

SENATE BILL**SECTION 2493**

1 in a Type 1 secured correctional facility, as defined in s. 938.02 (19), ~~\$172.51~~ \$194 for
2 care for juveniles transferred from a juvenile correctional institution under s. 51.35
3 (3), ~~\$226~~ \$239 for care in a residential care center for children and youth, ~~\$135~~ \$149
4 for care in a group home for children, ~~\$43~~ \$49 for care in a foster home, ~~\$85~~ \$92 for
5 care in a treatment foster home, ~~\$84.50~~ \$89 for departmental corrective sanctions
6 services and ~~\$22.66~~ \$26 for departmental aftercare services.

7 ***-0357/1.1* SECTION 2494.** 301.26 (7) (intro.) of the statutes is amended to
8 read:

9 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
10 of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the
11 department shall allocate funds for community youth and family aids for the period
12 beginning on July 1, ~~2001~~ 2003, and ending on June 30, ~~2003~~ 2005, as provided in
13 this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

14 ***-0357/1.2* SECTION 2495.** 301.26 (7) (a) of the statutes is amended to read:

15 301.26 (7) (a) For community youth and family aids under this section,
16 amounts not to exceed ~~\$43,615,200~~ \$44,145,100 for the last 6 months of ~~2001~~,
17 ~~\$87,760,300 for 2002~~ 2003, \$88,290,200 for 2004, and \$44,145,100 for the first 6
18 months of ~~2003~~ 2005.

19 ***-0357/1.3* SECTION 2496.** 301.26 (7) (b) (intro.) of the statutes is amended to
20 read:

21 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall
22 allocate \$2,000,000 for the last 6 months of ~~2001~~ 2003, \$4,000,000 for ~~2002~~ 2004, and
23 \$2,000,000 for the first 6 months of ~~2003~~ 2005 to counties based on each of the
24 following factors weighted equally:

25 ***-0357/1.4* SECTION 2497.** 301.26 (7) (c) of the statutes is amended to read:

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1 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate
2 \$523,300 for the last 6 months of ~~2001~~ 2003, \$1,576,600 for ~~2002~~ 2004, and
3 \$1,053,300 for the first 6 months of ~~2003~~ 2005 to counties based on each of the factors
4 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an
5 allocation under this paragraph that is less than 93% nor more than 115% of the
6 amount that the county would have received under this paragraph if the allocation
7 had been distributed only on the basis of the factor specified in par. (b) 3.

8 *~~0357/1.5~~* **SECTION 2498.** 301.26 (7) (e) of the statutes is amended to read:

9 301.26 (7) (e) For emergencies related to community youth and family aids
10 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2001~~
11 2003, \$250,000 for ~~2002~~ 2004, and \$125,000 for the first 6 months of ~~2003~~ 2005. A
12 county is eligible for payments under this paragraph only if it has a population of not
13 more than 45,000.

14 *~~0357/1.6~~* **SECTION 2499.** 301.26 (7) (h) of the statutes is amended to read:

15 301.26 (7) (h) For counties that are participating in the corrective sanctions
16 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2001~~ 2003,
17 \$2,124,800 in ~~2002~~ 2004, and \$1,062,400 in the first 6 months of ~~2003~~ 2005 for the
18 provision of corrective sanctions services for juveniles from that county. In
19 distributing funds to counties under this paragraph, the department shall determine
20 a county's distribution by dividing the amount allocated under this paragraph by the
21 number of slots authorized for the program under s. 938.533 (2) and multiplying the
22 quotient by the number of slots allocated to that county by agreement between the
23 department and the county. The department may transfer funds among counties as
24 necessary to distribute funds based on the number of slots allocated to each county.

25 *~~0357/1.7~~* **SECTION 2500.** 301.26 (8) of the statutes is amended to read:

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1 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
2 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
3 6 months of ~~2001~~ 2003, \$1,333,400 in ~~2002~~ 2004, and \$666,700 in the first 6 months
4 of ~~2003~~ 2005 for alcohol and other drug abuse treatment programs.

5 *~~0332/1.2~~* SECTION 2501. 302.01 (1) (d) of the statutes is amended to read:

6 302.01 (1) (d) The correctional institution at Prairie du Chien authorized under
7 ~~1997 Wisconsin Act 4, section 4 (1) (a) s. 301.16 (1u)~~.

