

DOA:.....Vail - BB0279, Match funds for Motor Carrier Safety Improvement Act of 1999

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

Don't

1 AN ACT ^{Don't GEN-CAT.} relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, DOT administers a classified driver license system to implement the requirements of the Federal Commercial Motor Vehicle Safety Act of 1986 (FCMVSA), which mandated that states establish a classified driver license system and impose certain sanctions for specified violations by commercial motor vehicle (CMV) operators. The FCMVSA also established, and required states to utilize, a commercial driver license information system (CDLIS) that provides for the nationwide exchange of certain commercial driver license (CDL) information, and further required states to disqualify CMV operators who commit certain offenses from operating a CMV for a specified period of time, up to a lifetime disqualification. Under current law, DOT must disqualify a CMV operator who commits a major traffic-related offense (such as driving a CMV while under the influence of alcohol or a controlled substance, using a CMV to commit a felony, or leaving the scene of an accident) or another serious traffic violation (including excessive speeding, reckless driving, and traffic offenses connected with fatal accidents).

This bill makes numerous changes to the classified driver license system which are required by the Federal Motor Carrier Safety Improvement Act of 1999. These changes include, and become effective on September 30, 2005:

1. Creating two new major disqualifying offenses (driving a CMV during a period of disqualification or when the operator's CDL is revoked, suspended, or canceled, and causing a fatality through the negligent operation of a CMV).

2. Creating three new serious traffic violations related to driving a CMV without a CDL or necessary endorsements to the CDL or immediate possession of the CDL.

3. Requiring disqualification of CDL privileges for certain major disqualifying offenses and certain serious traffic violations committed while operating a nonCMV as well as a CMV.

4. Requiring disqualification of CDL privileges for any operator whose operation of a CMV the federal Motor Carrier Safety Administration has determined would constitute an imminent hazard.

5. Prohibiting the issuance of an occupational or other special license authorizing the operation of a CMV.

6. Requiring operators of school buses that are CMVs to maintain a CDL "S" endorsement, which may only be issued by DOT after the operator passes a knowledge and driving skills test.

7. Requiring DOT, prior to issuance or renewal of a CDL, to obtain the complete driving record of the applicant from each state that has issued the applicant any operator's license during the prior ten years, and requiring DOT to provide such information in response to the same request from any other state.

8. Requiring DOT to notify within ten days a CMV operator's state of licensure, if other than this state, of any disqualification of operating privileges for at least 60 days, or suspension or revocation of a CDL for at least 60 days, in addition to providing notice of the violation giving rise to the disqualification, suspension, or revocation.

9. Requiring DOT to maintain detailed records of actions taken against persons holding CDLs and persons operating CMVs without a CDL, and of convictions of such persons for offenses committed in both CMVs and nonCMVs. Certain information recorded by DOT must also be provided to the CDLIS, to other state licensing agencies, and to other authorized persons.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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. 340.01 (7m) of the statutes is amended to read:

1 340.01 (7m) “Commercial driver license” means a license issued to a person by
2 this state or another jurisdiction which is in accordance with the requirements of the
3 federal commercial motor vehicle safety act of 1986, 49 USC 31301 to 31317, and the
4 federal Motor Carrier Safety Improvement Act of 1999, P.L. 106–159, or by Canada
5 or Mexico, and which authorizes the licensee to operate certain commercial motor
6 vehicles.

7 **SECTION 2.** 340.01 (13m) of the statutes is amended to read:

8 340.01 (13m) “Disqualification” means the loss or withdrawal of a person’s
9 privilege to operate a commercial motor vehicle relating to certain offenses
10 committed by the person while driving or operating a motor vehicle or while on duty
11 time with respect to a commercial motor vehicle.

12 **SECTION 3.** 343.02 (1) of the statutes is amended to read:

13 343.02 (1) The department shall administer and enforce this chapter and may
14 promulgate for that purpose such rules as the secretary considers necessary. Rules
15 promulgated under this chapter may not conflict with and shall be at least as
16 stringent as standards set by the federal commercial motor vehicle safety act, 49
17 USC 31301 to 31317, and the federal Motor Carrier Safety Improvement Act of 1999,
18 P.L. 106–159, and the regulations adopted under ~~that act~~ those acts.

19 **SECTION 4.** 343.03 (1) (a) of the statutes is amended to read:

20 343.03 (1) (a) The department shall institute a classified driver license system
21 meeting all federal standards under 49 USC 31301 to 31317 and 49 CFR 383 and any
22 other applicable provision of federal law.

23 **SECTION 5.** 343.03 (3) (a) of the statutes is amended to read:

24 343.03 (3) (a) *Regular license.* The standard license legend is “regular” or a
25 readily recognizable abbreviation thereof. The regular license, without any express

1 endorsements or restrictions as provided in this chapter, authorizes the licensee to
2 operate only “class D” vehicles as described in s. 343.04 (1) (d), except as otherwise
3 provided in this subsection. The license may be endorsed to permit operation of Type
4 1 motorcycles or school buses that are not commercial motor vehicles. A regular
5 license may be subject to restrictions, including the attachment of a special
6 restrictions card as provided in s. 343.17 (4).

7 **SECTION 6.** 343.03 (3) (e) of the statutes is amended to read:

8 343.03 (3) (e) *Occupational license.* A license issued under s. 343.10
9 authorizing only the operation of motor vehicles other than “Class A”, “Class B” or
10 “Class C” vehicles shall be labeled “Occupational License”. ~~Licenses~~ No license may
11 be issued under s. 343.10 authorizing the operation of “Class A”, “Class B” or “Class
12 C” vehicles ~~shall be labeled “CDL-Occupational”~~. An occupational license may
13 authorize the operation of “Class D” or “Class M” vehicles, or both, but may not be
14 endorsed to permit operation of the vehicle types described in s. 343.04 (2). The
15 license may be subject to restrictions in addition to those provided in s. 343.10,
16 including the attachment of a special restrictions card as provided in s. 343.17 (4).

17 **SECTION 7.** 343.03 (5) of the statutes is renumbered 343.03 (5) (a) and amended
18 to read:

19 343.03 (5) (a) Before issuing ~~a~~ or renewing any license under this chapter, the
20 department shall obtain driver record information from the national driver registry
21 and commercial driver license information system to determine whether the
22 applicant holds a commercial driver license, or a license that is revoked, suspended
23 or canceled, or is otherwise disqualified. If the applicant is currently licensed in
24 another state, the department shall obtain information on the applicant’s license
25 status with the state of licensure before issuing a license.

1 **SECTION 8.** 343.03 (5) (b) of the statutes is created to read:

2 343.03 (5) (b) 1. Before issuing or renewing a commercial driver license, the
3 department shall, within the time period specified in 49 CFR 384.232, request from
4 any other state that has issued an operator's license or commercial driver license to
5 the person within the previous 10 years the complete driving record of the person.

6 2. Subdivision 1. does not apply to a renewal of a person's commercial driver
7 license if the department has previously issued a renewal of the commercial driver
8 license after the effective date of this subdivision [revisor inserts date], and, in
9 connection with the previous renewal, the department recorded on the person's
10 driving record under s. 343.23 (2) (a) the date on which the operator's record check
11 under subd. 1. was performed.

12 **SECTION 9.** 343.03 (6) of the statutes is renumbered 343.03 (6) (a).

13 **SECTION 10.** 343.03 (6) (b) of the statutes is created to read:

14 343.03 (6) (b) The department shall, upon request and within 30 days of the
15 request, provide to the driver licensing agencies of other states the complete driving
16 record of any person currently or previously licensed by the department.

17 **SECTION 11.** 343.03 (6) (c) of the statutes is created to read:

18 343.03 (6) (c) 1. The department shall, upon request and within the time period
19 specified in s. 343.23 (2) (am) 2. and 4., provide the operating record file information
20 specified in s. 343.23 (2) (am) 2. and 4. to any of the following requesters:

- 21 a. The person holding the commercial driver license.
- 22 b. The U.S. secretary of transportation.
- 23 c. Any employer or prospective employer of the person holding the commercial
24 driver license, after notice to such person.
- 25 d. Any driver licensing agency of another state or law enforcement agency.

1 e. Any governmental entity having access to the commercial driver license
2 information system.

3 f. Any authorized agent of a requester specified in subd. 1. a. to e.

4 2. The department shall not provide the operating record file information
5 specified in s. 343.23 (2) (am) 2. and 4. to any requester other than those specified
6 in subd. 1.

7 **SECTION 12.** 343.03 (7) (title) of the statutes is amended to read:

8 343.03. (7) (title) NOTIFICATION OF COMMERCIAL DRIVER LICENSE ISSUANCE AND
9 CERTAIN VIOLATIONS.

10 **SECTION 13.** 343.03 (7) of the statutes is renumbered 343.03 (7) (a).

11 **SECTION 14.** 343.03 (7) (b) of the statutes is created to read:

12 343.03 (7) (b) Within 10 days after the disqualification of the holder of a
13 commercial driver license from operating a commercial motor vehicle for at least 60
14 days, or after the revocation, suspension, or cancellation of a commercial driver
15 license for at least 60 days, the department shall notify the commercial driver license
16 information system and, if the license was not issued by the department, the state
17 that issued the license of the disqualification, revocation, suspension, or cancellation
18 and the violation that resulted in the disqualification, revocation, suspension, or
19 cancellation.

20 **SECTION 15.** 343.03 (7) (c) of the statutes is created to read:

21 343.03 (7) (c) Within 30 days after a conviction of the holder of a commercial
22 driver license issued by another state for violating any state or local law of this state
23 or any law of a federally recognized American Indian tribe or band in this state in
24 conformity with any state law relating to motor vehicle traffic control, other than
25 parking violations, or after a conviction of the holder of an operator's license issued

1 by another state, other than a commercial driver license, for operating a commercial
2 motor vehicle without a commercial driver license, the department shall notify the
3 driver licensing agency of the state that issued the license of the conviction.

4 **SECTION 16.** 343.03 (7) (c) of the statutes, as created by 2003 Wisconsin Act
5 (this act), is amended to read:

6 343.03 (7) (c) Within ~~30~~ 10 days after a conviction of the holder of a commercial
7 driver license issued by another state for violating any state or local law of this state
8 or any law of a federally recognized American Indian tribe or band in this state in
9 conformity with any state law relating to motor vehicle traffic control, other than
10 parking violations, or after a conviction of the holder of an operator's license issued
11 by another state, other than a commercial driver license, for operating a commercial
12 motor vehicle without a commercial driver license, the department shall notify the
13 driver licensing agency of the state that issued the license of the conviction.

14 **SECTION 17.** 343.06 (2) of the statutes is amended to read:

15 343.06 (2) The department shall not issue a commercial driver license,
16 including a renewal, occupational, or reinstated license, to any person during any
17 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another
18 jurisdiction in substantial conformity therewith, as the result of one or more
19 disqualifying offenses committed on or after July 1, 1987, or to any person whose
20 operator's license or privilege is revoked, suspended, or canceled. Any person who
21 is known to the department to be subject to disqualification as described in s. 343.44
22 (1) (d) shall be disqualified by the department as provided in s. 343.315.

23 **SECTION 18.** 343.07 (1m) (intro.) of the statutes is amended to read:

24 343.07 (1m) COMMERCIAL MOTOR VEHICLE AND SCHOOL BUS INSTRUCTION PERMITS;
25 ISSUANCE, RESTRICTIONS. (intro.) Upon application therefor by a person at least 18

1 years of age who holds a valid operator's license issued under this chapter and who,
2 except for lack of training in the operation of a commercial motor vehicle or school
3 bus, is qualified to obtain authorization for the operation of such vehicle including
4 having passed the applicable knowledge tests, the department may issue an
5 instruction permit for commercial motor vehicle or school bus operation or a
6 combination permit. A permit limited to commercial motor vehicle instructional
7 operation entitles the permittee to operate only a commercial motor vehicle other
8 than a school bus upon the highways. A permit limited to school bus instructional
9 operation entitles the permittee to operate only a school bus that is not a commercial
10 motor vehicle upon the highways. Beth A combination commercial motor vehicle and
11 school bus permit entitles the permittee to operate a school bus that is a commercial
12 motor vehicle upon the highways. These permits are subject to the following
13 restrictions:

14 SECTION 19. 343.10 (1) (b) of the statutes is amended to read:

15 343.10 (1) (b) The application shall be in a form established by the department
16 and shall identify the specific motor vehicle that the applicant seeks authorization
17 to operate, including the vehicle classification and any required endorsements. The
18 application shall include an explanation of why operating the motor vehicle is
19 essential to the person's livelihood and identify the person's occupation or trade. The
20 application shall identify the applicant's employer, and include proof of financial
21 responsibility as specified in s. 343.38 (1) (c) covering the vehicle or vehicles that the
22 applicant requests authorization to operate. The application shall identify the hours
23 of operation and routes of travel being requested by the applicant in accord with the
24 restrictions of sub. (5). ~~The applicant shall certify whether, to the best of personal~~
25 ~~knowledge, he or she is disqualified under s. 343.315.~~

1 **SECTION 20.** 343.10 (1) (d) of the statutes is repealed.

2 **SECTION 21.** 343.10 (1) (e) of the statutes is repealed.

3 **SECTION 22.** 343.10 (1) (f) of the statutes is repealed.

4 **SECTION 23.** 343.10 (2) (c) of the statutes is amended to read:

5 343.10 (2) (c) No occupational license permitting the operation of a commercial
6 motor vehicle may be granted to a person ~~during a period of disqualification under~~
7 ~~s. 343.315.~~

8 **SECTION 24.** 343.10 (7) (e) of the statutes is amended to read:

9 343.10 (7) (e) The occupational license issued by the department shall contain
10 the restrictions required by sub. (5). The occupational license authorizes the licensee
11 to operate a motor vehicle only when that operation is an essential part of the
12 licensee's occupation or trade. If the department determines that the applicant is
13 eligible under sub. (2), the department may impose such conditions and limitations
14 upon the authorization to operate ~~commercial or noncommercial~~ motor vehicles as
15 in the secretary's judgment are necessary in the interest of public safety and welfare,
16 including reexamination of the person's qualifications to operate a ~~commercial or~~
17 ~~noncommercial~~ motor vehicle or a particular type thereof. The department may limit
18 such authorization to include, without limitation, the operation of particular
19 vehicles, particular kinds of operation and particular traffic conditions.

20 **SECTION 25.** 343.10 (7) (g) of the statutes is repealed.

21 **SECTION 26.** 343.12 (2) (intro.) of the statutes is amended to read:

22 343.12 (2) (intro.) The department shall issue a school bus endorsement to a
23 person, authorizing operation of a school bus that is not a commercial motor vehicle,
24 only if such person meets all of the following requirements:

25 **SECTION 27.** 343.12 (2m) of the statutes is created to read:

1 **343.12 (2m)** The department shall issue a school bus endorsement to a person,
2 authorizing operation of a school bus that is a commercial motor vehicle, only if such
3 person meets all of the requirements specified in sub. (2) and, in addition, meets all
4 of the following requirements:

5 (a) Holds a valid commercial driver license.

6 (b) Qualifies for the endorsement under s. 343.17 (3) (d) 3., including passing
7 the knowledge and driving skills tests required for obtaining such an endorsement.

8 (c) Passes a knowledge test in compliance with the requirements of 49 CFR
9 383.123 (a) (2).

10 (d) Passes a driving skills test in compliance with the requirements of 49 CFR
11 383.123 (a) (3). To the extent that the test specified under sub. (2) (h) and s. 343.16
12 (1) meets the requirements of 49 CFR 383.123 (a) (3), no additional driving skills test
13 is required.

