

2003 DRAFTING REQUEST

Bill

Received: 02/05/2004

Received By: agary

Wanted: Soon

Identical to LRB:

For: Donald Friske (608) 266-7694

By/Representing: Tim Gary (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - driver licenses

Extra Copies: PJH

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Change penalties for graduated driver license violations and require reporting to sponsor

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>
/?	agary 02/05/2004	kgilfoy 02/05/2004		_____			S&L
/1			pgreensl 02/05/2004	_____	sbasford 02/06/2004	sbasford 02/06/2004 sbasford 02/06/2004	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

↳ At
Intro.

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1?	agary		7/5 PS	7/5 PS/LE			

FE Sent For:

<END>

2/5/04

1:15 p

Tim - Friske

- bill draft → working w/ Petrowski

343.43 →

- create a new penalty for GAC violator

- \$50 + notification of person who
signs ^{1st} ~~spec~~ _{ly}

\$50 - \$100 + notification to spec

- no other ct. costs for violator

- no demerit points

- need by ~~today~~ today/mon

Gary, Aaron

From: Gary, Tim
Sent: Thursday, February 05, 2004 2:55
To: Gary, Aaron
Subject: RE: LRB number
Aaron,

Revision on that bill request: the forfeiture does not need to prohibit court costs from being imposed.

Thank you for your attention to this detail. It is appreciated given the workload bearing down on the LRB these days of session and hearings.

Sincerely,
Tim Gary

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

From: Gary, Aaron
Sent: Thursday, February 05, 2004 2:48 PM
To: Marschman, Kathy; Gary, Tim
Subject: RE: LRB number

"restriction violations by persons holding instruction permits or probationary licenses to operate motor vehicles, and providing a penalty"

I have pushed everything aside and hope to have this drafted today (barring more interruptions for floor amendments today), but I cannot guarantee it will be out tomorrow. We have 132 members advising that their draft is needed for a hearing or other event next week and that they should be given drafting priority. The editors (and drafters) have to give priority to amendments for bills on the floor (today) and for bills already in committee and set for hearing. Other than that, it is basically a free-for-all as to whose bill is done first, since they cannot all be done at once.

Kathy, If I don't speak with you again, I'm sorry to hear that you'll be leaving and I wish you the best of luck. You'll be missed around here! Aaron

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

From: Marschman, Kathy
Sent: Thursday, February 05, 2004 2:15 PM
To: Gary, Aaron; Gary, Tim
Subject: RE: LRB number

Aaron-
You don't happen to have a relating clause constructed on this yet, do you?

Kathy

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

From: Gary, Aaron
Sent: Thursday, February 05, 2004 2:15 PM
To: Gary, Tim
Cc: Marschman, Kathy
Subject: RE: LRB number

It's 03-4197.

02/05/2004

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: Gary, Tim
Sent: Thursday, February 05, 2004 1:56 PM
To: Gary, Aaron
Cc: Marschman, Kathy
Subject: LRB number

Aaron,

Could I please get an LRB number on the GDL drivers bill that we can use for a committee hearing notice?

Thanks,
Tim

Cc: Kathy Marschman, RA for Rep. Jerry Petrowski

Needed
by 2/6
end of day

King

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

D-Notes

Gen. Act.

1 AN ACT ...; relating to: restriction violations by persons holding instruction
2 permits or probationary licenses to operate motor vehicles, and providing a
3 penalty.

Insert A

Analysis by the Legislative Reference Bureau

Also under current law, an application for an operator's license by any person under the age of 18 must be signed and verified by an adult sponsor (typically the person's parent) attesting that the person meets certain educational criteria for issuance of an operator's license.

Under current law, a person holding a probationary license or instruction permit who violates these operating restrictions may be required to forfeit up to \$200 for the first offense, may be fined up to \$300 and imprisoned for not more than 30 days for the second offense within three years, and may be fined up to \$500 and imprisoned for not more than 6 months for the third or subsequent offense within three years.

six

This bill changes the penalty for persons who violate operating restrictions under a probationary license or an instruction permit. Under this bill, a person holding a probationary license or instruction permit who violates these operating restrictions must forfeit \$50 for a first offense and not less than \$50 nor more than \$100 for each subsequent offense. In addition, DOT must provide notice of the conviction to any adult sponsor of the person. DOT may not assess demerit points for a restriction violation.

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:

Insert B
1

delete empty components

2 (b) Upon receiving notice of a person's conviction for a violation of sub. (1) (a),
3 (bm), or (d) or ~~sub~~ (4) (b) 1. or 2., the department shall notify any adult sponsor who
4 has signed for the person under s. 343.15 (1) of the conviction.

Insert C
5
6

7 (b) Upon receiving notice of a person's conviction for a violation of sub. (2m) (a),
8 the department shall notify any adult sponsor who has signed for the person under
9 s. 343.15 (1) of the conviction.

10

11

~~#~~
SECTION 1. 343.32 (2) (bc) 3. of the statutes is created to read:

12 343.32 (2) (bc) 3. The scale adopted by the secretary may not assess any demerit
13 points for a restriction violation under s. 343.07 (1) (a), (bm), or (d) or (4) (b) 1. or 2.
14 or 343.085 (2m) (a).

15

16

17

~~#~~
SECTION 2. Initial applicability.

18 (1) This act first applies to violations committed on the effective date of this
19 subsection, but does not preclude the counting of other violations as prior violations
20 for purposes of sentencing a person.

21

(END)

D-Note

2003 ASSEMBLY BILL 462

August 7, 2003 - Introduced by Representatives PETROWSKI, OLSEN, LADWIG, HINES, JESKEWITZ, M. WILLIAMS, WEBER, HAHN, BIES, OTT, J. LEHMAN, GUNDERSON and VAN ROY, cosponsored by Senator LASSA. Referred to Committee on Transportation.

