What troubled me was that, with the new changes on p. 2 lines 2-3, the provision appears to direct DMV to issue a new license for every application ("Within 30 days following the application, [DOT] shall ... report to the issuing jurisdiction that the licensee is now licensed in this state ...."), but this is not the procedure since some applications are denied (even if DOT doesn't record it) with the result that no license is issued. I think the problem is the combination of the existing term "application" on p. 1 line 4 and the striking of the material related to refusal to issue a license on p. 2 lines 2-3. I think this could be resolved by changing the word "application."

Would it work for you if we changed the word "application" on p. 1 line 4 to "issuance of a receipt under sub. (1)"? The provision would then read: "Within 30 days following the issuance of a receipt under sub. (1), the department shall destroy all surrendered licenses and report to the issuing jurisdiction that the licensee is now licensed in this state, and that the license from the issuing jurisdiction has been surrendered and destroyed."

Thanks. Aaron

Aaron R. Gary  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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

**From:** Boardman, Kristina  
**Sent:** Wednesday, December 17, 2003 11:05 AM  
**To:** Gary, Aaron  
**Subject:** FW: LRB 3660

Aaron:

I have attached the response I received from DMV on LRB 3660 - and the questions that you raised. Maybe you could let me know what would work best after reading this...

Thanks!

Kristina

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

**From:** Biermeier, Anna  
**Sent:** Tuesday, December 16, 2003 2:21 PM  
**To:** Boardman, Kristina  
**Subject:** RE: LRB 3660

Good question by Aaron.

When someone applies for a license in Wisconsin, the system checks to see what the person's status was in the other jurisdiction. There is some possibility of human error (i.e. the field staff disregarding the message from the other state), but generally, a person does not get a new license in Wisconsin if the system check shows they have a bad status or a mandatory conviction in another state. If the person is not immediately eligible for licensing, Wisconsin staff do not issue a license (temporary or otherwise) and do not pick up the license from the other state.

If the computer check shows the person is eligible to be licensed in Wisconsin, then our staff issue a license

(immediately) and pick up the license from the other state.

We do not record a refusal/denial of a license, so we have nothing to report to other states in those cases.

We are very open to alternative language.

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

**From:** Boardman, Kristina  
**Sent:** Tuesday, December 16, 2003 12:21 PM  
**To:** Biermeier, Anna  
**Subject:** FW: LRB 3660

Anna:

The drafting attorney had a couple questions/concerns regarding the suggestions for amendment to LRB 3660.

Would you mind reviewing his attached comments - and get back to me?

Thank you!

Kristina

<< File: 03-3660P1.pdf >>

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

**From:** Gary, Aaron  
**Sent:** Tuesday, December 16, 2003 12:15 PM  
**To:** Boardman, Kristina  
**Subject:** RE: LRB 3660

Hi Kristina,

I'm wondering if the change at p. 2, lines 2-3 really works. My understanding is that if I walked into DMV today with an Idaho license, DMV would take the Idaho license and issue me a temporary Wisconsin license. I would then walk out the door with the temporary Wisconsin license and DMV would soon thereafter (perhaps within 24 hours) do a check on me. If it turns out that I had certain convictions in Idaho or was otherwise not qualified to be licensed in Wisconsin, DMV would cancel the temporary Wisconsin license right away and keep the Idaho license. Do you want to confirm, or want me to confirm, with DOT that this is accurate? If it is, the statute shouldn't require, without exception, that DOT must inform Idaho that the person is now licensed in Wisconsin, so I find the striking at p. 2 lines 2-3 troubling. An alternative would be to throw in the modifier "if applicable."

Thanks. Aaron

Aaron R. Gary  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

## Gary, Aaron

---

**From:** Gary, Aaron  
**Sent:** Tuesday, January 13, 2004 10:29 AM  
**To:** Boardman, Kristina  
**Subject:** RE: LRB 3660

Kristina,

I think this leaves us with the same issue present. I think either of the following two options would work - would either of these be acceptable?

Option 1: 343.11 (2) Within 30 days following licensure in this state, the department shall destroy all surrendered licenses and report to the issuing jurisdiction that the licensee is now licensed in this state and that the license from the issuing jurisdiction has been surrendered and destroyed.

Option 2: 343.11 (2) Within 30 days following the application, the department shall destroy all surrendered licenses and, as applicable, report to the issuing jurisdiction that the licensee is now licensed in this state and that the license from the issuing jurisdiction has been surrendered and destroyed.

\*These options obviously omit the necessary striking and scoring and simply show how the text of the provision will read.

Let me know if we can proceed with either of these. thanks. Aaron

Aaron R. Gary  
Legislative Attorney  
Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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

**From:** Boardman, Kristina  
**Sent:** Tuesday, January 06, 2004 4:57 PM  
**To:** Gary, Aaron  
**Subject:** LRB 3660

Aaron:

You will probably recall that prior to the holiday break, I discussed with you some changes that the DMV had requested to LRB 3660. You had some concerns regarding the language that DMV requested amending - due to the fact that it appeared to direct DMV to issue a new license for every application. There were also some questions regarding the term "application" - and instead using "issuance of a receipt under sub. (1)."

According to DMV, the 60-day temporary licenses, as provided for in 343.11 (1) are not used. Evidently, they did some checking and cannot find any instances of a 60-day temporary license being issued when someone moves into Wisconsin from another state. Thus - they would like to stick with the "application" language on page 1 - line 4. Are you OK with this?