14 **SECTION 28.** 343.12 (3) of the statutes is amended to read:

15 **343.12 (3)** The department may issue a school bus endorsement to a person who
16 is more than 70 years of age, authorizing the operation of a school bus other than a
17 commercial motor vehicle, if the person meets the requirements specified in sub. (2)
18 (c) to (f) and (h) before issuance of the endorsement and annually takes and passes
19 a physical examination prior to issuance or renewal of the endorsement to determine
20 that the person meets the physical standards established under sub. (2) (g).

21 **SECTION 29.** 343.12 (3m) of the statutes is created to read:

22 **343.12 (3m)** Notwithstanding sub. (2) (a) and (g), the department may issue
23 a school bus endorsement to a person who is more than 70 years of age, authorizing
24 the operation of a school bus that is a commercial motor vehicle, if the person meets
25 the requirements specified in sub. (2m) (a) to (d), before issuance of the endorsement

1 and annually takes and passes a physical examination prior to issuance or renewal
2 of the endorsement to determine that the person meets the physical standards
3 established under sub. (2) (g).

4 **SECTION 30.** 343.12 (4) (a) 1. of the statutes is amended to read:

5 343.12 (4) (a) 1. The person is a nonresident holding a valid commercial driver
6 license with a “P” passenger endorsement and any additional endorsements required
7 by the person’s home jurisdiction for the operation of a school bus, if the school bus
8 is not a commercial motor vehicle, or holding a valid commercial driver license with
9 an “S” endorsement if the school bus is a commercial motor vehicle, and the origin
10 or destination of the trip is in another state.

11 **SECTION 31.** 343.12 (4) (a) 2. of the statutes is repealed.

12 **SECTION 32.** 343.12 (4) (a) 3. of the statutes is amended to read:

13 343.12 (4) (a) 3. The person is a resident of Iowa, Illinois, Michigan or
14 Minnesota and holds a valid operator’s license authorizing the operation of ~~a~~ the
15 type of school bus being operated.

16 **SECTION 33.** 343.12 (4) (b) of the statutes is amended to read:

17 343.12 (4) (b) The department may, by rule, establish standards for the
18 employment by an employer of a person under par. (a) 3. as an operator of a school
19 bus in this state. The rules may require the person to meet the qualifications
20 contained in sub. (2) ~~or~~, (2m), (3), or (3m) and any rules of the department applicable
21 to residents.

22 **SECTION 34.** 343.17 (3) (b) of the statutes is amended to read:

23 343.17 (3) (b) The reverse side of the license shall contain an explanation of any
24 restriction codes or endorsement abbreviations used on the front of the license, in
25 sufficient detail to identify the nature of the restrictions or endorsements to a law

1 enforcement officer of this state or another jurisdiction. ~~Except for a commercial~~
2 ~~driver license or a license labeled “CDL Occupational” as described in s. 343.03 (3)~~
3 ~~(b) and (e),~~ a A part of the reverse side of each license shall be printed to serve as a
4 document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an
5 anatomical gift under s. 157.06 (2) (i).

6 **SECTION 35.** 343.175 (2) (ag) of the statutes is amended to read:

7 343.175 (2) (ag) The department shall print a separate document to be issued
8 to all persons issued a commercial driver license ~~or a license labeled~~
9 ~~“CDL Occupational” as described in s. 343.03 (3) (b) and (e)~~ and make provisions so
10 that the document may be attached to the reverse side of the license document along
11 one edge. This document shall serve as a document of gift under s. 157.06 (2) (b) and
12 (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i).

13 **SECTION 36.** 343.20 (1) (d) of the statutes is amended to read:

14 343.20 (1) (d) The department shall cancel an operator’s license that is
15 endorsed for the operation of school buses under s. 343.12 (3) or (3m), regardless of
16 the license expiration date, if the licensee fails to provide proof to the department of
17 an annual physical examination determining that the person meets the physical
18 standards established under s. 343.12 (2) (g). The licensee may elect to surrender
19 the license under s. 343.265 (1m).

20 **SECTION 37.** 343.22 (2) (b) of the statutes is amended to read:

21 343.22 (2) (b) In lieu of applying for a duplicate license or identification card,
22 notify the department in writing of his or her change of address. This paragraph does
23 not apply to persons issued a commercial driver license ~~or a license labeled~~
24 ~~“CDL Occupational” as described in s. 343.03 (3) (b) and (e).~~

25 **SECTION 38.** 343.23 (2) (am) of the statutes is created to read:

1 343.23 (2) (am) The file specified in par. (a) shall include the following:

2 1. For a person holding a commercial driver license issued by the department,
3 a notation of any disqualification by another state of the person from operating a
4 commercial motor vehicle for at least 60 days or of the revocation, suspension, or
5 cancellation by another state of the person's commercial driver license for at least 60
6 days, and the violation that resulted in the disqualification, revocation, suspension,
7 or cancellation, as specified in any notice received from the state or other jurisdiction
8 in conformity with 49 USC 31311 (a) (8).

9 2. For a person holding a commercial driver license issued by the department,
10 a notation of any violation in another state of any state or local law of that state or
11 any law of a federally recognized American Indian tribe or band in that state in
12 conformity with any state law relating to motor vehicle traffic control, other than a
13 parking violation, as specified in any notice received from the state in conformity
14 with 49 USC 31311 (a) (9). The department shall record a notation under this
15 subdivision within 10 days after receipt of the notice. The department may not allow
16 information regarding any such violation to be withheld or masked in any way from
17 the record of a person holding a commercial driver license, including by deferring the
18 imposition of judgment, allowing the person to enter into a diversion program, or
19 otherwise allowing the person to avoid having the conviction appear on the person's
20 operating record.

21 3. For a person holding an operator's license, other than a commercial driver
22 license, issued by the department, a notation of any violation in another state of
23 operating a commercial motor vehicle without a commercial driver license, as
24 specified in any notice received from the state in conformity with 49 USC 31311 (a)
25 (9).

1 4. For any person holding a commercial driver license issued by any state, a
2 notation of each violation, while operating any motor vehicle, of any state or local law
3 of this state or any law of a federally recognized American Indian tribe or band in this
4 state in conformity with any state law relating to motor vehicle traffic control, other
5 than a parking violation. The department shall record a notation under this
6 subdivision within 10 days after the date of conviction.

7 **SECTION 39.** 343.23 (2) (b) of the statutes is amended to read:

8 343.23 (2) (b) The information specified in ~~par.~~ pars. (a) and (am) must be filed
9 by the department so that the complete operator's record is available for the use of
10 the secretary in determining whether operating privileges of such person shall be
11 suspended, revoked, canceled, or withheld in the interest of public safety. The record
12 of suspensions, revocations, and convictions that would be counted under s. 343.307
13 (2) shall be maintained permanently. The record of convictions for disqualifying
14 offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record
15 of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j), and all records
16 specified in par. (am), shall be maintained for at least 3 years. The record of
17 convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be
18 maintained permanently, except that 5 years after a licensee transfers residency to
19 another state such record may be transferred to another state of licensure of the
20 licensee if that state accepts responsibility for maintaining a permanent record of
21 convictions for disqualifying offenses. Such reports and records may be cumulative
22 beyond the period for which a license is granted, but the secretary, in exercising the
23 power of suspension granted under s. 343.32 (2) may consider only those reports and
24 records entered during the 4-year period immediately preceding the exercise of such
25 power of suspension.

1 **SECTION 40.** 343.307 (2) (d) of the statutes is amended to read:

2 343.307 (2) (d) Convictions under the law of another jurisdiction that is in
3 substantial conformity with 49 CFR 383.51 (b) ~~(2) (i) or (ii) or both~~ Table 1, items (1)
4 to (4).

5 **SECTION 41.** 343.31 (2) of the statutes is amended to read:

6 343.31 (2) The department shall revoke the operating privilege of any resident
7 upon receiving notice of the conviction of such person in another jurisdiction for an
8 offense therein which, if committed in this state, would have been cause for
9 revocation under this section or for revocation under s. 343.30 (1q). Such offenses
10 shall include violation of any law of another jurisdiction that prohibits use of a motor
11 vehicle while intoxicated or under the influence of a controlled substance or
12 controlled substance analog, or a combination thereof, or with an excess or specified
13 range of alcohol concentration, or under the influence of any drug to a degree that
14 renders the person incapable of safely driving, as those or substantially similar
15 terms are used in that jurisdiction's laws. Upon receiving similar notice with respect
16 to a nonresident, the department shall revoke the privilege of the nonresident to
17 operate a motor vehicle in this state. ~~Such revocation shall not apply to the operation~~
18 ~~of a commercial motor vehicle by a nonresident who holds a valid commercial driver~~
19 ~~license issued by another state.~~

20 **SECTION 42.** 343.31 (2m) of the statutes is amended to read:

21 343.31 (2m) The department may suspend or revoke, respectively, the
22 operating privilege of any resident upon receiving notice of the conviction of that
23 person under a law of another jurisdiction or a federally recognized American Indian
24 tribe or band in this state for an offense which, if the person had committed the
25 offense in this state and been convicted of the offense under the laws of this state,

1 would have permitted suspension or revocation of the person's operating privilege
2 under s. 343.30 (1g). Upon receiving similar notice with respect to a nonresident, the
3 department may suspend or revoke the privilege of the nonresident to operate a
4 motor vehicle in this state. ~~The suspension or revocation shall not apply to the~~
5 ~~operation of a commercial motor vehicle by a nonresident who holds a valid~~
6 ~~commercial driver license issued by another state.~~ A suspension or revocation under
7 this subsection shall be for any period not exceeding 6 months.

8 **SECTION 43.** 343.315 (2) (a) (intro.) of the statutes is amended to read:

9 343.315 (2) (a) (intro.) Except as provided in par. (b), a person shall be
10 disqualified from operating a commercial motor vehicle for a one-year period upon
11 a first conviction of any of the following offenses, committed on or after July 1, 1987,
12 ~~while driving or operating a commercial motor vehicle.~~

13 **SECTION 44.** 343.315 (2) (a) 6. of the statutes is created to read:

14 343.315 (2) (a) 6. Operating a commercial motor vehicle when the person's
15 commercial driver license is revoked, suspended, or canceled based on the person's
16 operation of a commercial motor vehicle or when the person is disqualified from
17 operating a commercial motor vehicle based on the person's operation of a
18 commercial motor vehicle.

19 **SECTION 45.** 343.315 (2) (a) 7. of the statutes is created to read:

20 343.315 (2) (a) 7. Causing a fatality through negligent or criminal operation
21 of a commercial motor vehicle.

22 **SECTION 46.** 343.315 (2) (e) of the statutes is amended to read:

23 343.315 (2) (e) A person is disqualified for life from operating a commercial
24 motor vehicle if the person uses ~~a commercial~~ any motor vehicle on or after
25 July 1, 1987, in the commission of a felony involving the manufacture, distribution,

1 delivery or dispensing of a controlled substance or controlled substance analog, or
2 possession with intent to manufacture, distribute, deliver or dispense a controlled
3 substance or controlled substance analog. No person who is disqualified under this
4 paragraph is eligible for reinstatement under par. (d).

5 **SECTION 47.** 343.315 (2) (f) (intro.) of the statutes is amended to read:

6 343.315 (2) (f) (intro.) A person is disqualified for a period of 60 days from
7 operating a commercial motor vehicle if convicted of 2 serious traffic violations, and
8 120 days if convicted of 3 serious traffic violations, arising from separate occurrences
9 committed within a 3-year period while driving or operating a commercial any motor
10 vehicle. The 120-day period of disqualification under this paragraph shall be in
11 addition to any other period of disqualification imposed under this paragraph. In
12 this paragraph, “serious traffic violations” means any of the following offenses
13 committed while operating a commercial motor vehicle, or any of the following
14 offenses committed while operating any motor vehicle if the offense results in the
15 revocation, cancellation, or suspension of the person’s operating license or privilege:

16 **SECTION 48.** 343.315 (2) (f) 2. of the statutes is amended to read:

17 343.315 (2) (f) 2. Violating any state or local law of this state or any law of a
18 federally recognized American Indian tribe or band in this state in conformity with
19 any state law or any law of another jurisdiction relating to motor vehicle traffic
20 control, arising in connection with a fatal accident, other than parking, vehicle
21 weight or vehicle defect violations, or violations to which par. (a) 7. applies.

22 **SECTION 49.** 343.315 (2) (f) 6. of the statutes is created to read:

23 343.315 (2) (f) 6. Operating a commercial motor vehicle when the person has
24 not obtained a commercial driver license.

25 **SECTION 50.** 343.315 (2) (f) 7. of the statutes is created to read:

1 343.315 (2) (f) 7. Operating a commercial motor vehicle when the person does
2 not have in his or her immediate possession the person's commercial driver license
3 document, including any special restrictions cards issued under s. 343.10 (7) (d) or
4 343.17 (4), unless the person produces in court or in the office of the law enforcement
5 officer that issued the citation, by the date that the person must appear in court or
6 pay any fine with respect to the citation, a commercial driver license document issued
7 to the person prior to the date of the citation and valid at the time of the citation.

8 **SECTION 51.** 343.315 (2) (f) 8. of the statutes is created to read:

9 343.315 (2) (f) 8. Operating a commercial motor vehicle without the proper class
10 of commercial driver license or endorsements for the specific vehicle group being
11 operated or for the passengers or type of cargo being transported.

12 **SECTION 52.** 343.315 (2) (k) of the statutes is created to read:

13 343.315 (2) (k) A person disqualified by federal authorities under 49 USC
14 31310 (f) and 49 CFR 383.52 on the basis that the person's continued operation of a
15 commercial motor vehicle would create an imminent hazard, as defined in 49 USC
16 5102 and 49 CFR 383.5, is disqualified from operating a commercial motor vehicle
17 for the period of disqualification determined by the federal authority upon receipt by
18 the department of the notice of disqualification provided for in 49 CFR 383.52 (d).

19 **SECTION 53.** 343.44 (1) (d) of the statutes is amended to read:

20 343.44 (1) (d) *Operating while disqualified.* No person may operate a
21 commercial motor vehicle while disqualified under s. 343.315 or 49 CFR 383.51,
22 under the law of another jurisdiction or Mexico that provides for disqualification of
23 commercial drivers in a manner similar to 49 CFR 383.51, or under a determination
24 by the federal highway motor carrier safety administration under the federal rules

1 of practice for motor carrier safety contained in 49 CFR 386 that the person is no
2 longer qualified to operate a vehicle under 49 CFR 391.

3 **SECTION 54.** 343.44 (2) (b) (intro.) of the statutes is amended to read:

4 343.44 (2) (b) (intro.) Except as provided in par. (am), any person who violates
5 sub. (1) (b), ~~(e)~~ or (d) shall be fined not more than \$2,500 or imprisoned for not more
6 than one year in the county jail or both. In imposing a sentence under this
7 paragraph, or a local ordinance in conformity with this paragraph, the court shall
8 review the record and consider the following:

9 **SECTION 55.** 343.44 (2) (bm) of the statutes is created to read:

10 343.44 (2) (bm) Any person who violates sub. (1) (c) shall be fined not less than
11 \$1,100 nor more than \$2,750 or imprisoned for not more than one year in the county
12 jail or both. In imposing a sentence under this paragraph, the court shall review the
13 record and consider the factors specified in par. (b) 1. to 5.

14 **SECTION 56.** 973.015 of the statutes is amended to read:

15 **973.015 Misdemeanors, special disposition.** (1) When a person is under
16 the age of 21 at the time of the commission of an offense for which the person has been
17 found guilty in a court for violation of a law for which the maximum penalty is
18 imprisonment for one year or less in the county jail, the court may order at the time
19 of sentencing that the record be expunged upon successful completion of the sentence
20 if the court determines the person will benefit and society will not be harmed by this
21 disposition. Expungement under this section may not conceal, withhold, or mask
22 information regarding a conviction that is required by s. 343.23 (2) (am) to be
23 included in a record kept under s. 343.23 (2) (a).