1 AN ACT to create 343.07 (1) (dm), 343.07 (4) (b) 3. and 343.085 (2m) (a) 3. of the
2 statutes; relating to: restrictions on the operation of motor vehicles by persons
3 holding instruction permits or probationary licenses.

six

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may issue an instruction permit to a person who is at least 15 years and 6 months of age, who has passed a knowledge test, who, if under 18 years of age, has enrolled in an approved driver education and training course, and who, except for age or lack of training in the operation of a motor vehicle, is qualified to obtain an operator's license. The permit remains valid for 12 months unless cancelled by DOT. The permit authorizes the person to operate most motor vehicles (excluding commercial motor vehicles, school buses, and Type 1 motorcycles) subject to certain restrictions, including restrictions related to persons required to accompany the permittee while operating a motor vehicle, persons who may be passengers in a motor vehicle operated by the permittee, and hours during which the permittee may operate a motor vehicle.

Under current law, a person who is at least 16 years of age and who is otherwise qualified (including having passed a knowledge test and, if under 18 years of age, having completed a driver education and training course and a basic motorcycle rider course) may obtain a Type 1 motorcycle instruction permit. The permit is valid for six months but may be renewed. The permit authorizes the person to operate a Type 1 motorcycle subject to certain restrictions related to persons who may accompany the permittee on a motorcycle and hours during which the permittee may operate a motorcycle.

insert
A

ASSEMBLY BILL 462

~~This bill creates an additional restriction that a person operating a motor vehicle under an instruction permit may not operate the motor vehicle, and a person operating a motorcycle under a motorcycle instruction permit may not operate the motorcycle, while using a cellular telephone or other wireless telecommunications device, except to report an emergency.~~

Under current law, a probationary license is, with certain exceptions, issued to all applicants who qualify for an original driver's license and remains in effect for two years from the date of the licensee's next birthday. During the first nine months following issuance of a probationary license, a probationary licensee who is under 18 years of age is subject, with limited exceptions, to certain restrictions on the operation of "Class D" vehicles (automobiles and most other motor vehicles), including restrictions related to persons who may be passengers in a motor vehicle operated by the licensee and hours during which the licensee may operate a motor vehicle.

~~This bill creates an additional restriction that a probationary licensee who is under 18 years of age may not, during the first nine months following issuance of the probationary license, operate a "Class D" vehicle while using a cellular telephone or other wireless telecommunications device, except to report an emergency. The same exceptions that apply to existing restrictions on the licensee also apply to this new restriction.~~

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.** 343.07 (1) (dm) of the statutes is created to read:
2 343.07 (1) (dm) The permittee may not operate a motor vehicle while using a
3 cellular telephone or other wireless telecommunications device, except to report an
4 emergency.

5 **SECTION 2.** 343.07 (4) (b) 3. of the statutes is created to read:
6 343.07 (4) (b) 3. The permittee may not operate a Type 1 motorcycle while using
7 a cellular telephone or other wireless telecommunications device, except to report an
8 emergency.

9 **SECTION 3.** 343.085 (2m) (a) 3. of the statutes is created to read:

12/24/03
A
Cmt'd

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 462**

February 3, 2004 - Offered by Representatives YOUNG and MORRIS.

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 3: after "licenses" insert "and providing a penalty".

3 2. Page 2, line 8: after that line insert:

4 ~~SECTION 2m.~~ [#] 343.07 (7) of the statutes is created to read:

5 343.07 (7) PENALTY FOR ^{restriction (c)} ~~CERTAIN VIOLATIONS~~. ^(a) Notwithstanding s. 343.43 (1) (d) ✓
6 and (3m), any person who violates sub. (1) ^{(a), (bm), or (d)} ~~(dm)~~ or ^{1. or 2.} ~~sub~~ (4) (b) ^e shall be required to
7 forfeit \$50 for the first offense and not less than \$50 nor more than \$100 for each
8 subsequent offense. ^m

9 3. Page 3, line 2: after that line insert:

10 ~~SECTION 3m.~~ [#] 343.085 (6) of the statutes is created to read:

Handwritten notes and markings on the left margin:
- A vertical line with a checkmark at the top.
- A circle containing the word "insert" and the letter "B".
- A circle containing the number "4".
- A circle containing the number "5".
- A circle containing the number "6".
- A circle containing the number "8".
- A circle containing the number "10".
- A bracket on the left side of the circles, with a checkmark and the letter "A" above it, and the letter "C" below it.

cont'd
1
2
3

343.085 (6)^(a) Notwithstanding s. 343.43 (1) (d) and (3m), any person who violates sub. (2m) (a) shall be required to forfeit \$50 for the first offense and not less than \$50 nor more than \$100 for each subsequent offense.

4

~~(END)~~

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

LRB-4197/1dn

ARG:.....

King

ATTN: Tim Gary

I am uncertain whether this draft will alter the citation procedure for GDL restriction violations, as I am uncertain whether such violations are currently cited under s. 343.43 (1) (d) or under ss. 343.07 and 343.085. I recommend that the bill be reviewed by DOT to advise whether it creates any unforeseen problems.

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

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

LRB-4197/1dn
ARG:kmg:pg

February 5, 2004

ATTN: Tim Gary

I am uncertain whether this draft will alter the citation procedure for GDL restriction violations, as I am uncertain whether such violations are currently cited under s. 343.43 (1) (d) or under ss. 343.07 and 343.085. I recommend that the bill be reviewed by DOT to advise whether it creates any unforeseen problems.

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