Second, if someone is unable to meet Wisconsin requirements, they are not licensed in Wisconsin - and they do not pick up the license from the other state.

Because LRB 3660 only deals with surrendered licenses (thus the person has already been licensed in Wisconsin) - the DMV would only be reporting to issuing jurisdictions that the licensee is now licensed in Wisconsin - and that the old license has been surrendered and destroyed. Persons that are not eligible for Wisconsin licensure are not required to surrender their license from their previous state of residence.

Based on this discussion, if you feel comfortable making the changes - please let me know. If you have additional questions regarding DMV's perspective on this - let me know that, too, and I will see what I can work

out.

Thanks Aaron. Happy New Year!

Kristina

*Kristina Boardman*

*Representative Ainsworth's Office*

608.266.3097

## Gary, Aaron

---

**From:** Boardman, Kristina  
**Sent:** Wednesday, January 21, 2004 12:03 PM  
**To:** Gary, Aaron  
**Subject:** RE: LRB 3660

Great! Thank you so much!

Kristina

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

**From:** Gary, Aaron  
**Sent:** Wednesday, January 21, 2004 12:02 PM  
**To:** Boardman, Kristina  
**Subject:** RE: LRB 3660

That works for me if it works for DOT. Yeah! I'll get this out soon as a "/1". Aaron

Aaron R. Gary  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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

**From:** Boardman, Kristina  
**Sent:** Wednesday, January 21, 2004 11:36 AM  
**To:** Gary, Aaron  
**Subject:** FW: LRB 3660

Aaron:

Do you have any concerns regarding DMV's efforts to amend "Option 1" language further (as noted below)?

Frankly - I am tired of discussing this topic. Thanks Aaron.

Kristina

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

**From:** Biermeier, Anna  
**Sent:** Thursday, January 15, 2004 9:48 AM  
**To:** Boardman, Kristina  
**Subject:** RE: LRB 3660

Kristina:

Thank you for continuing to work on this one. We prefer Option 1 and are wondering about simplifying it further:

Option 1: 343.11 (2) Within 30 days following licensure in this state, the department shall destroy all surrendered licenses and report to the issuing jurisdiction that the licensee is now licensed in this state and that ~~the license from the issuing jurisdiction has been surrendered and destroyed.~~

Sometimes the driver license is not surrendered because it has been lost. In those cases, the person completes a certification for lost license. If we eliminate the last portion of the paragraph, we do not

have to write additional language to cover the certification process.

Thanks again,  
Anna

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

**From:** Boardman, Kristina  
**Sent:** Tuesday, January 13, 2004 3:34 PM  
**To:** Biermeier, Anna  
**Subject:** LRB 3660

Anna:

I have again discussed the DOT's concerns regarding the language, as presently drafted, in LRB 3660. I have a couple of additional options for 343.11 (2) language that I was hoping would work.

Option 1: 343.11 (2) Within 30 days following licensure in this state, the department shall destroy all surrendered licenses and report to the issuing jurisdiction that the licensee is now licensed in this state and ~~that the license from the issuing jurisdiction has been surrendered and destroyed.~~

Option 2: 343.11 (2) Within 30 days following the application, the department shall destroy all surrendered licenses and, as applicable, report to the issuing jurisdiction that the licensee is now licensed in this state and that the license from the issuing jurisdiction has been surrendered and destroyed.

\*These options obviously omit the necessary striking and scoring and simply show how the text of the provision will read.

Please let me know your perspective on this new suggested language. Thank you for your patience in addressing this issue.

*Kristina Boardman*  
*Representative Ainsworth's Office*  
608.266.3097



State of Wisconsin  
2003 - 2004 LEGISLATURE

soon  
turned in  
1/21/04

LRB-3660/1  
ARG:kmg:jf

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

, within 30 days following a person's licensure in this state,

1 AN ACT to amend 343.11 (2) of the statutes; relating to: issuance of operators'  
2 licenses to persons previously licensed in another state.

prior to issuance by

Analysis by the Legislative Reference Bureau

Under current law, a person who holds a valid motor vehicle operator's license issued by another state or jurisdiction must surrender this out-of-state operator's license to the Department of Transportation (DOT) upon application to DOT for insurance of a Wisconsin operator's license. Within 30 days after application to DOT, DOT must return the out-of-state license to the state of issuance, together with information that the applicant is now licensed in this state or has been refused a license by this state, as applicable.

This bill requires that, in lieu of returning an out-of-state license to the state of issuance, DOT must destroy the license and report in writing to the state of issuance that the license has been destroyed. person is now licensed in this state.

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:

3 SECTION 1. 343.11 (2) of the statutes is amended to read:  
4 343.11 (2) Upon the expiration of Within 30 days following the application, the  
5 department shall return destroy all surrendered licenses and report in writing to the

licensure in this state

strike

any surrendered

1 issuing department together with information jurisdiction that the licensee is now

2 licensed in this state or has been refused a license by this state, whichever the case

3 may be, and that the license from the issuing jurisdiction has been surrendered and

4 ~~destroyed.~~

5 SECTION 2. Initial applicability. persons licensed by

6 (1) This act first applies to applications submitted to the department of  
7 transportation on the effective date of this subsection.

8 (END)

**Northrop, Lori**

---

**From:** Boardman, Kristina  
**Sent:** Tuesday, January 27, 2004 9:55 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-3660/1 Topic: Return of surrendered driver licenses to state of issue

It has been requested by <Boardman, Kristina> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3660/1 Topic: Return of surrendered driver licenses to state of issue