24 **SECTION 57.** 973.11 (1) (intro) of the statutes is amended to read:

1 973.11 (1) PLACEMENTS. (intro.) If a person is convicted of or pleads guilty or
2 no contest to one or more misdemeanors for which mandatory periods of
3 imprisonment are not required, if the chief judge of the judicial administrative
4 district has approved a volunteers in probation program established in the
5 applicable county, and if the court decides that volunteer supervision under the
6 program will likely benefit the person and the community and subject to the
7 limitations under sub. (3), the court may withhold sentence or judgment of conviction
8 and order that the person be placed with that volunteers in probation program. A
9 person's participation in the program may not be used to conceal, withhold, or mask
10 information regarding the judgment of conviction if the conviction is required by s.
11 343.23 (2) (am) to be included in a record kept under s. 343.23 (2) (a). Except as
12 provided in sub. (3), the order shall provide any conditions that the court determines
13 are reasonable and appropriate and may include, but need not be limited to, one or
14 more of the following:

15 **SECTION 9353. Initial applicability; transportation.**

16 *← auto ref. "KA"*
17 (1) MOTOR CARRIERS.

18 (a) The treatment of sections 340.01 (7m) and (13m), 343.02 (1), 343.03 (1) (a),
19 (3) (a) and (e), and (7) (title), 343.06 (2), 343.07 (1m) (intro.), 343.10 (1) (b), (d), (e),
20 and (f), (2) (c), and (7) (e) and (g), 343.12 (2) (intro), (2m), (3), (3m), and (4) (a) 1., 2.,
21 and 3. and (b), 343.17 (3) (b), 343.175 (2) (ag), 343.20 (1) (d), 343.22 (2) (b), 343.23 (2)
22 (am) and (b), 343.307 (2) (d), 343.31 (2) and (2m), 343.315 (2) (a) (intro.), 6., and 7.,
23 (e), (f) (intro.), 2., 6., 7., and 8., and (k), 973.015, and 973.11 (1) (intro.) of the statutes,
24 the renumbering of section 343.03 (6) and (7) of the statutes, the renumbering and
amendment of section 343.03 (5) of the statutes, and the creation of section 343.03

1 (5) (b), (6) (b) and (c), and (7) (b) and (c) of the statutes first apply to licenses issued
2 or renewed on the effective date of this paragraph.

3 (b) The treatment of sections 343.06 (2), 343.10 (1) (d), (e), and (f), (2) (c), and
4 (7) (g), 343.12 (2m), (3m), and (4) (a) 2., 343.23 (2) (am) and (b), 343.307 (2) (d), 343.31
5 (2) and (2m), 343.315 (2) (a) (intro.), 6., and 7., (e), (f) (intro.), 2., 6., 7., and 8., and
6 (k), 343.44 (1) (d), (2) (b) (intro.) and (bm), 973.015, and 973.11 (1) (intro.) of the
7 statutes, the repeal of section 343.03 (7) (c) of the statutes, the renumbering of section
8 343.03 (6) and (7) of the statutes, the renumbering and amendment of section 343.03
9 (5) of the statutes, and the creation of section 343.03 (5) (b), (6) (b) and (c), and (7) (b)
10 and (c) of the statutes first apply to violations committed or refusals occurring on the
11 effective date of this paragraph, but does not preclude the counting of other
12 convictions, disqualifications, suspensions, or revocations for purposes of
13 administrative action by the department of transportation, sentencing by a court, or
14 revocation or suspension of motor vehicle operating privileges.

15 **SECTION 9453. Effective dates; transportation.**

16 (1) MOTOR CARRIERS.

17 (a) The repeal of sections 343.10 (1) (d), 343.10 (1) (e), 343.10 (1) (f), 343.10 (7)
18 (g), and 343.12 (4) (a) 2. of the statutes; the renumbering of sections 343.03 (6) and
19 343.03 (7) of the statutes; the renumbering and amendment of section 343.03 (5) of
20 the statutes; the amendment of sections 340.01 (7m), 340.01 (13m), 343.02 (1),
21 343.03 (1) (a), 343.03 (3) (a), 343.03 (3) (e), 343.03 (7) (title), 343.06 (2), 343.07 (1m)
22 (intro.), 343.10 (1) (b), 343.10 (2) (c), 343.10 (7) (e), 343.12 (2) (intro.), 343.12 (3),
23 343.12 (4) (a) 1., 343.12 (4) (a) 3., 343.12 (4) (b), 343.17 (3) (b), 343.175 (2) (ag), 343.20
24 (1) (d), 343.22 (2) (b), 343.23 (2) (b), 343.307 (2) (d), 343.31 (2), 343.31 (2m), 343.315
25 (2) (a) (intro.), 343.315 (2) (e), 343.315 (2) (f) (intro.), 343.315 (2) (f) 2., 343.44 (1) (d),

1 343.44 (2) (b) (intro.), 973.015, and 973.11 (1) (intro) of the statutes; ~~and~~ the creation
 2 of sections 343.03 (5) (b), 343.03 (6) (b), 343.03 (6) (c), 343.03 (7) (b), 343.03 (7) (c),
 3 343.12 (2m), 343.12 (3m), 343.23 (2) (am), 343.315 (2) (a) 6., 343.315 (2) (a) 7., 343.315
 4 (2) (f) 6., 343.315 (2) (f) 7., 343.315 (2) (f) 8., 343.315 (2) (k), and 343.44 (2) (bm) of the
 5 statutes take effect on September 30, 2005.

6 (b) The amendment of section 343.03 (7) (c) of the statutes takes effect on
 7 September 30, 2008.

8 ^(CS) ^(END)
 ; and section 9353 of this ~~Act~~
 act

(1)
 ↑ auto ref.
 "KA"

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

LRB-1195/2dn
ARG&PJH:kmg:pg



Ben,

WAW This redraft *adds a reference to* adds the initial applicability section to the effective date provision.

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

LRB-1195/2dn
PJH:kmg:rs

January 23, 2003

Ben,

This redraft adds a reference to the initial applicability section to the effective date provision.

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1195/3
ARG&PJH:kmg:rs

EMR

DOA:.....Vail – BB0279, Match funds for Motor Carrier Safety Improvement Act of 1999

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

D-Note

1

AN ACT ^{DON'T GEN. CAT.} relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, DOT administers a classified driver license system to implement the requirements of the Federal Commercial Motor Vehicle Safety Act of 1986 (FCMVSA), which mandated that states establish a classified driver license system and impose certain sanctions for specified violations by commercial motor vehicle (CMV) operators. The FCMVSA also established, and required states to utilize, a commercial driver license information system (CDLIS) that provides for the nationwide exchange of certain commercial driver license (CDL) information, and further required states to disqualify CMV operators who commit certain offenses from operating a CMV for a specified period of time, up to a lifetime disqualification. Under current law, DOT must disqualify a CMV operator who commits a major traffic-related offense (such as driving a CMV while under the influence of alcohol or a controlled substance, using a CMV to commit a felony, or leaving the scene of an accident) or another serious traffic violation (including excessive speeding, reckless driving, and traffic offenses connected with fatal accidents).

This bill makes numerous changes to the classified driver license system which are required by the Federal Motor Carrier Safety Improvement Act of 1999. These changes include, and become effective on September 30, 2005:

1. Creating two new major disqualifying offenses (driving a CMV during a period of disqualification or when the operator's CDL is revoked, suspended, or canceled, and causing a fatality through the negligent operation of a CMV).
2. Creating three new serious traffic violations related to driving a CMV without a CDL or necessary endorsements to the CDL or immediate possession of the CDL.
3. Requiring disqualification of CDL privileges for certain major disqualifying offenses and certain serious traffic violations committed while operating a nonCMV as well as a CMV.
4. Requiring disqualification of CDL privileges for any operator whose operation of a CMV the federal Motor Carrier Safety Administration has determined would constitute an imminent hazard.
5. Prohibiting the issuance of an occupational or other special license authorizing the operation of a CMV.
6. Requiring operators of school buses that are CMVs to maintain a CDL "S" endorsement, which may only be issued by DOT after the operator passes a knowledge and driving skills test.
7. Requiring DOT, prior to issuance or renewal of a CDL, to obtain the complete driving record of the applicant from each state that has issued the applicant any operator's license during the prior ten years, and requiring DOT to provide such information in response to the same request from any other state.
8. Requiring DOT to notify within ten days a CMV operator's state of licensure, if other than this state, of any disqualification of operating privileges for at least 60 days, or suspension or revocation of a CDL for at least 60 days, in addition to providing notice of the violation giving rise to the disqualification, suspension, or revocation.
9. Requiring DOT to maintain detailed records of actions taken against persons holding CDLs and persons operating CMVs without a CDL, and of convictions of such persons for offenses committed in both CMVs and nonCMVs. Certain information recorded by DOT must also be provided to the CDLIS, to other state licensing agencies, and to other authorized persons.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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.** 340.01 (7m) of the statutes is amended to read:

1 340.01 (7m) “Commercial driver license” means a license issued to a person by
2 this state or another jurisdiction which is in accordance with the requirements of the
3 federal commercial motor vehicle safety act of 1986, 49 USC 31301 to 31317, and the
4 federal Motor Carrier Safety Improvement Act of 1999, P.L. 106–159, or by Canada
5 or Mexico, and which authorizes the licensee to operate certain commercial motor
6 vehicles.

7 **SECTION 2.** 340.01 (13m) of the statutes is amended to read:

8 340.01 (13m) “Disqualification” means the loss or withdrawal of a person’s
9 privilege to operate a commercial motor vehicle relating to certain offenses
10 committed by the person while driving or operating a motor vehicle or while on duty
11 time with respect to a commercial motor vehicle.

12 **SECTION 3.** 343.02 (1) of the statutes is amended to read:

13 343.02 (1) The department shall administer and enforce this chapter and may
14 promulgate for that purpose such rules as the secretary considers necessary. Rules
15 promulgated under this chapter may not conflict with and shall be at least as
16 stringent as standards set by the federal commercial motor vehicle safety act, 49
17 USC 31301 to 31317, and the federal Motor Carrier Safety Improvement Act of 1999,
18 P.L. 106–159, and the regulations adopted under ~~that act~~ those acts.

19 **SECTION 4.** 343.03 (1) (a) of the statutes is amended to read:

20 343.03 (1) (a) The department shall institute a classified driver license system
21 meeting all federal standards under 49 USC 31301 to 31317 and 49 CFR 383 and any
22 other applicable provision of federal law.

23 **SECTION 5.** 343.03 (3) (a) of the statutes is amended to read:

24 343.03 (3) (a) *Regular license.* The standard license legend is “regular” or a
25 readily recognizable abbreviation thereof. The regular license, without any express

1 endorsements or restrictions as provided in this chapter, authorizes the licensee to
2 operate only "class D" vehicles as described in s. 343.04 (1) (d), except as otherwise
3 provided in this subsection. The license may be endorsed to permit operation of Type
4 1 motorcycles or school buses that are not commercial motor vehicles. A regular
5 license may be subject to restrictions, including the attachment of a special
6 restrictions card as provided in s. 343.17 (4).

7 **SECTION 6.** 343.03 (3) (e) of the statutes is amended to read:

8 343.03 (3) (e) *Occupational license.* A license issued under s. 343.10
9 authorizing only the operation of motor vehicles other than "Class A", "Class B" or
10 "Class C" vehicles shall be labeled "Occupational License". ~~Licenses~~ No license may
11 be issued under s. 343.10 authorizing the operation of "Class A", "Class B" or "Class
12 C" vehicles ~~shall be labeled "CDL-Occupational"~~. An occupational license may
13 authorize the operation of "Class D" or "Class M" vehicles, or both, but may not be
14 endorsed to permit operation of the vehicle types described in s. 343.04 (2). The
15 license may be subject to restrictions in addition to those provided in s. 343.10,
16 including the attachment of a special restrictions card as provided in s. 343.17 (4).

17 **SECTION 7.** 343.03 (5) of the statutes is renumbered 343.03 (5) (a) and amended
18 to read:

19 343.03 (5) (a) Before issuing ~~a~~ or renewing any license under this chapter, the
20 department shall obtain driver record information from the national driver registry
21 and commercial driver license information system to determine whether the
22 applicant holds a commercial driver license, or a license that is revoked, suspended
23 or canceled, or is otherwise disqualified. If the applicant is currently licensed in
24 another state, the department shall obtain information on the applicant's license
25 status with the state of licensure before issuing a license.

↓
insert
4-16

1 **SECTION 8.** 343.03 (5) (b) of the statutes is created to read:

2 343.03 (5) (b) 1. Before issuing or renewing a commercial driver license, the
3 department shall, within the time period specified in 49 CFR 384.232, request from
4 any other state that has issued an operator's license or commercial driver license to
5 the person within the previous 10 years the complete driving record of the person.

6 2. Subdivision 1. does not apply to a renewal of a person's commercial driver
7 license if the department has previously issued a renewal of the commercial driver
8 license after the effective date of this subdivision ... [revisor inserts date], and, in
9 connection with the previous renewal, the department recorded on the person's
10 driving record under s. 343.23 (2) (a) the date on which the operator's record check
11 under subd. 1. was performed.

12 **SECTION 9.** 343.03 (6) of the statutes is renumbered 343.03 (6) (a).

13 **SECTION 10.** 343.03 (6) (b) of the statutes is created to read:

14 343.03 (6) (b) The department shall, upon request and within 30 days of the
15 request, provide to the driver licensing agencies of other states the complete driving
16 record of any person currently or previously licensed by the department.

17 **SECTION 11.** 343.03 (6) (c) of the statutes is created to read:

18 343.03 (6) (c) 1. The department shall, upon request and within the time period
19 specified in s. 343.23 (2) (am) 2. and 4., provide the operating record file information
20 specified in s. 343.23 (2) (am) 2. and 4. to any of the following requesters:

21 a. The person holding the commercial driver license.

22 b. The U.S. secretary of transportation.

23 c. Any employer or prospective employer of the person holding the commercial
24 driver license, after notice to such person.

25 d. Any driver licensing agency of another state or law enforcement agency.

1 e. Any governmental entity having access to the commercial driver license
2 information system.

3 f. Any authorized agent of a requester specified in subd. 1. a. to e.

4 2. The department shall not provide the operating record file information
5 specified in s. 343.23 (2) (am) 2. and 4. to any requester other than those specified
6 in subd. 1.

7 **SECTION 12.** 343.03 (7) (title) of the statutes is amended to read:

8 343.03 (7) (title) NOTIFICATION OF COMMERCIAL DRIVER LICENSE ISSUANCE AND
9 CERTAIN VIOLATIONS.

10 **SECTION 13.** 343.03 (7) of the statutes is renumbered 343.03 (7) (a).

11 **SECTION 14.** 343.03 (7) (b) of the statutes is created to read:

12 343.03 (7) (b) Within 10 days after the disqualification of the holder of a
13 commercial driver license from operating a commercial motor vehicle for at least 60
14 days, or after the revocation, suspension, or cancellation of a commercial driver
15 license for at least 60 days, the department shall notify the commercial driver license
16 information system and, if the license was not issued by the department, the state
17 that issued the license of the disqualification, revocation, suspension, or cancellation
18 and the violation that resulted in the disqualification, revocation, suspension, or
19 cancellation.

20 **SECTION 15.** 343.03 (7) (c) of the statutes is created to read:

21 343.03 (7) (c) Within 30 days after a conviction of the holder of a commercial
22 driver license issued by another state for violating any state or local law of this state
23 or any law of a federally recognized American Indian tribe or band in this state in
24 conformity with any state law relating to motor vehicle traffic control, other than
25 parking violations, or after a conviction of the holder of an operator's license issued

1 by another state, other than a commercial driver license, for operating a commercial
2 motor vehicle without a commercial driver license, the department shall notify the
3 driver licensing agency of the state that issued the license of the conviction.