8 *~~1769/2.1~~* SECTION 2502. 302.045 (title) of the statutes is amended to read:

9 **302.045 (title) Challenge incarceration program for youthful offenders.**

10 *~~1769/2.2~~* SECTION 2503. 302.045 (1) of the statutes is amended to read:

11 302.045 (1) PROGRAM. The department shall provide a challenge incarceration
12 program for inmates selected to participate under sub. (2). The program shall
13 provide participants with ~~strenuous physical exercise~~, manual labor, personal
14 development counseling, substance abuse treatment and education, military drill
15 and ceremony ~~and, counseling, and strenuous physical exercise, for participants who~~
16 have not attained the age of 30 as of the date on which they begin participating in
17 the program, or age-appropriate strenuous physical exercise, for all other
18 participants, in preparation for release on parole or extended supervision. The
19 department shall design the program to include not less than 50 participants at a
20 time and so that a participant may complete the program in not more than 180 days.
21 The department may restrict participant privileges as necessary to maintain
22 discipline.

23 *~~1769/2.3~~* SECTION 2504. 302.045 (2) (b) of the statutes is amended to read:

24 302.045 (2) (b) The inmate has not attained the age of ~~30~~, 40 as of the date the
25 inmate will begin participating in the program.

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1 ***-1769/2.4*** **SECTION 2505.** 302.05 (3) of the statutes is created to read:

2 302.05 (3) (a) In this subsection, “eligible inmate” means an inmate to whom
3 all of the following apply:

4 1. The inmate is incarcerated regarding a violation other than a crime specified
5 in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06, 948.07, 948.075,
6 948.08, or 948.095.

7 2. If the inmate is serving a bifurcated sentence imposed under s. 973.01, the
8 sentencing court decided under par. (e) or s. 973.01 (3g) that the inmate is eligible
9 to participate in the earned release program described in this subsection.

10 (b) Except as provided in par. (d), if the department determines that an eligible
11 inmate serving a sentence other than one imposed under s. 973.01 has successfully
12 completed the treatment program described in sub. (1), the parole commission shall
13 parole the inmate for that sentence under s. 304.06, regardless of the time the inmate
14 has served. If the parole commission grants parole under this paragraph, it shall
15 require the parolee to participate in an intensive supervision program for drug
16 abusers as a condition of parole.

17 (c) 1. Except as provided in par. (d), if the department determines that an
18 eligible inmate serving the term of confinement in prison portion of a bifurcated
19 sentence imposed under s. 973.01 has successfully completed the treatment program
20 described in sub. (1), the department shall inform the court that sentenced the
21 inmate.

22 2. Upon being informed by the department under subd. 1. that an inmate whom
23 the court sentenced under s. 973.01 has successfully completed the treatment
24 program described in sub. (1), the court shall modify the inmate’s bifurcated sentence
25 as follows:

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1 a. The court shall reduce the term of confinement in prison portion of the
2 inmate's bifurcated sentence in a manner that provides for the release of the inmate
3 to extended supervision within 30 days of the date on which the court receives the
4 information from the department under subd. 1.

5 b. The court shall lengthen the term of extended supervision imposed so that
6 the total length of the bifurcated sentence originally imposed does not change.

7 (d) The department may place intensive sanctions program participants in the
8 treatment program described in sub. (1), but pars. (b) and (c) do not apply to those
9 participants.

10 (e) If an inmate is serving the term of confinement portion of a bifurcated
11 sentence imposed under s. 973.01, the sentence was imposed before the effective date
12 of this paragraph [revisor inserts date], and the inmate satisfies the criteria under
13 par. (a) 1., the inmate may, with the department's approval, petition the sentencing
14 court to determine whether he or she is eligible or ineligible to participate in the
15 earned release program under this subsection during the term of confinement. The
16 inmate shall serve a copy of the petition on the district attorney who prosecuted him
17 or her, and the district attorney may file a written response. The court shall exercise
18 its discretion in granting or denying the inmate's petition but must do so no later
19 than 90 days after the inmate files the petition. If the court determines under this
20 paragraph that the inmate is eligible to participate in the earned release program,
21 the court shall inform the inmate of the provisions of par. (c).

22 ***-1769/2.5* SECTION 2506.** 302.113 (2) of the statutes is amended to read:

23 302.113 (2) Except as provided in subs. (3) and (9), an inmate subject to this
24 section is entitled to release to extended supervision after he or she has served the
25 term of confinement in prison portion of the sentence imposed under s. 973.01, as

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1 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)
2 (c) 2. a., or 973.195 (1r), if applicable.