4 **SECTION 16.** 343.03 (7) (c) of the statutes, as created by 2003 Wisconsin Act
5 (this act), is amended to read:

6 343.03 (7) (c) Within ~~30~~ 10 days after a conviction of the holder of a commercial
7 driver license issued by another state for violating any state or local law of this state
8 or any law of a federally recognized American Indian tribe or band in this state in
9 conformity with any state law relating to motor vehicle traffic control, other than
10 parking violations, or after a conviction of the holder of an operator's license issued
11 by another state, other than a commercial driver license, for operating a commercial
12 motor vehicle without a commercial driver license, the department shall notify the
13 driver licensing agency of the state that issued the license of the conviction.

14 **SECTION 17.** 343.06 (2) of the statutes is amended to read:

15 343.06 (2) The department shall not issue a commercial driver license,
16 including a renewal, occupational, or reinstated license, to any person during any
17 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another
18 jurisdiction in substantial conformity therewith, as the result of one or more
19 disqualifying offenses committed on or after July 1, 1987, or to any person whose

20 operator's license or privilege is revoked, suspended, or canceled. Any person who
21 is known to the department to be subject to disqualification as described in s. 343.44
22 (1) (d) shall be disqualified by the department as provided in s. 343.315.

23 **SECTION 18.** 343.07 (1m) (intro.) of the statutes is amended to read:

24 343.07 (1m) COMMERCIAL MOTOR VEHICLE AND SCHOOL BUS INSTRUCTION PERMITS;
25 ISSUANCE, RESTRICTIONS. (intro.) Upon application therefor by a person at least 18

operating

SECTION 18

1 years of age who holds a valid operator's license issued under this chapter and who,
2 except for lack of training in the operation of a commercial motor vehicle or school
3 bus, is qualified to obtain authorization for the operation of such vehicle including
4 having passed the applicable knowledge tests, the department may issue an
5 instruction permit for commercial motor vehicle or school bus operation or a
6 combination permit. A permit limited to commercial motor vehicle instructional
7 operation entitles the permittee to operate only a commercial motor vehicle other
8 than a school bus upon the highways. A permit limited to school bus instructional
9 operation entitles the permittee to operate only a school bus that is not a commercial
10 motor vehicle upon the highways. ~~Both A combination commercial motor vehicle and~~
11 ~~school bus permit entitles the permittee to operate a school bus that is a commercial~~
12 ~~motor vehicle upon the highways. These permits are subject to the following~~
13 restrictions:

14 SECTION 19. 343.10 (1) (b) of the statutes is amended to read:

15 343.10 (1) (b) The application shall be in a form established by the department
16 and shall identify the specific motor vehicle that the applicant seeks authorization
17 to operate, including the vehicle classification and any required endorsements. The
18 application shall include an explanation of why operating the motor vehicle is
19 essential to the person's livelihood and identify the person's occupation or trade. The
20 application shall identify the applicant's employer, and include proof of financial
21 responsibility as specified in s. 343.38 (1) (c) covering the vehicle or vehicles that the
22 applicant requests authorization to operate. The application shall identify the hours
23 of operation and routes of travel being requested by the applicant in accord with the
24 restrictions of sub. (5). ~~The applicant shall certify whether, to the best of personal~~
25 ~~knowledge, he or she is disqualified under s. 343.315.~~

1 **SECTION 20.** 343.10 (1) (d) of the statutes is repealed.

2 **SECTION 21.** 343.10 (1) (e) of the statutes is repealed.

3 **SECTION 22.** 343.10 (1) (f) of the statutes is repealed.

4 **SECTION 23.** 343.10 (2) (c) of the statutes is amended to read:

5 343.10 (2) (c) No occupational license permitting the operation of a commercial
6 motor vehicle may be granted to a person ~~during a period of disqualification under~~
7 ~~s. 343.315.~~

8 **SECTION 24.** 343.10 (7) (e) of the statutes is amended to read:

9 343.10 (7) (e) The occupational license issued by the department shall contain
10 the restrictions required by sub. (5). The occupational license authorizes the licensee
11 to operate a motor vehicle only when that operation is an essential part of the
12 licensee's occupation or trade. If the department determines that the applicant is
13 eligible under sub. (2), the department may impose such conditions and limitations
14 upon the authorization to operate ~~commercial or noncommercial~~ motor vehicles as
15 in the secretary's judgment are necessary in the interest of public safety and welfare,
16 including reexamination of the person's qualifications to operate a ~~commercial or~~
17 ~~noncommercial~~ motor vehicle or a particular type thereof. The department may limit
18 such authorization to include, without limitation, the operation of particular
19 vehicles, particular kinds of operation and particular traffic conditions.

20 **SECTION 25.** 343.10 (7) (g) of the statutes is repealed.

21 **SECTION 26.** 343.12 (2) (intro.) of the statutes is amended to read:

22 343.12 (2) (intro.) The department shall issue a school bus endorsement to a
23 person, authorizing operation of a school bus that is not a commercial motor vehicle,
24 only if such person meets all of the following requirements:

25 **SECTION 27.** 343.12 (2m) of the statutes is created to read:

1 343.12 (2m) The department shall issue a school bus endorsement to a person,
2 authorizing operation of a school bus that is a commercial motor vehicle, only if such
3 person meets all of the requirements specified in sub. (2) and, in addition, meets all
4 of the following requirements:

5 (a) Holds a valid commercial driver license.

6 (b) Qualifies for the endorsement under s. 343.17 (3) (d) 3., including passing
7 the knowledge and driving skills tests required for obtaining such an endorsement.

8 (c) Passes a knowledge test in compliance with the requirements of 49 CFR
9 383.123 (a) (2).

10 (d) Passes a driving skills test in compliance with the requirements of 49 CFR
11 383.123 (a) (3). To the extent that the test specified under sub. (2) (h) and s. 343.16
12 (1) meets the requirements of 49 CFR 383.123 (a) (3), no additional driving skills test
13 is required.

14 **SECTION 28.** 343.12 (3) of the statutes is amended to read:

15 343.12 (3) The department may issue a school bus endorsement to a person who
16 is more than 70 years of age, authorizing the operation of a school bus other than a
17 commercial motor vehicle, if the person meets the requirements specified in sub. (2)
18 (c) to (f) and (h) before issuance of the endorsement and annually takes and passes
19 a physical examination prior to issuance or renewal of the endorsement to determine
20 that the person meets the physical standards established under sub. (2) (g).

21 **SECTION 29.** 343.12 (3m) of the statutes is created to read:

22 343.12 (3m) Notwithstanding sub. (2) (a) and (g), the department may issue
23 a school bus endorsement to a person who is more than 70 years of age, authorizing
24 the operation of a school bus that is a commercial motor vehicle, if the person meets
25 the requirements specified in sub. (2m) (a) to (d), before issuance of the endorsement

is a nonresident

1 and annually takes and passes a physical examination prior to issuance or renewal
2 of the endorsement to determine that the person meets the physical standards
3 established under sub. (2) (g).

4 **SECTION 30.** 343.12 (4) (a) 1. of the statutes is amended to read:

5 343.12 (4) (a) 1. The person is a nonresident holding a valid commercial driver
6 license with a "P" passenger endorsement and any additional endorsements required
7 by the person's home jurisdiction for the operation of a school bus if the school bus

8 is not a commercial motor vehicle, or holding a valid commercial driver license with
9 an "S" endorsement if the school bus is a commercial motor vehicle, and the origin
10 or destination of the trip is in another state.

11 **SECTION 31.** 343.12 (4) (a) 2. of the statutes is repealed.

12 **SECTION 32.** 343.12 (4) (a) 3. of the statutes is amended to read:

13 343.12 (4) (a) 3. The person is a resident of Iowa, Illinois, Michigan or
14 Minnesota and holds a valid operator's license authorizing the operation of ~~a~~ the
15 type of school bus being operated.

16 **SECTION 33.** 343.12 (4) (b) of the statutes is amended to read:

17 343.12 (4) (b) The department may, by rule, establish standards for the
18 employment by an employer of a person under par. (a) 3. as an operator of a school
19 bus in this state. The rules may require the person to meet the qualifications
20 contained in sub. (2) ~~or~~ (2m), (3), or (3m) and any rules of the department applicable
21 to residents.

22 **SECTION 34.** 343.17 (3) (b) of the statutes is amended to read:

23 343.17 (3) (b) The reverse side of the license shall contain an explanation of any
24 restriction codes or endorsement abbreviations used on the front of the license, in
25 sufficient detail to identify the nature of the restrictions or endorsements to a law

1 enforcement officer of this state or another jurisdiction. ~~Except for a commercial~~
2 ~~driver license or a license labeled “CDL–Occupational” as described in s. 343.03 (3)~~
3 ~~(b) and (e),~~ a A part of the reverse side of each license shall be printed to serve as a
4 document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an
5 anatomical gift under s. 157.06 (2) (i).

6 **SECTION 35.** 343.175 (2) (ag) of the statutes is amended to read:

7 343.175 (2) (ag) The department shall print a separate document to be issued
8 to all persons issued a commercial driver license ~~or a license labeled~~
9 ~~“CDL–Occupational” as described in s. 343.03 (3) (b) and (e)~~ and make provisions so
10 that the document may be attached to the reverse side of the license document along
11 one edge. This document shall serve as a document of gift under s. 157.06 (2) (b) and
12 (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i).

13 **SECTION 36.** 343.20 (1) (d) of the statutes is amended to read:

14 343.20 (1) (d) The department shall cancel an operator’s license that is
15 endorsed for the operation of school buses under s. 343.12 (3) or (3m), regardless of
16 the license expiration date, if the licensee fails to provide proof to the department of
17 an annual physical examination determining that the person meets the physical
18 standards established under s. 343.12 (2) (g). The licensee may elect to surrender
19 the license under s. 343.265 (1m).

20 **SECTION 37.** 343.22 (2) (b) of the statutes is amended to read:

21 343.22 (2) (b) In lieu of applying for a duplicate license or identification card,
22 notify the department in writing of his or her change of address. This paragraph does
23 not apply to persons issued a commercial driver license ~~or a license labeled~~
24 ~~“CDL–Occupational” as described in s. 343.03 (3) (b) and (e).~~

25 **SECTION 38.** 343.23 (2) (am) of the statutes is created to read:

1 343.23 (2) (am) The file specified in par. (a) shall include the following:

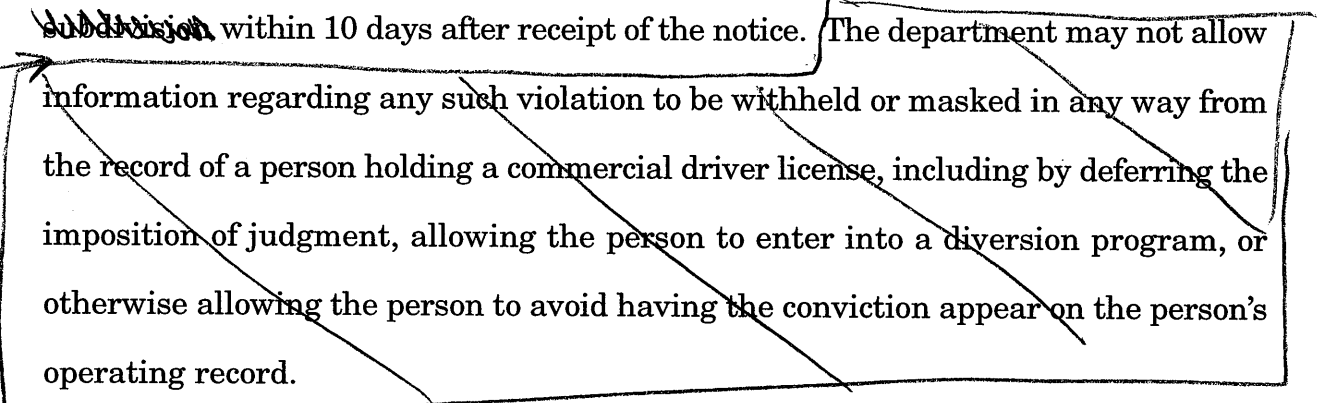
2 1. For a person holding a commercial driver license issued by the department,
3 a ^{record}~~notation~~ of any disqualification by another state ^{of jurisdiction} of the person from operating a
4 commercial motor vehicle for at least 60 days or of the revocation, suspension, or
5 cancellation by another state ^{of jurisdiction} of the person's commercial driver license for at least 60
6 days, and the violation that resulted in the disqualification, revocation, suspension,
7 or cancellation, as specified in any notice received from the state or other jurisdiction
8 in conformity with 49 USC 31311 (a) (8).

9 2. For a person holding a commercial driver license issued by the department,
10 a ^{record}~~notation~~ of any violation in another state of any state or local law of that state or
11 any law of a federally recognized American Indian tribe or band in that state in
12 conformity with any state law relating to motor vehicle traffic control, other than a
13 parking violation, as specified in any notice received from the state in conformity
14 with 49 USC 31311 (a) (9). The department shall record ^{this information} ~~a notation under this~~

15 ~~subdivision~~ within 10 days after receipt of the notice. The department may not allow
16 information regarding any such violation to be withheld or masked in any way from
17 the record of a person holding a commercial driver license, including by deferring the
18 imposition of judgment, allowing the person to enter into a diversion program, or
19 otherwise allowing the person to avoid having the conviction appear on the person's
20 operating record.

21 3. For a person holding an operator's license, other than a commercial driver
22 license, issued by the department, a ^{record}~~notation~~ of any violation in another state ^{of jurisdiction} of
23 operating a commercial motor vehicle without a commercial driver license, as
24 specified in any notice received from the state ^{or other jurisdiction} in conformity with 49 USC 31311 (a)
25 (9).

meet
13-15



1 4. For ^a ~~any~~ person holding a commercial driver license issued by any state, a ✓
2 ~~record~~ ^{record} of each violation, while operating any motor vehicle, of any state or local law ✓
3 of this state or any law of a federally recognized American Indian tribe or band in this
4 state in conformity with any state law relating to motor vehicle traffic control, other
5 than a parking violation. The department shall record ^{the information} ~~a notation~~ under this
6 subdivision within 10 days after the date of conviction.

7 SECTION 39. 343.23 (2) (b) of the statutes is amended to read:

8 343.23 (2) (b) The information specified in ~~par. pars.~~ par. (a) and (am) must be filed
9 by the department so that the complete operator's record is available for the use of
10 the secretary in determining whether operating privileges of such person shall be
11 suspended, revoked, canceled, or withheld in the interest of public safety. The record
12 of suspensions, revocations, and convictions that would be counted under s. 343.307
13 (2) shall be maintained permanently. The record of convictions for disqualifying
14 offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record
15 of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j), and all records
16 specified in par. (am), shall be maintained for at least 3 years. The record of
17 convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be
18 maintained permanently, except that 5 years after a licensee transfers residency to
19 another state such record may be transferred to another state of licensure of the
20 licensee if that state accepts responsibility for maintaining a permanent record of
21 convictions for disqualifying offenses. Such reports and records may be cumulative
22 beyond the period for which a license is granted, but the secretary, in exercising the
23 power of suspension granted under s. 343.32 (2) may consider only those reports and
24 records entered during the 4-year period immediately preceding the exercise of such
25 power of suspension.

1 **SECTION 40.** 343.307 (2) (d) of the statutes is amended to read:

2 343.307 (2) (d) Convictions under the law of another jurisdiction that is in
3 substantial conformity with 49 CFR 383.51 (b) ~~(2) (i) or (ii) or both~~ Table 1, items (1)
4 to (4).

5 **SECTION 41.** 343.31 (2) of the statutes is amended to read:

6 343.31 (2) The department shall revoke the operating privilege of any resident
7 upon receiving notice of the conviction of such person in another jurisdiction for an
8 offense therein which, if committed in this state, would have been cause for
9 revocation under this section or for revocation under s. 343.30 (1q). Such offenses
10 shall include violation of any law of another jurisdiction that prohibits use of a motor
11 vehicle while intoxicated or under the influence of a controlled substance or
12 controlled substance analog, or a combination thereof, or with an excess or specified
13 range of alcohol concentration, or under the influence of any drug to a degree that
14 renders the person incapable of safely driving, as those or substantially similar
15 terms are used in that jurisdiction's laws. Upon receiving similar notice with respect
16 to a nonresident, the department shall revoke the privilege of the nonresident to
17 operate a motor vehicle in this state. ~~Such revocation shall not apply to the operation~~
18 ~~of a commercial motor vehicle by a nonresident who holds a valid commercial driver~~
19 ~~license issued by another state.~~

20 **SECTION 42.** 343.31 (2m) of the statutes is amended to read:

21 343.31 (2m) The department may suspend or revoke, respectively, the
22 operating privilege of any resident upon receiving notice of the conviction of that
23 person under a law of another jurisdiction or a federally recognized American Indian
24 tribe or band in this state for an offense which, if the person had committed the
25 offense in this state and been convicted of the offense under the laws of this state,

1 would have permitted suspension or revocation of the person's operating privilege
2 under s. 343.30 (1g). Upon receiving similar notice with respect to a nonresident, the
3 department may suspend or revoke the privilege of the nonresident to operate a
4 motor vehicle in this state. ~~The suspension or revocation shall not apply to the~~
5 ~~operation of a commercial motor vehicle by a nonresident who holds a valid~~
6 ~~commercial driver license issued by another state.~~ A suspension or revocation under
7 this subsection shall be for any period not exceeding 6 months.

8 **SECTION 43.** 343.315 (2) (a) (intro.) of the statutes is amended to read:

9 343.315 (2) (a) (intro.) Except as provided in par. (b), a person shall be
10 disqualified from operating a commercial motor vehicle for a one-year period upon
11 a first conviction of any of the following offenses, committed on or after July 1, 1987,
12 ~~while driving or operating a commercial motor vehicle:~~

13 **SECTION 44.** 343.315 (2) (a) ^{7.} of the statutes is created to read:

14 343.315 (2) (a) ^{7.} Operating a commercial motor vehicle when the person's
15 commercial driver license is revoked, suspended, or canceled based on the person's
16 operation of a commercial motor vehicle or when the person is disqualified from
17 operating a commercial motor vehicle based on the person's operation of a
18 commercial motor vehicle.

19 **SECTION 45.** 343.315 (2) (a) ^{8.} of the statutes is created to read:

20 343.315 (2) (a) ^{8.} Causing a fatality through negligent or criminal operation
21 of a commercial motor vehicle.

22 **SECTION 46.** 343.315 (2) (e) of the statutes is amended to read:

23 343.315 (2) (e) A person is disqualified for life from operating a commercial
24 motor vehicle if the person uses ~~a commercial~~ any motor vehicle on or after
25 July 1, 1987, in the commission of a felony involving the manufacture, distribution,

1 delivery or dispensing of a controlled substance or controlled substance analog, or
2 possession with intent to manufacture, distribute, deliver or dispense a controlled
3 substance or controlled substance analog. No person who is disqualified under this
4 paragraph is eligible for reinstatement under par. (d).

5 **SECTION 47.** 343.315 (2) (f) (intro.) of the statutes is amended to read:

6 343.315 (2) (f) (intro.) A person is disqualified for a period of 60 days from
7 operating a commercial motor vehicle if convicted of 2 serious traffic violations, and
8 120 days if convicted of 3 serious traffic violations, arising from separate occurrences
9 committed within a 3-year period while driving or operating a ~~commercial~~ any motor
10 vehicle. The 120-day period of disqualification under this paragraph shall be in
11 addition to any other period of disqualification imposed under this paragraph. In
12 this paragraph, “serious traffic violations” means any of the following offenses
13 committed while operating a commercial motor vehicle, or any of the following
14 offenses committed while operating any motor vehicle if the offense results in the
15 revocation, cancellation, or suspension of the person’s ^{operator’s} ~~operating~~ license or ^{operating} ~~privilege~~:

16 **SECTION 48.** 343.315 (2) (f) 2. of the statutes is amended to read:

17 343.315 (2) (f) 2. Violating any state or local law of this state or any law of a
18 federally recognized American Indian tribe or band in this state in conformity with
19 any state law or any law of another jurisdiction relating to motor vehicle traffic
20 control, arising in connection with a fatal accident, other than parking, vehicle
21 weight or vehicle defect violations, or violations to which par. (a) 7. applies.

22 **SECTION 49.** 343.315 (2) (f) 6. of the statutes is created to read:

23 343.315 (2) (f) 6. Operating a commercial motor vehicle when the person has
24 not obtained a commercial driver license.

25 **SECTION 50.** 343.315 (2) (f) 7. of the statutes is created to read:

1 343.315 (2) (f) 7. Operating a commercial motor vehicle when the person does
2 not have in his or her immediate possession the person's commercial driver license
3 document, including any special restrictions cards issued under s. 343.10 (7) (d) or
4 343.17 (4), unless the person produces in court or in the office of the law enforcement
5 officer that issued the citation, by the date that the person must appear in court or
6 pay any fine ^(or forfeiture) with respect to the citation, a commercial driver license document issued
7 to the person prior to the date of the citation and valid at the time of the citation.

8 **SECTION 51.** 343.315 (2) (f) 8. of the statutes is created to read:

9 343.315 (2) (f) 8. Operating a commercial motor vehicle without the proper class
10 of commercial driver license or endorsements for the specific vehicle group being
11 operated or for the passengers or type of cargo being transported.

12 **SECTION 52.** 343.315 (2) (k) of the statutes is created to read:

13 343.315 (2) (k) A person disqualified by federal authorities under 49 USC
14 31310 (f) and 49 CFR 383.52 on the basis that the person's continued operation of a
15 commercial motor vehicle would create an imminent hazard, as defined in 49 USC
16 5102 and 49 CFR 383.5, is disqualified from operating a commercial motor vehicle
17 for the period of disqualification determined by the federal authority upon receipt by
18 the department of the notice of disqualification provided for in 49 CFR 383.52 (d).

19 **SECTION 53.** 343.44 (1) (d) of the statutes is amended to read:

20 343.44 (1) (d) *Operating while disqualified.* No person may operate a
21 commercial motor vehicle while disqualified under s. 343.315 or 49 CFR 383.51,
22 under the law of another jurisdiction or Mexico that provides for disqualification of
23 commercial drivers in a manner similar to 49 CFR 383.51, or under a determination
24 by the federal highway motor carrier safety administration under the federal rules

1 of practice for motor carrier safety contained in 49 CFR 386 that the person is no
2 longer qualified to operate a vehicle under 49 CFR 391.

3 **SECTION 54.** 343.44 (2) (b) (intro.) of the statutes is amended to read:

4 343.44 (2) (b) (intro.) Except as provided in par. (am), any person who violates
5 sub. (1) (b), (e) or (d) shall be fined not more than \$2,500 or imprisoned for not more
6 than one year in the county jail or both. In imposing a sentence under this
7 paragraph, or a local ordinance in conformity with this paragraph, the court shall
8 review the record and consider the following:

9 **SECTION 55.** 343.44 (2) (bm) of the statutes is created to read:

10 343.44 (2) (bm) Any person who violates sub. (1) (c) shall be fined not less than
11 \$1,100 nor more than \$2,750 or imprisoned for not more than one year in the county
12 jail or both. In imposing a sentence under this paragraph, the court shall review the
13 record and consider the factors specified in par. (b) 1. to 5.

14 **SECTION 56.** 973.015 of the statutes is amended to read:

15 **973.015 Misdemeanors, special disposition.** (1) When a person is under
16 the age of 21 at the time of the commission of an offense for which the person has been
17 found guilty in a court for violation of a law for which the maximum penalty is
18 imprisonment for one year or less in the county jail, the court may order at the time
19 of sentencing that the record be expunged upon successful completion of the sentence
20 if the court determines the person will benefit and society will not be harmed by this
21 disposition. ~~Expungement under this section may not conceal, withhold, or mask~~
22 ~~information regarding a conviction that is required by s. 343.23 (2) (am) to be~~
23 ~~included in a record kept under s. 343.23 (2) (a).~~

24 **SECTION 57.** 973.11 (1) (intro.) of the statutes is amended to read:

*This subsection does not apply to information
maintained by the Department of Transportation*

1 973.11 (1) PLACEMENTS. (intro.) If a person is convicted of or pleads guilty or
 2 no contest to one or more misdemeanors for which mandatory periods of
 3 imprisonment are not required, if the chief judge of the judicial administrative
 4 district has approved a volunteers in probation program established in the
 5 applicable county, and if the court decides that volunteer supervision under the
 6 program will likely benefit the person and the community and subject to the
 7 limitations under sub. (3), the court may withhold sentence or judgment of conviction
 8 and order that the person be placed with that volunteers in probation program. A
 9 person's participation in the program may not be used to conceal, withhold, or mask
 10 information regarding the judgment of conviction if the conviction is required by s.
 11 ~~343.23 (2) (am)~~ to be included in a record kept under s. 343.23 (2) (a). Except as
 12 provided in sub. (3), the order shall provide any conditions that the court determines
 13 are reasonable and appropriate and may include, but need not be limited to, one or
 14 more of the following:

15 **SECTION 9353. Initial applicability; transportation.**

16 (1) MOTOR CARRIERS. *← auto ref "T"*

17 (a) *← auto ref "KA"*

18 (3) (a) and (e), ^{(5) (title),} and (7) (title), 343.06 (2), 343.07 (1m) (intro.), 343.10 (1) (b), (d), (e),
 19 and (f), (2) (c), and (7) (e) and (g), 343.12 (2) (intro), (2m), (3), (3m), and (4) (a) 1., 2.,
 20 and 3. and (b), 343.17 (3) (b), 343.175 (2) (ag), 343.20 (1) (d), 343.22 (2) (b), 343.23 (2)
 21 (am) and (b), 343.307 (2) (d), 343.31 (2) and (2m), 343.315 (2) (a) (intro.), ⁷ ₆ and ⁸ ₅
 22 (e), (f) (intro.), 2., 6., 7., and 8., and (k), 973.015, and 973.11 (1) (intro.) of the statutes,
 23 the renumbering of section 343.03 (6) and (7) of the statutes, the renumbering and
 24 amendment of section 343.03 (5) of the statutes, and the creation of section 343.03

1 (5) (b), (6) (b) and (c), and (7) (b) and (c) of the statutes first apply to licenses issued
 2 or renewed on the effective date of this paragraph.
 3 *↖ auto ref. "KB"*
 4 (b) The treatment of sections 343.06 (2), 343.10 (1) (d), (e), and (f), (2) (c), and
 5 (7) (g), 343.12 (2m), (3m), and (4) (a) 2., 343.23 (2) (am) and (b), 343.307 (2) (d), 343.31
 6 (2) and (2m), 343.315 (2) (a) (intro.), *70^e*, and *8^m*, (e), (f) (intro.), 2., 6., 7., and 8., and
 7 (k), 343.44 (1) (d), (2) (b) (intro.) and (bm), 973.015, and 973.11 (1) (intro.) of the
 8 statutes, the repeal of section 343.03 (7) (c) of the statutes, the renumbering of section
 9 343.03 (6) and (7) of the statutes, the renumbering and amendment of section 343.03
 10 (5) of the statutes, and the creation of section 343.03 (5) (b), (6) (b) and (c), and (7) (b)
 11 and (c) of the statutes first apply to violations committed or refusals occurring on the
 12 effective date of this paragraph, but does not preclude the counting of other
 13 convictions, disqualifications, suspensions, or revocations for purposes of
 14 administrative action by the department of transportation, sentencing by a court, or
 15 revocation or suspension of motor vehicle operating privileges.

SECTION 9453. Effective dates; transportation.

(1) MOTOR CARRIERS.

17 (a) The repeal of sections 343.10 (1) (d), 343.10 (1) (e), 343.10 (1) (f), 343.10 (7)
 18 (g), and 343.12 (4) (a) 2. of the statutes; the renumbering of sections 343.03 (6) and
 19 343.03 (7) of the statutes; the renumbering and amendment of section 343.03 (5) of
 20 the statutes; the amendment of sections 340.01 (7m), 340.01 (13m), 343.02 (1),
 21 343.03 (1) (a), 343.03 (3) (a), 343.03 (3) (e), *343.03 (5) (title)*, 343.03 (7) (title), 343.06 (2), 343.07 (1m)
 22 (intro.), 343.10 (1) (b), 343.10 (2) (c), 343.10 (7) (e), 343.12 (2) (intro.), 343.12 (3),
 23 343.12 (4) (a) 1., 343.12 (4) (a) 3., 343.12 (4) (b), 343.17 (3) (b), 343.175 (2) (ag), 343.20
 24 (1) (d), 343.22 (2) (b), 343.23 (2) (b), 343.307 (2) (d), 343.31 (2), 343.31 (2m), 343.315
 25 (2) (a) (intro.), 343.315 (2) (e), 343.315 (2) (f) (intro.), 343.315 (2) (f) 2., 343.44 (1) (d),

✓
insert 21-14
 →

1 343.44 (2) (b) (intro.), 973.015, and 973.11 (1) (intro) of the statutes; the creation of
 2 sections 343.03 (5) (b), 343.03 (6) (b), 343.03 (6) (c), 343.03 (7) (b), 343.03 (7) (c), 343.12
 3 (2m), 343.12 (3m), 343.23 (2) (am), 343.315 (2) (a) ⁷⁰, 343.315 (2) (a) ⁸, 343.315 (2)
 4 (f) 6., 343.315 (2) (f) 7., 343.315 (2) (f) 8., 343.315 (2) (k), and 343.44 (2) (bm) of the
 5 statutes; and SECTION 9353 (1) ^{(a) and (b)} of this act take effect on September 30, 2005.

6 (b) The amendment of section 343.03 (7) (c) of the statutes takes effect on
 7 September 30, 2008.

(END)

auto ref.
"KA"

auto
ref.
"KB"

and ^{cs} SECTION 9353 (1) (c)
of this act

auto
ref "T"

auto ref.
"KC"

D-Note

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1195/3ins
ARG&PJH:.....

✓
INSERT 4-16:

~~SECTION 511.~~ 343.03 (5) (title) ✓ of the statutes is amended to read:

343.03 (5) (title) INQUIRIES BEFORE ISSUANCE OR RENEWAL.

INSERT 13-15: ✓

(no P) The department may not conceal, withhold, or mask from the department's file, ✓
or otherwise allow in any way a person to avoid the department's recording in the
department's file of, ✓ any information of which the department has notice that is
required to be recorded under this subdivision, regardless of whether the person has
obtained deferral of imposition of judgment, been allowed to enter a diversion
program, or otherwise obtained ✓ delayed or suspended judgment or alternative
sentencing from a court.

INSERT 21-14: ✓

~~#~~
(c) ✓ The amendment of section 343.03 (7) (c) of the statutes first applies to
violations committed on the effective date of this paragraph.

auto
ref.
"KC"

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1195/3dn
ARG&PJH:....

Kmg

ATTN: Benjamin Vail

The attached "3" draft is identical to the "2" draft except for the addition of ~~bill section~~ ^{section} ~~the~~ the renumbering of statutory sections 343.315 (2) (a) 6. and 7. to 7. and 8.; technical changes to the initial applicability and effective date provisions; and language changes at the following pages and lines of the "2" draft: p. 7, l. 20; p. 8, ~~l.~~ 6 and 11; p. 11, l. 8; p. 13, ~~l.~~ 3, 5, 10, 14 to 20, 22, and 24; p. 14, ~~l.~~ 1 and 5; p. 17, l. 15; and p. 18, l. 6; ~~p. 19, l. 21;~~ ^{p. 19, l. 21;} and p. 20, ~~l.~~ 10 and 21.