3 *~~1712/5.80~~* **SECTION 2507.** 303.066 of the statutes is repealed.

4 *~~1769/2.6~~* **SECTION 2508.** 304.06 (1) (b) of the statutes, as affected by 2001
5 Wisconsin Act 109, is amended to read:

6 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
7 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole commission may parole
8 an inmate of the Wisconsin state prisons or any felon or any person serving at least
9 one year or more in a county house of correction or a county reforestation camp
10 organized under s. 303.07, when he or she has served 25% of the sentence imposed
11 for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62
12 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole commission may parole an
13 inmate serving a life term when he or she has served 20 years, as modified by the
14 formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if
15 applicable. The person serving the life term shall be given credit for time served prior
16 to sentencing under s. 973.155, including good time under s. 973.155 (4). The
17 secretary may grant special action parole releases under s. 304.02. The department
18 or the parole commission shall not provide any convicted offender or other person
19 sentenced to the department's custody any parole eligibility or evaluation until the
20 person has been confined at least 60 days following sentencing.

21 *~~0336/P2.3~~* **SECTION 2509.** 304.073 of the statutes is repealed.

22 *~~0336/P2.4~~* **SECTION 2510.** 304.074 (1) of the statutes is repealed.

23 *~~0336/P2.5~~* **SECTION 2511.** 304.074 (4) of the statutes is repealed.

24 *~~1195/3.1~~* **SECTION 2512.** 340.01 (7m) of the statutes is amended to read:

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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 *~~1195/3.2~~* SECTION 2513. 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 *~~0919/3.1~~* SECTION 2514. 340.01 (46m) (a) of the statutes is amended to read:

13 340.01 (46m) (a) If the person has ~~one or no~~ 2 or fewer prior convictions,
14 suspensions, or revocations, as counted under s. 343.307 (1), an alcohol
15 concentration of ~~0.1~~ 0.08 or more.

16 *~~0919/3.2~~* SECTION 2515. 340.01 (46m) (b) of the statutes is repealed.

17 *~~1575/3.1~~* SECTION 2516. 341.25 (1) (a) of the statutes is amended to read:

18 341.25 (1) (a) For each automobile, a fee of ~~\$45~~ \$55, except that an automobile
19 registered in this state prior to September 1, 1947, at a fee of less than \$18 shall be
20 registered at such lesser fee plus an additional fee of \$2.

21 *~~1767/3.62~~* SECTION 2517. 341.43 (2) of the statutes is amended to read:

22 341.43 (2) Any person feeling aggrieved by a notice under this section of
23 additional assessment, refund or denial of refund may, within 30 days after the
24 receipt of the notice, petition the department for a redetermination. A person feeling
25 aggrieved by a redetermination may appeal to the office of the commissioner of tax

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1 appeals ~~commission~~ in the manner provided for appeals of tax determinations under
2 s. 73.01 (5). If an appeal of a redetermination is not filed within the time period
3 provided under s. 73.01 (5), the redetermination is final and conclusive.

4 ***-1575/3.2* SECTION 2518.** 342.14 (1) of the statutes is amended to read:

5 342.14 (1) For filing an application for the first certificate of title, ~~\$8.50~~ \$18.50,
6 by the owner of the vehicle.

7 ***-0444/2.1* SECTION 2519.** 342.14 (1r) of the statutes is amended to read:

8 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental
9 impact fee of ~~\$9~~ \$10.50, by the person filing the application. All moneys collected
10 under this subsection shall be credited to the environmental fund for environmental
11 management. ~~This subsection does not apply after December 31, 2003.~~

12 ***-1575/3.3* SECTION 2520.** 342.14 (3) of the statutes is amended to read:

13 342.14 (3) For a certificate of title after a transfer, ~~\$8.50~~ \$18.50, by the owner
14 of the vehicle.

15 ***-1195/3.3* SECTION 2521.** 343.02 (1) of the statutes is amended to read:

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

22 ***-1195/3.4* SECTION 2522.** 343.03 (1) (a) of the statutes is amended to read:

23 343.03 (1) (a) The department shall institute a classified driver license system
24 meeting all federal standards under 49 USC 31301 to 31317 and 49 CFR 383 and any
25 other applicable provision of federal law.