A. 343.03
(5) (title)

be A. 343.315
(2) (a)

ls

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

ls

p. 19, l. 21;
and p. 20,
10 and 21.

ls

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-1195/3dn
ARG&PJH:kmg:pg

January 30, 2003

ATTN: Benjamin Vail

The attached "/3" draft is identical to the "/2" draft except for the addition of s. 343.03 (5) (title), the renumbering of statutory s. 343.315 (2) (a) 6. and 7. to be s. 343.315 (2) (a) 7. and 8.; technical changes to the initial applicability and effective date provisions; and language changes at the following pages and lines of the "/2" draft: p. 7, l. 20; p. 8, ls. 6 and 11; p. 11, l. 8; p. 13, ls. 3, 5, 10, 14 to 20, 22, and 24; p. 14, ls. 1 and 5; p. 17, l. 15; p. 18, l. 6; p. 19, l. 21; and p. 20, ls. 10 and 21.

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

Gary, Aaron

From: Gary, Aaron
Sent: Monday, February 03, 2003 4:39 PM
To: Grinde, Kirsten
Cc: Hurley, Peggy
Subject: RE: LRB 1195/2 review

Kirsten,

Please find responses to DOT's comments below (after each comment). We do not believe any redrafting is necessary at this time. 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: Grinde, Kirsten
Sent: Monday, February 03, 2003 2:40 PM
To: Gary, Aaron; Hurley, Peggy
Subject: FW: LRB 1195/2 review

Aaron and Peggy,

Please see DOT's comments on LRB 1195/2 below. It appears that the last three items are already addressed in /3. I'm not sure if any changes are needed in regards to the first three items listed. Please review and let me know if you need clarification or contact Alice Morehouse.

Thanks,

Kirsten

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

From: Baetsen, Karen
Sent: Monday, February 03, 2003 2:21 PM
To: Grinde, Kirsten
Cc: Morehouse, Alice; Hammer, Paul
Subject: LRB 1195/2 review

LRB 1195/2, Match funds for Motor Carrier Safety Improvement Act of 1999

The federal Motor Carrier Safety Improvement Act (MCSIA) of 1999 is technical, complex, and impacts on a number of areas of the statutes. The Office of General Counsel assisted in our review of the above draft.

We found at least one technical problem with section numbering [see draft Sections 44, 45, 48], and in several areas it's unclear if the changes are intended for a specific purpose or perhaps may be in error. Without a coordinated review by the Office of General Counsel and the program experts within the Division of Motor Vehicles, we cannot state the above draft is completely error-free. A more complete and intense review may reveal some technical changes or additions are still required to fully comply with the federal law. However, the above draft appears to generally accomplish what is expected under MCSIA.

Section 11, page 6, lines 4-6. s.343.03(6)(c)2. This provision is a limitation of current Wisconsin law. Is this provision mandated in the federal MCSIA? If not required under MCSIA, it gives CDL holders more protection than the average driver, even taking into account the restrictions of the federal Driver Privacy Protection Act. **[Gary, Aaron]**
[A: Yes, this is required by MCSIA. See 49 USC 31311 (a) (18) and (19) and 49 CFR 384.225]

Section 18, page 8, lines 10-12. s.343.07(1m) Beginning on line 6, three types of permits are referenced: a commercial motor vehicle but no school bus, a school bus that's not a commercial motor vehicle, and the combination permit. Lines 10-12 can be read that the combination permit allows operation of **ONLY** a school bus that is a

commercial motor vehicle. Is that the intent, or does the combination permit also allow operation of all types of commercial motor vehicles, including school bus? **[Gary, Aaron]** [A: Yes, this is the intent, and we believe the language at ll. 10-12 clearly reflects that intent.]

Section 24, page 9, lines 14-17. Should "noncommercial" remain in this section? MCSIA does not address occupational licenses for non-CMV privileges, meaning states can continue to issue occupational licenses for noncommercial motor vehicles privileges. As drafted, the remaining phrase 'motor vehicles' has the meaning of s.340.01(35) where motor vehicles include a commercial motor vehicles. **[Gary, Aaron]** [A: We believe this is a matter of statutory drafting preference. 343.10, as amended by this draft, makes clear that occupational licenses cannot be issued for CMVs. see 343.10 (2) (c). While it would not be wrong to leave "noncommercial" in the statutory text, we thought it preferable to strike the whole phrase "commercial or noncommercial", since sub. (7) (e) only applies to occupational licenses that are issued, and section 343.10 elsewhere makes clear that such licenses may not be issued for a CMV.]

Section 44, page 16, line 14. s.343.315(2)(a)6 This section creates new language. However, subsection 6 already exists in statutes. Should this be numbered as s.343.315(2)(a)7 ?? **[Gary, Aaron]** [A: This has been corrected in the "/3" draft.]

Section 45, page 16, line 19. s.343.315(2)(a)7 This section creates new language. However, subsection 7 would again already exist in statutes if the above Section 44 is renumbered. Should this be numbered as s.343.315(2)(a)8 ?? **[Gary, Aaron]** [A: This has been corrected in the "/3" draft.]

Section 48, page 17, line 21. The cross-reference to par. (a)7. should be corrected if the statute in Section 45 above is renumbered. Should this cross-reference be changed to par. (a)8. ?? **[Gary, Aaron]** [A: This has been corrected in the "/3" draft.]

If you have additional questions, please contact myself or Alice Morehouse.

Karen Baetsen, OPB
266-0179

Gary, Aaron

From: Grinde, Kirsten
Sent: Tuesday, February 04, 2003 5:01
To: Gary, Aaron
Subject: RE: MCSIA & LRB 1195/3 draft

Thanks.

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

From: Gary, Aaron
Sent: Tuesday, February 04, 2003 4:43 PM
To: Grinde, Kirsten; Hurley, Peggy
Cc: Fast, Timothy
Subject: RE: MCSIA & LRB 1195/3 draft

Kirsten,

I agree that, without the "ruling," we cannot adequately address this issue, and that it will have to wait until Joint Finance for any clean up if necessary. However, reading the general description provided by DOT, I believe that FMCSA simply made a technical amendment to its regulation to comply with the provisions of the enabling federal statute. We drafted LRB-1195 to comply with both federal statutes and federal regulations, and if there was any conflict, we went with the federal statutory language since it is superseding. I believe that no change will be required to LRB-1195 because I think the technical amendment was simply to clarify in the agency regulation certain requirements of 49 USC 31310 (g) (A), which are already included in LRB-1195/3 at page 17, lines 21-25. So I think the draft is probably OK as is, but we'll be verifying this when the text of the technical amendment becomes available.

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: Grinde, Kirsten
Sent: Tuesday, February 04, 2003 1:58 PM
To: Gary, Aaron; Hurley, Peggy
Cc: Fast, Timothy
Subject: FW: MCSIA & LRB 1195/3 draft
Importance: High

Aaron and Peggy,

Please see DOT's e-mail message below regarding a new federal ruling that affects LRB 1195. I think we may just have to let the Legislature clean this up, since DOT doesn't have the rule yet. Let me know or contact Karen directly if you have any questions or need more clarification.

Thanks,

Kirsten

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

From: Baetsen, Karen
Sent: Tuesday, February 04, 2003 9:26 AM
To: Grinde, Kirsten

Cc: Morehouse, Alice; Hammer, Paul
Subject: FW: MCSIA & LRB 1195/3 draft
Importance: High

Kirsten, the LRB should be aware that the Federal Motor Carrier Safety Administration just issued a final rule, effective Jan. 29, 2003, that does affect the draft statutory changes of LRB 1195/3 for implementing the Motor Carrier Safety Improvement Act of 1999. In summary, FMCSA has the types of non-commercial vehicle convictions that will lead to a CDL disqualification. The new Federal Rule must be obtained to determine how our draft would need to be modified to comply with the new Rule.

"FMCSA Issues Technical Amendment on Disqualification of CDL Holders" - The Federal Motor Carrier Safety Administration (FMCSA) issued a technical amendment on Wednesday, January 29 that amended its Commercial Driver's License (CDL) rules concerning disqualification of drivers. The amendment was issued to make a technical correction to the CDL rules in response to a petition filed by the International Brotherhood of Teamsters, the Transport Workers Union of America, the Transportation Trades Department of the AFL-CIO, and the Amalgamated Transit Union. The technical correction provides that disqualifications for offenses committed by a CDL holder while operating a noncommercial motor vehicle (non-CMV) would be applicable only if the conviction for such offenses results in the revocation, cancellation, or suspension of the CDL holder's license or non-CMV driving privileges. FMCSA denied a request to: shorten the disqualification periods for driving a non-CMV while under the influence of controlled substances or alcohol; and establish a means to disqualify foreign drivers for offenses committed in a non-CMV in the country of domicile. The FMCSA believes these issues were adequately explained in the July 31, 2002, final rule concerning the CDL program, and that the petitioners did not present any new information that would warrant reconsideration of the agency's decisions. The effective date of this final rule is January 29, 2003. For more information on this issue contact AAMVA's [Kevin Lewis <mailto:klewis@aamva.org>](mailto:Kevin.Lewis@aamva.org).

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

From: Rouleau, Jane [mailto:JRouleau@aamva.org]
Sent: Monday, February 03, 2003 7:01 PM
Subject: Region III - The Week in Review for February 3, 2003

Region III has a new Compact Board Representative

Barb Schaller, MO will serve as a representative for the Region to the Driver License Compact/Non Resident Violator Compact Board replacing Carolyn Williams OH who was elected Vice Chair for the Board. You can contact Barb for Compact issues.

Barb Schaller, Assistant Administrator
Driver and Vehicle Services Bureau
PO Box 200
Jefferson City MO 65105-0200
Phone: 573-526-3656
Fax: 573-526-4548
Barb_Schaller@mail.dor.state.mo.us

Plan for the Region III Conference

With tight budgets an issue everywhere, I wanted to be sure that, as you plan for upcoming meetings, you are aware that there are no Fall Workshops planned for 2003. Business, policy development, administrator discussions will take place at the regional meetings this summer. We are also developing training modules that will be presented concurrently with the conference. Watch for details in the weeks and months ahead.



State of Wisconsin
2003 – 2004 LEGISLATURE

LRB-1195/3
ARG&PJH:kmg:pg

DOA:.....Vail – BB0279, Match funds for Motor Carrier Safety Improvement
Act of 1999

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, DOT administers a classified driver license system to implement the requirements of the Federal Commercial Motor Vehicle Safety Act of 1986 (FCMVSA), which mandated that states establish a classified driver license system and impose certain sanctions for specified violations by commercial motor vehicle (CMV) operators. The FCMVSA also established, and required states to utilize, a commercial driver license information system (CDLIS) that provides for the nationwide exchange of certain commercial driver license (CDL) information, and further required states to disqualify CMV operators who commit certain offenses from operating a CMV for a specified period of time, up to a lifetime disqualification. Under current law, DOT must disqualify a CMV operator who commits a major traffic-related offense (such as driving a CMV while under the influence of alcohol or a controlled substance, using a CMV to commit a felony, or leaving the scene of an accident) or another serious traffic violation (including excessive speeding, reckless driving, and traffic offenses connected with fatal accidents).

This bill makes numerous changes to the classified driver license system which are required by the Federal Motor Carrier Safety Improvement Act of 1999. These changes include, and become effective on September 30, 2005:

1. Creating two new major disqualifying offenses (driving a CMV during a period of disqualification or when the operator's CDL is revoked, suspended, or canceled, and causing a fatality through the negligent operation of a CMV).

2. Creating three new serious traffic violations related to driving a CMV without a CDL or necessary endorsements to the CDL or immediate possession of the CDL.

3. Requiring disqualification of CDL privileges for certain major disqualifying offenses and certain serious traffic violations committed while operating a nonCMV as well as a CMV.

4. Requiring disqualification of CDL privileges for any operator whose operation of a CMV the federal Motor Carrier Safety Administration has determined would constitute an imminent hazard.

5. Prohibiting the issuance of an occupational or other special license authorizing the operation of a CMV.

6. Requiring operators of school buses that are CMVs to maintain a CDL "S" endorsement, which may only be issued by DOT after the operator passes a knowledge and driving skills test.

7. Requiring DOT, prior to issuance or renewal of a CDL, to obtain the complete driving record of the applicant from each state that has issued the applicant any operator's license during the prior ten years, and requiring DOT to provide such information in response to the same request from any other state.

8. Requiring DOT to notify within ten days a CMV operator's state of licensure, if other than this state, of any disqualification of operating privileges for at least 60 days, or suspension or revocation of a CDL for at least 60 days, in addition to providing notice of the violation giving rise to the disqualification, suspension, or revocation.

9. Requiring DOT to maintain detailed records of actions taken against persons holding CDLs and persons operating CMVs without a CDL, and of convictions of such persons for offenses committed in both CMVs and nonCMVs. Certain information recorded by DOT must also be provided to the CDLIS, to other state licensing agencies, and to other authorized persons.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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.** 340.01 (7m) of the statutes is amended to read:

1 340.01 (7m) “Commercial driver license” means a license issued to a person by
2 this state or another jurisdiction which is in accordance with the requirements of the
3 federal commercial motor vehicle safety act of 1986, 49 USC 31301 to 31317, and the
4 federal Motor Carrier Safety Improvement Act of 1999, P.L. 106–159, or by Canada
5 or Mexico, and which authorizes the licensee to operate certain commercial motor
6 vehicles.

7 **SECTION 2.** 340.01 (13m) of the statutes is amended to read:

8 340.01 (13m) “Disqualification” means the loss or withdrawal of a person’s
9 privilege to operate a commercial motor vehicle relating to certain offenses
10 committed by the person while driving or operating a motor vehicle or while on duty
11 time with respect to a commercial motor vehicle.

12 **SECTION 3.** 343.02 (1) of the statutes is amended to read:

13 343.02 (1) The department shall administer and enforce this chapter and may
14 promulgate for that purpose such rules as the secretary considers necessary. Rules
15 promulgated under this chapter may not conflict with and shall be at least as
16 stringent as standards set by the federal commercial motor vehicle safety act, 49
17 USC 31301 to 31317, and the federal Motor Carrier Safety Improvement Act of 1999,
18 P.L. 106–159, and the regulations adopted under ~~that act~~ those acts.

19 **SECTION 4.** 343.03 (1) (a) of the statutes is amended to read:

20 343.03 (1) (a) The department shall institute a classified driver license system
21 meeting all federal standards under 49 USC 31301 to 31317 and 49 CFR 383 and any
22 other applicable provision of federal law.

23 **SECTION 5.** 343.03 (3) (a) of the statutes is amended to read:

24 343.03 (3) (a) *Regular license.* The standard license legend is “regular” or a
25 readily recognizable abbreviation thereof. The regular license, without any express

1 endorsements or restrictions as provided in this chapter, authorizes the licensee to
2 operate only “class D” vehicles as described in s. 343.04 (1) (d), except as otherwise
3 provided in this subsection. The license may be endorsed to permit operation of Type
4 1 motorcycles or school buses that are not commercial motor vehicles. A regular
5 license may be subject to restrictions, including the attachment of a special
6 restrictions card as provided in s. 343.17 (4).

7 **SECTION 6.** 343.03 (3) (e) of the statutes is amended to read:

8 343.03 (3) (e) *Occupational license.* A license issued under s. 343.10
9 authorizing only the operation of motor vehicles other than “Class A”, “Class B” or
10 “Class C” vehicles shall be labeled “Occupational License”. ~~Licenses~~ No license may
11 be issued under s. 343.10 authorizing the operation of “Class A”, “Class B” or “Class
12 C” vehicles ~~shall be labeled “CDL-Occupational”~~. An occupational license may
13 authorize the operation of “Class D” or “Class M” vehicles, or both, but may not be
14 endorsed to permit operation of the vehicle types described in s. 343.04 (2). The
15 license may be subject to restrictions in addition to those provided in s. 343.10,
16 including the attachment of a special restrictions card as provided in s. 343.17 (4).

17 **SECTION 6m.** 343.03 (5) (title) of the statutes is amended to read:

18 343.03 (5) (title) INQUIRIES BEFORE ISSUANCE OR RENEWAL.

19 **SECTION 7.** 343.03 (5) of the statutes is renumbered 343.03 (5) (a) and amended
20 to read:

21 343.03 (5) (a) Before issuing ~~a~~ or renewing any license under this chapter, the
22 department shall obtain driver record information from the national driver registry
23 and commercial driver license information system to determine whether the
24 applicant holds a commercial driver license, or a license that is revoked, suspended
25 or canceled, or is otherwise disqualified. If the applicant is currently licensed in

1 another state, the department shall obtain information on the applicant's license
2 status with the state of licensure before issuing a license.

3 **SECTION 8.** 343.03 (5) (b) of the statutes is created to read:

4 343.03 (5) (b) 1. Before issuing or renewing a commercial driver license, the
5 department shall, within the time period specified in 49 CFR 384.232, request from
6 any other state that has issued an operator's license or commercial driver license to
7 the person within the previous 10 years the complete driving record of the person.

8 2. Subdivision 1. does not apply to a renewal of a person's commercial driver
9 license if the department has previously issued a renewal of the commercial driver
10 license after the effective date of this subdivision ... [revisor inserts date], and, in
11 connection with the previous renewal, the department recorded on the person's
12 driving record under s. 343.23 (2) (a) the date on which the operator's record check
13 under subd. 1. was performed.

14 **SECTION 9.** 343.03 (6) of the statutes is renumbered 343.03 (6) (a).

15 **SECTION 10.** 343.03 (6) (b) of the statutes is created to read:

16 343.03 (6) (b) The department shall, upon request and within 30 days of the
17 request, provide to the driver licensing agencies of other states the complete driving
18 record of any person currently or previously licensed by the department.

19 **SECTION 11.** 343.03 (6) (c) of the statutes is created to read:

20 343.03 (6) (c) 1. The department shall, upon request and within the time period
21 specified in s. 343.23 (2) (am) 2. and 4., provide the operating record file information
22 specified in s. 343.23 (2) (am) 2. and 4. to any of the following requesters:

23 a. The person holding the commercial driver license.

24 b. The U.S. secretary of transportation.

1 c. Any employer or prospective employer of the person holding the commercial
2 driver license, after notice to such person.

3 d. Any driver licensing agency of another state or law enforcement agency.

4 e. Any governmental entity having access to the commercial driver license
5 information system.

6 f. Any authorized agent of a requester specified in subd. 1. a. to e.

7 2. The department shall not provide the operating record file information
8 specified in s. 343.23 (2) (am) 2. and 4. to any requester other than those specified
9 in subd. 1.

10 **SECTION 12.** 343.03 (7) (title) of the statutes is amended to read:

11 343.03 (7) (title) NOTIFICATION OF COMMERCIAL DRIVER LICENSE ISSUANCE AND
12 CERTAIN VIOLATIONS.

13 **SECTION 13.** 343.03 (7) of the statutes is renumbered 343.03 (7) (a).

14 **SECTION 14.** 343.03 (7) (b) of the statutes is created to read:

15 343.03 (7) (b) Within 10 days after the disqualification of the holder of a
16 commercial driver license from operating a commercial motor vehicle for at least 60
17 days, or after the revocation, suspension, or cancellation of a commercial driver
18 license for at least 60 days, the department shall notify the commercial driver license
19 information system and, if the license was not issued by the department, the state
20 that issued the license of the disqualification, revocation, suspension, or cancellation
21 and the violation that resulted in the disqualification, revocation, suspension, or
22 cancellation.

23 **SECTION 15.** 343.03 (7) (c) of the statutes is created to read:

24 343.03 (7) (c) Within 30 days after a conviction of the holder of a commercial
25 driver license issued by another state for violating any state or local law of this state

1 or any law of a federally recognized American Indian tribe or band in this state in
2 conformity with any state law relating to motor vehicle traffic control, other than
3 parking violations, or after a conviction of the holder of an operator's license issued
4 by another state, other than a commercial driver license, for operating a commercial
5 motor vehicle without a commercial driver license, the department shall notify the
6 driver licensing agency of the state that issued the license of the conviction.

7 **SECTION 16.** 343.03 (7) (c) of the statutes, as created by 2003 Wisconsin Act
8 (this act), is amended to read:

9 343.03 (7) (c) Within ~~30~~ 10 days after a conviction of the holder of a commercial
10 driver license issued by another state for violating any state or local law of this state
11 or any law of a federally recognized American Indian tribe or band in this state in
12 conformity with any state law relating to motor vehicle traffic control, other than
13 parking violations, or after a conviction of the holder of an operator's license issued
14 by another state, other than a commercial driver license, for operating a commercial
15 motor vehicle without a commercial driver license, the department shall notify the
16 driver licensing agency of the state that issued the license of the conviction.

17 **SECTION 17.** 343.06 (2) of the statutes is amended to read:

18 343.06 (2) The department shall not issue a commercial driver license,
19 including a renewal, occupational, or reinstated license, to any person during any
20 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another
21 jurisdiction in substantial conformity therewith, as the result of one or more
22 disqualifying offenses committed on or after July 1, 1987, or to any person whose
23 operator's license or operating privilege is revoked, suspended, or canceled. Any
24 person who is known to the department to be subject to disqualification as described
25 in s. 343.44 (1) (d) shall be disqualified by the department as provided in s. 343.315.

1 **SECTION 18.** 343.07 (1m) (intro.) of the statutes is amended to read:

2 **343.07 (1m)** COMMERCIAL MOTOR VEHICLE AND SCHOOL BUS INSTRUCTION PERMITS;
3 ISSUANCE, RESTRICTIONS. (intro.) Upon application therefor by a person at least 18
4 years of age who holds a valid operator's license issued under this chapter and who,
5 except for lack of training in the operation of a commercial motor vehicle or school
6 bus, is qualified to obtain authorization for the operation of such vehicle including
7 having passed the applicable knowledge tests, the department may issue an
8 instruction permit for commercial motor vehicle or school bus operation or a
9 combination instruction permit. A permit limited to commercial motor vehicle
10 instructional operation entitles the permittee to operate only a commercial motor
11 vehicle other than a school bus upon the highways. A permit limited to school bus
12 instructional operation entitles the permittee to operate only a school bus that is not
13 a commercial motor vehicle upon the highways. ~~Both~~ A combination commercial
14 motor vehicle and school bus instruction permit entitles the permittee to operate a
15 school bus that is a commercial motor vehicle upon the highways. These permits are
16 subject to the following restrictions:

17 **SECTION 19.** 343.10 (1) (b) of the statutes is amended to read:

18 **343.10 (1) (b)** The application shall be in a form established by the department
19 and shall identify the specific motor vehicle that the applicant seeks authorization
20 to operate, including the vehicle classification and any required endorsements. The
21 application shall include an explanation of why operating the motor vehicle is
22 essential to the person's livelihood and identify the person's occupation or trade. The
23 application shall identify the applicant's employer, and include proof of financial
24 responsibility as specified in s. 343.38 (1) (c) covering the vehicle or vehicles that the
25 applicant requests authorization to operate. The application shall identify the hours

1 of operation and routes of travel being requested by the applicant in accord with the
2 restrictions of sub. (5). ~~The applicant shall certify whether, to the best of personal~~
3 ~~knowledge, he or she is disqualified under s. 343.315.~~

4 **SECTION 20.** 343.10 (1) (d) of the statutes is repealed.

5 **SECTION 21.** 343.10 (1) (e) of the statutes is repealed.

6 **SECTION 22.** 343.10 (1) (f) of the statutes is repealed.

7 **SECTION 23.** 343.10 (2) (c) of the statutes is amended to read:

8 343.10 (2) (c) No occupational license permitting the operation of a commercial
9 motor vehicle may be granted to a person ~~during a period of disqualification under~~
10 ~~s. 343.315.~~

11 **SECTION 24.** 343.10 (7) (e) of the statutes is amended to read:

12 343.10 (7) (e) The occupational license issued by the department shall contain
13 the restrictions required by sub. (5). The occupational license authorizes the licensee
14 to operate a motor vehicle only when that operation is an essential part of the
15 licensee's occupation or trade. If the department determines that the applicant is
16 eligible under sub. (2), the department may impose such conditions and limitations
17 upon the authorization to operate ~~commercial or noncommercial~~ motor vehicles as
18 in the secretary's judgment are necessary in the interest of public safety and welfare,
19 including reexamination of the person's qualifications to operate a ~~commercial or~~
20 ~~noncommercial~~ motor vehicle or a particular type thereof. The department may limit
21 such authorization to include, without limitation, the operation of particular
22 vehicles, particular kinds of operation and particular traffic conditions.

23 **SECTION 25.** 343.10 (7) (g) of the statutes is repealed.

24 **SECTION 26.** 343.12 (2) (intro.) of the statutes is amended to read:

1 343.12 (2) (intro.) The department shall issue a school bus endorsement to a
2 person, authorizing operation of a school bus that is not a commercial motor vehicle,
3 only if such person meets all of the following requirements:

4 **SECTION 27.** 343.12 (2m) of the statutes is created to read:

5 343.12 (2m) The department shall issue a school bus endorsement to a person,
6 authorizing operation of a school bus that is a commercial motor vehicle, only if such
7 person meets all of the requirements specified in sub. (2) and, in addition, meets all
8 of the following requirements:

9 (a) Holds a valid commercial driver license.

10 (b) Qualifies for the endorsement under s. 343.17 (3) (d) 3., including passing
11 the knowledge and driving skills tests required for obtaining such an endorsement.

12 (c) Passes a knowledge test in compliance with the requirements of 49 CFR
13 383.123 (a) (2).

14 (d) Passes a driving skills test in compliance with the requirements of 49 CFR
15 383.123 (a) (3). To the extent that the test specified under sub. (2) (h) and s. 343.16
16 (1) meets the requirements of 49 CFR 383.123 (a) (3), no additional driving skills test
17 is required.

18 **SECTION 28.** 343.12 (3) of the statutes is amended to read:

19 343.12 (3) The department may issue a school bus endorsement to a person who
20 is more than 70 years of age, authorizing the operation of a school bus other than a
21 commercial motor vehicle, if the person meets the requirements specified in sub. (2)
22 (c) to (f) and (h) before issuance of the endorsement and annually takes and passes
23 a physical examination prior to issuance or renewal of the endorsement to determine
24 that the person meets the physical standards established under sub. (2) (g).

25 **SECTION 29.** 343.12 (3m) of the statutes is created to read:

1 343.12 (3m) Notwithstanding sub. (2) (a) and (g), the department may issue
2 a school bus endorsement to a person who is more than 70 years of age, authorizing
3 the operation of a school bus that is a commercial motor vehicle, if the person meets
4 the requirements specified in sub. (2m) (a) to (d), before issuance of the endorsement
5 and annually takes and passes a physical examination prior to issuance or renewal
6 of the endorsement to determine that the person meets the physical standards
7 established under sub. (2) (g).

8 **SECTION 30.** 343.12 (4) (a) 1. of the statutes is amended to read:

9 343.12 (4) (a) 1. The person is a nonresident holding a valid commercial driver
10 license with a “P” passenger endorsement and any additional endorsements required
11 by the person’s home jurisdiction for the operation of a school bus, if the school bus
12 is not a commercial motor vehicle, or is a nonresident holding a valid commercial
13 driver license with an “S” endorsement if the school bus is a commercial motor
14 vehicle, and the origin or destination of the trip is in another state.

15 **SECTION 31.** 343.12 (4) (a) 2. of the statutes is repealed.

16 **SECTION 32.** 343.12 (4) (a) 3. of the statutes is amended to read:

17 343.12 (4) (a) 3. The person is a resident of Iowa, Illinois, Michigan or
18 Minnesota and holds a valid operator’s license authorizing the operation of ~~a~~ the
19 type of school bus being operated.

20 **SECTION 33.** 343.12 (4) (b) of the statutes is amended to read:

21 343.12 (4) (b) The department may, by rule, establish standards for the
22 employment by an employer of a person under par. (a) 3. as an operator of a school
23 bus in this state. The rules may require the person to meet the qualifications
24 contained in sub. (2) ~~or~~, (2m), (3), or (3m) and any rules of the department applicable
25 to residents.

1 **SECTION 34.** 343.17 (3) (b) of the statutes is amended to read:

2 343.17 (3) (b) The reverse side of the license shall contain an explanation of any
3 restriction codes or endorsement abbreviations used on the front of the license, in
4 sufficient detail to identify the nature of the restrictions or endorsements to a law
5 enforcement officer of this state or another jurisdiction. ~~Except for a commercial~~
6 ~~driver license or a license labeled “CDL Occupational” as described in s. 343.03 (3)~~
7 ~~(b) and (e),~~ a A part of the reverse side of each license shall be printed to serve as a
8 document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an
9 anatomical gift under s. 157.06 (2) (i).

10 **SECTION 35.** 343.175 (2) (ag) of the statutes is amended to read:

11 343.175 (2) (ag) The department shall print a separate document to be issued
12 to all persons issued a commercial driver license ~~or a license labeled~~
13 ~~“CDL Occupational” as described in s. 343.03 (3) (b) and (e)~~ and make provisions so
14 that the document may be attached to the reverse side of the license document along
15 one edge. This document shall serve as a document of gift under s. 157.06 (2) (b) and
16 (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i).

17 **SECTION 36.** 343.20 (1) (d) of the statutes is amended to read:

18 343.20 (1) (d) The department shall cancel an operator’s license that is
19 endorsed for the operation of school buses under s. 343.12 (3) ~~or (3m)~~, regardless of
20 the license expiration date, if the licensee fails to provide proof to the department of
21 an annual physical examination determining that the person meets the physical
22 standards established under s. 343.12 (2) (g). The licensee may elect to surrender
23 the license under s. 343.265 (1m).

24 **SECTION 37.** 343.22 (2) (b) of the statutes is amended to read:

1 343.22 (2) (b) In lieu of applying for a duplicate license or identification card,
2 notify the department in writing of his or her change of address. This paragraph does
3 not apply to persons issued a commercial driver license ~~or a license labeled~~
4 ~~“CDL-Occupational” as described in s. 343.03 (3) (b) and (e).~~

5 **SECTION 38.** 343.23 (2) (am) of the statutes is created to read:

6 343.23 (2) (am) The file specified in par. (a) shall include the following:

7 1. For a person holding a commercial driver license issued by the department,
8 a record of any disqualification by another state or jurisdiction of the person from
9 operating a commercial motor vehicle for at least 60 days or of the revocation,
10 suspension, or cancellation by another state or jurisdiction of the person’s
11 commercial driver license for at least 60 days, and the violation that resulted in the
12 disqualification, revocation, suspension, or cancellation, as specified in any notice
13 received from the state or other jurisdiction in conformity with 49 USC 31311 (a) (8).

14 2. For a person holding a commercial driver license issued by the department,
15 a record of any violation in another state of any state or local law of that state or any
16 law of a federally recognized American Indian tribe or band in that state in
17 conformity with any state law relating to motor vehicle traffic control, other than a
18 parking violation, as specified in any notice received from the state in conformity
19 with 49 USC 31311 (a) (9). The department shall record this information within 10
20 days after receipt of the notice. The department may not conceal, withhold, or mask
21 from the department’s file, or otherwise allow in any way a person to avoid the
22 department’s recording in the department’s file of, any information of which the
23 department has notice that is required to be recorded under this subdivision,
24 regardless of whether the person has obtained deferral of imposition of judgment,

1 been allowed to enter a diversion program, or otherwise obtained delayed or
2 suspended judgment or alternative sentencing from a court.