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1 ***-1195/3.5*** SECTION 2523. 343.03 (3) (a) of the statutes is amended to read:

2 343.03 (3) (a) *Regular license*. The standard license legend is “regular” or a
3 readily recognizable abbreviation thereof. The regular license, without any express
4 endorsements or restrictions as provided in this chapter, authorizes the licensee to
5 operate only “class D” vehicles as described in s. 343.04 (1) (d), except as otherwise
6 provided in this subsection. The license may be endorsed to permit operation of Type
7 1 motorcycles or school buses that are not commercial motor vehicles. A regular
8 license may be subject to restrictions, including the attachment of a special
9 restrictions card as provided in s. 343.17 (4).

10 ***-1195/3.6*** SECTION 2524. 343.03 (3) (e) of the statutes is amended to read:

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

20 ***-1195/3.6m*** SECTION 6m. 343.03 (5) (title) of the statutes is amended to read:

21 343.03 (5) (title) INQUIRIES BEFORE ISSUANCE OR RENEWAL.

22 ***-1195/3.7*** SECTION 2525. 343.03 (5) of the statutes is renumbered 343.03 (5)

23 (a) and amended to read:

24 343.03 (5) (a) Before issuing ~~a~~ or renewing any license under this chapter, the
25 department shall obtain driver record information from the national driver registry

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1 and commercial driver license information system to determine whether the
2 applicant holds a commercial driver license, or a license that is revoked, suspended
3 or canceled, or is otherwise disqualified. If the applicant is currently licensed in
4 another state, the department shall obtain information on the applicant's license
5 status with the state of licensure before issuing a license.

6 ***-1195/3.8* SECTION 2526.** 343.03 (5) (b) of the statutes is created to read:

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

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

17 ***-1195/3.9* SECTION 2527.** 343.03 (6) of the statutes is renumbered 343.03 (6)
18 (a).

19 ***-1195/3.10* SECTION 2528.** 343.03 (6) (b) of the statutes is created to read:

20 343.03 (6) (b) The department shall, upon request and within 30 days of the
21 request, provide to the driver licensing agencies of other states the complete driving
22 record of any person currently or previously licensed by the department.

23 ***-1195/3.11* SECTION 2529.** 343.03 (6) (c) of the statutes is created to read:

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

4 a. The person holding the commercial driver license.

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

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

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

9 e. Any governmental entity having access to the commercial driver license
10 information system.

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

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

15 *–1195/3.12* SECTION 2530. 343.03 (7) (title) of the statutes is amended to
16 read:

17 343.03 (7) (title) NOTIFICATION OF COMMERCIAL DRIVER LICENSE ISSUANCE AND
18 CERTAIN VIOLATIONS.

19 *–1195/3.13* SECTION 2531. 343.03 (7) of the statutes is renumbered 343.03
20 (7) (a).

21 *–1195/3.14* SECTION 2532. 343.03 (7) (b) of the statutes is created to read:

22 343.03 (7) (b) Within 10 days after the disqualification of the holder of a
23 commercial driver license from operating a commercial motor vehicle for at least 60
24 days, or after the revocation, suspension, or cancellation of a commercial driver
25 license for at least 60 days, the department shall notify the commercial driver license

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1 information system and, if the license was not issued by the department, the state
2 that issued the license of the disqualification, revocation, suspension, or cancellation
3 and the violation that resulted in the disqualification, revocation, suspension, or
4 cancellation.

5 ***-1195/3.15* SECTION 2533.** 343.03 (7) (c) of the statutes is created to read:

6 343.03 (7) (c) Within 30 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 ***-1195/3.16* SECTION 2534.** 343.03 (7) (c) of the statutes, as created by 2003
15 Wisconsin Act (this act), is amended to read:

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

24 ***-1195/3.17* SECTION 2535.** 343.06 (2) of the statutes is amended to read:

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

9 ***-1195/3.18*** SECTION 2536. 343.07 (1m) (intro.) of the statutes is amended to
10 read:

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

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1 *~~1195/3.19~~* **SECTION 2537.** 343.10 (1) (b) of the statutes is amended to read:

2 343.10 (1) (b) The application shall be in a form established by the department
3 and shall identify the specific motor vehicle that the applicant seeks authorization
4 to operate, including the vehicle classification and any required endorsements. The
5 application shall include an explanation of why operating the motor vehicle is
6 essential to the person's livelihood and identify the person's occupation or trade. The
7 application shall identify the applicant's employer, and include proof of financial
8 responsibility as specified in s. 343.38 (1) (c) covering the vehicle or vehicles that the
9 applicant requests authorization to operate. The application shall identify the hours
10 of operation and routes of travel being requested by the applicant in accord with the
11 restrictions of sub. (5). ~~The applicant shall certify whether, to the best of personal~~
12 ~~knowledge, he or she is disqualified under s. 343.315.~~

13 *~~1195/3.20~~* **SECTION 2538.** 343.10 (1) (d) of the statutes is repealed.