3 3. For a person holding an operator's license, other than a commercial driver
4 license, issued by the department, a record of any violation in another state or
5 jurisdiction of operating a commercial motor vehicle without a commercial driver
6 license, as specified in any notice received from the state or other jurisdiction in
7 conformity with 49 USC 31311 (a) (9).

8 4. For a person holding a commercial driver license issued by any state, a record
9 of each violation, while operating any motor vehicle, of any state or local law of this
10 state or any law of a federally recognized American Indian tribe or band in this state
11 in conformity with any state law relating to motor vehicle traffic control, other than
12 a parking violation. The department shall record the information under this
13 subdivision within 10 days after the date of conviction.

14 **SECTION 39.** 343.23 (2) (b) of the statutes is amended to read:

15 343.23 (2) (b) The information specified in ~~par. pars.~~ (a) and (am) must be filed
16 by the department so that the complete operator's record is available for the use of
17 the secretary in determining whether operating privileges of such person shall be
18 suspended, revoked, canceled, or withheld in the interest of public safety. The record
19 of suspensions, revocations, and convictions that would be counted under s. 343.307
20 (2) shall be maintained permanently. The record of convictions for disqualifying
21 offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record
22 of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j), and all records
23 specified in par. (am), shall be maintained for at least 3 years. The record of
24 convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be
25 maintained permanently, except that 5 years after a licensee transfers residency to

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

8 **SECTION 40.** 343.307 (2) (d) of the statutes is amended to read:

9 343.307 (2) (d) Convictions under the law of another jurisdiction that is in
10 substantial conformity with 49 CFR 383.51 (b) ~~(2) (i) or (ii) or both~~ Table 1, items (1)
11 to (4).

12 **SECTION 41.** 343.31 (2) of the statutes is amended to read:

13 343.31 (2) The department shall revoke the operating privilege of any resident
14 upon receiving notice of the conviction of such person in another jurisdiction for an
15 offense therein which, if committed in this state, would have been cause for
16 revocation under this section or for revocation under s. 343.30 (1q). Such offenses
17 shall include violation of any law of another jurisdiction that prohibits use of a motor
18 vehicle while intoxicated or under the influence of a controlled substance or
19 controlled substance analog, or a combination thereof, or with an excess or specified
20 range of alcohol concentration, or under the influence of any drug to a degree that
21 renders the person incapable of safely driving, as those or substantially similar
22 terms are used in that jurisdiction's laws. Upon receiving similar notice with respect
23 to a nonresident, the department shall revoke the privilege of the nonresident to
24 operate a motor vehicle in this state. ~~Such revocation shall not apply to the operation~~

1 ~~of a commercial motor vehicle by a nonresident who holds a valid commercial driver~~
2 ~~license issued by another state.~~

3 **SECTION 42.** 343.31 (2m) of the statutes is amended to read:

4 343.31 (2m) The department may suspend or revoke, respectively, the
5 operating privilege of any resident upon receiving notice of the conviction of that
6 person under a law of another jurisdiction or a federally recognized American Indian
7 tribe or band in this state for an offense which, if the person had committed the
8 offense in this state and been convicted of the offense under the laws of this state,
9 would have permitted suspension or revocation of the person's operating privilege
10 under s. 343.30 (1g). Upon receiving similar notice with respect to a nonresident, the
11 department may suspend or revoke the privilege of the nonresident to operate a
12 motor vehicle in this state. ~~The suspension or revocation shall not apply to the~~
13 ~~operation of a commercial motor vehicle by a nonresident who holds a valid~~
14 ~~commercial driver license issued by another state.~~ A suspension or revocation under
15 this subsection shall be for any period not exceeding 6 months.

16 **SECTION 43.** 343.315 (2) (a) (intro.) of the statutes is amended to read:

17 343.315 (2) (a) (intro.) Except as provided in par. (b), a person shall be
18 disqualified from operating a commercial motor vehicle for a one-year period upon
19 a first conviction of any of the following offenses, committed on or after July 1, 1987,
20 ~~while driving or operating a commercial motor vehicle:~~

21 **SECTION 44.** 343.315 (2) (a) 7. of the statutes is created to read:

22 343.315 (2) (a) 7. Operating a commercial motor vehicle when the person's
23 commercial driver license is revoked, suspended, or canceled based on the person's
24 operation of a commercial motor vehicle or when the person is disqualified from

1 operating a commercial motor vehicle based on the person's operation of a
2 commercial motor vehicle.

3 **SECTION 45.** 343.315 (2) (a) 8. of the statutes is created to read:

4 343.315 (2) (a) 8. Causing a fatality through negligent or criminal operation
5 of a commercial motor vehicle.

6 **SECTION 46.** 343.315 (2) (e) of the statutes is amended to read:

7 343.315 (2) (e) A person is disqualified for life from operating a commercial
8 motor vehicle if the person uses ~~a commercial~~ any motor vehicle on or after
9 July 1, 1987, in the commission of a felony involving the manufacture, distribution,
10 delivery or dispensing of a controlled substance or controlled substance analog, or
11 possession with intent to manufacture, distribute, deliver or dispense a controlled
12 substance or controlled substance analog. No person who is disqualified under this
13 paragraph is eligible for reinstatement under par. (d).

14 **SECTION 47.** 343.315 (2) (f) (intro.) of the statutes is amended to read:

15 343.315 (2) (f) (intro.) A person is disqualified for a period of 60 days from
16 operating a commercial motor vehicle if convicted of 2 serious traffic violations, and
17 120 days if convicted of 3 serious traffic violations, arising from separate occurrences
18 committed within a 3-year period while driving or operating a ~~commercial~~ any motor
19 vehicle. The 120-day period of disqualification under this paragraph shall be in
20 addition to any other period of disqualification imposed under this paragraph. In
21 this paragraph, "serious traffic violations" means any of the following offenses
22 committed while operating a commercial motor vehicle, or any of the following
23 offenses committed while operating any motor vehicle if the offense results in the
24 revocation, cancellation, or suspension of the person's operator's license or operating
25 privilege:

1 **SECTION 48.** 343.315 (2) (f) 2. of the statutes is amended to read:

2 343.315 (2) (f) 2. Violating any state or local law of this state or any law of a
3 federally recognized American Indian tribe or band in this state in conformity with
4 any state law or any law of another jurisdiction relating to motor vehicle traffic
5 control, arising in connection with a fatal accident, other than parking, vehicle
6 weight or vehicle defect violations, or violations to which par. (a) 7. applies.

7 **SECTION 49.** 343.315 (2) (f) 6. of the statutes is created to read:

8 343.315 (2) (f) 6. Operating a commercial motor vehicle when the person has
9 not obtained a commercial driver license.

10 **SECTION 50.** 343.315 (2) (f) 7. of the statutes is created to read:

11 343.315 (2) (f) 7. Operating a commercial motor vehicle when the person does
12 not have in his or her immediate possession the person's commercial driver license
13 document, including any special restrictions cards issued under s. 343.10 (7) (d) or
14 343.17 (4), unless the person produces in court or in the office of the law enforcement
15 officer that issued the citation, by the date that the person must appear in court or
16 pay any fine or forfeiture with respect to the citation, a commercial driver license
17 document issued to the person prior to the date of the citation and valid at the time
18 of the citation.

19 **SECTION 51.** 343.315 (2) (f) 8. of the statutes is created to read:

20 343.315 (2) (f) 8. Operating a commercial motor vehicle without the proper
21 class of commercial driver license or endorsements for the specific vehicle group
22 being operated or for the passengers or type of cargo being transported.

23 **SECTION 52.** 343.315 (2) (k) of the statutes is created to read:

24 343.315 (2) (k) A person disqualified by federal authorities under 49 USC
25 31310 (f) and 49 CFR 383.52 on the basis that the person's continued operation of a

1 commercial motor vehicle would create an imminent hazard, as defined in 49 USC
2 5102 and 49 CFR 383.5, is disqualified from operating a commercial motor vehicle
3 for the period of disqualification determined by the federal authority upon receipt by
4 the department of the notice of disqualification provided for in 49 CFR 383.52 (d).

5 **SECTION 53.** 343.44 (1) (d) of the statutes is amended to read:

6 343.44 (1) (d) *Operating while disqualified.* No person may operate a
7 commercial motor vehicle while disqualified under s. 343.315 or 49 CFR 383.51,
8 under the law of another jurisdiction or Mexico that provides for disqualification of
9 commercial drivers in a manner similar to 49 CFR 383.51, or under a determination
10 by the federal highway motor carrier safety administration under the federal rules
11 of practice for motor carrier safety contained in 49 CFR 386 that the person is no
12 longer qualified to operate a vehicle under 49 CFR 391.

13 **SECTION 54.** 343.44 (2) (b) (intro.) of the statutes is amended to read:

14 343.44 (2) (b) (intro.) Except as provided in par. (am), any person who violates
15 sub. (1) (b), ~~(e)~~ or (d) shall be fined not more than \$2,500 or imprisoned for not more
16 than one year in the county jail or both. In imposing a sentence under this
17 paragraph, or a local ordinance in conformity with this paragraph, the court shall
18 review the record and consider the following:

19 **SECTION 55.** 343.44 (2) (bm) of the statutes is created to read:

20 343.44 (2) (bm) Any person who violates sub. (1) (c) shall be fined not less than
21 \$1,100 nor more than \$2,750 or imprisoned for not more than one year in the county
22 jail or both. In imposing a sentence under this paragraph, the court shall review the
23 record and consider the factors specified in par. (b) 1. to 5.

24 **SECTION 56.** 973.015 of the statutes is amended to read:

1 **973.015 Misdemeanors, special disposition.** (1) When a person is under
2 the age of 21 at the time of the commission of an offense for which the person has been
3 found guilty in a court for violation of a law for which the maximum penalty is
4 imprisonment for one year or less in the county jail, the court may order at the time
5 of sentencing that the record be expunged upon successful completion of the sentence
6 if the court determines the person will benefit and society will not be harmed by this
7 disposition. This subsection does not apply to information maintained by the
8 department of transportation regarding a conviction that is required to be included
9 in a record kept under s. 343.23 (2) (a).

10 **SECTION 57.** 973.11 (1) (intro.) of the statutes is amended to read:

11 973.11 (1) PLACEMENTS. (intro.) If a person is convicted of or pleads guilty or
12 no contest to one or more misdemeanors for which mandatory periods of
13 imprisonment are not required, if the chief judge of the judicial administrative
14 district has approved a volunteers in probation program established in the
15 applicable county, and if the court decides that volunteer supervision under the
16 program will likely benefit the person and the community and subject to the
17 limitations under sub. (3), the court may withhold sentence or judgment of conviction
18 and order that the person be placed with that volunteers in probation program. A
19 person's participation in the program may not be used to conceal, withhold, or mask
20 information regarding the judgment of conviction if the conviction is required to be
21 included in a record kept under s. 343.23 (2) (a). Except as provided in sub. (3), the
22 order shall provide any conditions that the court determines are reasonable and
23 appropriate and may include, but need not be limited to, one or more of the following:

24 **SECTION 9353. Initial applicability; transportation.**

25 (1) MOTOR CARRIERS.

1 (a) The treatment of sections 340.01 (7m) and (13m), 343.02 (1), 343.03 (1) (a),
2 (3) (a) and (e), (5) (title), and (7) (title), 343.06 (2), 343.07 (1m) (intro.), 343.10 (1) (b),
3 (d), (e), and (f), (2) (c), and (7) (e) and (g), 343.12 (2) (intro.), (2m), (3), (3m), and (4)
4 (a) 1., 2., and 3. and (b), 343.17 (3) (b), 343.175 (2) (ag), 343.20 (1) (d), 343.22 (2) (b),
5 343.23 (2) (am) and (b), 343.307 (2) (d), 343.31 (2) and (2m), 343.315 (2) (a) (intro.),
6 7., and 8., (e), (f) (intro.), 2., 6., 7., and 8., and (k), 973.015, and 973.11 (1) (intro.) of
7 the statutes, the renumbering of section 343.03 (6) and (7) of the statutes, the
8 renumbering and amendment of section 343.03 (5) of the statutes, and the creation
9 of section 343.03 (5) (b), (6) (b) and (c), and (7) (b) and (c) of the statutes first apply
10 to licenses issued or renewed on the effective date of this paragraph.

11 (b) The treatment of sections 343.06 (2), 343.10 (1) (d), (e), and (f), (2) (c), and
12 (7) (g), 343.12 (2m), (3m), and (4) (a) 2., 343.23 (2) (am) and (b), 343.307 (2) (d), 343.31
13 (2) and (2m), 343.315 (2) (a) (intro.), 7., and 8., (e), (f) (intro.), 2., 6., 7., and 8., and
14 (k), 343.44 (1) (d), (2) (b) (intro.) and (bm), 973.015, and 973.11 (1) (intro.) of the
15 statutes, the repeal of section 343.03 (7) (c) of the statutes, the renumbering of section
16 343.03 (6) and (7) of the statutes, the renumbering and amendment of section 343.03
17 (5) of the statutes, and the creation of section 343.03 (5) (b), (6) (b) and (c), and (7) (b)
18 and (c) of the statutes first apply to violations committed or refusals occurring on the
19 effective date of this paragraph, but does not preclude the counting of other
20 convictions, disqualifications, suspensions, or revocations for purposes of
21 administrative action by the department of transportation, sentencing by a court, or
22 revocation or suspension of motor vehicle operating privileges.

23 (c) The amendment of section 343.03 (7) (c) of the statutes first applies to
24 violations committed on the effective date of this paragraph.

25 **SECTION 9453. Effective dates; transportation.**

1 (1) MOTOR CARRIERS.

2 (a) The repeal of sections 343.10 (1) (d), 343.10 (1) (e), 343.10 (1) (f), 343.10 (7)
3 (g), and 343.12 (4) (a) 2. of the statutes; the renumbering of sections 343.03 (6) and
4 343.03 (7) of the statutes; the renumbering and amendment of section 343.03 (5) of
5 the statutes; the amendment of sections 340.01 (7m), 340.01 (13m), 343.02 (1),
6 343.03 (1) (a), 343.03 (3) (a), 343.03 (3) (e), 343.03 (5) (title), 343.03 (7) (title), 343.06
7 (2), 343.07 (1m) (intro.), 343.10 (1) (b), 343.10 (2) (c), 343.10 (7) (e), 343.12 (2) (intro.),
8 343.12 (3), 343.12 (4) (a) 1., 343.12 (4) (a) 3., 343.12 (4) (b), 343.17 (3) (b), 343.175 (2)
9 (ag), 343.20 (1) (d), 343.22 (2) (b), 343.23 (2) (b), 343.307 (2) (d), 343.31 (2), 343.31
10 (2m), 343.315 (2) (a) (intro.), 343.315 (2) (e), 343.315 (2) (f) (intro.), 343.315 (2) (f) 2.,
11 343.44 (1) (d), 343.44 (2) (b) (intro.), 973.015, and 973.11 (1) (intro.) of the statutes;
12 the creation of sections 343.03 (5) (b), 343.03 (6) (b), 343.03 (6) (c), 343.03 (7) (b),
13 343.03 (7) (c), 343.12 (2m), 343.12 (3m), 343.23 (2) (am), 343.315 (2) (a) 7., 343.315
14 (2) (a) 8., 343.315 (2) (f) 6., 343.315 (2) (f) 7., 343.315 (2) (f) 8., 343.315 (2) (k), and
15 343.44 (2) (bm) of the statutes; and SECTION 9353 (1) (a) and (b) of this act take effect
16 on September 30, 2005.

17 (b) The amendment of section 343.03 (7) (c) of the statutes and SECTION 9353
18 (1) (c) of this act take effect on September 30, 2008.

19 (END)