14 *~~1195/3.21~~* **SECTION 2539.** 343.10 (1) (e) of the statutes is repealed.

15 *~~1195/3.22~~* **SECTION 2540.** 343.10 (1) (f) of the statutes is repealed.

16 *~~1195/3.23~~* **SECTION 2541.** 343.10 (2) (c) of the statutes is amended to read:

17 343.10 (2) (c) No occupational license permitting the operation of a commercial
18 motor vehicle may be granted to a person ~~during a period of disqualification under~~
19 ~~s. 343.315.~~

20 *~~1195/3.24~~* **SECTION 2542.** 343.10 (7) (e) of the statutes is amended to read:

21 343.10 (7) (e) The occupational license issued by the department shall contain
22 the restrictions required by sub. (5). The occupational license authorizes the licensee
23 to operate a motor vehicle only when that operation is an essential part of the
24 licensee's occupation or trade. If the department determines that the applicant is
25 eligible under sub. (2), the department may impose such conditions and limitations

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1 upon the authorization to operate ~~commercial or noncommercial~~ motor vehicles as
2 in the secretary's judgment are necessary in the interest of public safety and welfare,
3 including reexamination of the person's qualifications to operate a ~~commercial or~~
4 ~~noncommercial~~ motor vehicle or a particular type thereof. The department may limit
5 such authorization to include, without limitation, the operation of particular
6 vehicles, particular kinds of operation and particular traffic conditions.

7 ***-1195/3.25* SECTION 2543.** 343.10 (7) (g) of the statutes is repealed.

8 ***-1195/3.26* SECTION 2544.** 343.12 (2) (intro.) of the statutes is amended to
9 read:

10 343.12 (2) (intro.) The department shall issue a school bus endorsement to a
11 person, authorizing operation of a school bus that is not a commercial motor vehicle,
12 only if such person meets all of the following requirements:

13 ***-1195/3.27* SECTION 2545.** 343.12 (2m) of the statutes is created to read:

14 343.12 (2m) The department shall issue a school bus endorsement to a person,
15 authorizing operation of a school bus that is a commercial motor vehicle, only if such
16 person meets all of the requirements specified in sub. (2) and, in addition, meets all
17 of the following requirements:

18 (a) Holds a valid commercial driver license.

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

21 (c) Passes a knowledge test in compliance with the requirements of 49 CFR
22 383.123 (a) (2).

23 (d) Passes a driving skills test in compliance with the requirements of 49 CFR
24 383.123 (a) (3). To the extent that the test specified under sub. (2) (h) and s. 343.16

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1 (1) meets the requirements of 49 CFR 383.123 (a) (3), no additional driving skills test
2 is required.

3 ***-1195/3.28* SECTION 2546.** 343.12 (3) of the statutes is amended to read:

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

10 ***-1195/3.29* SECTION 2547.** 343.12 (3m) of the statutes is created to read:

11 343.12 (3m) Notwithstanding sub. (2) (a) and (g), the department may issue
12 a school bus endorsement to a person who is more than 70 years of age, authorizing
13 the operation of a school bus that is a commercial motor vehicle, if the person meets
14 the requirements specified in sub. (2m) (a) to (d), before issuance of the endorsement
15 and annually takes and passes a physical examination prior to issuance or renewal
16 of the endorsement to determine that the person meets the physical standards
17 established under sub. (2) (g).

18 ***-1195/3.30* SECTION 2548.** 343.12 (4) (a) 1. of the statutes is amended to read:

19 343.12 (4) (a) 1. The person is a nonresident holding a valid commercial driver
20 license with a “P” passenger endorsement and any additional endorsements required
21 by the person’s home jurisdiction for the operation of a school bus, if the school bus
22 is not a commercial motor vehicle, or is a nonresident holding a valid commercial
23 driver license with an “S” endorsement if the school bus is a commercial motor
24 vehicle, and the origin or destination of the trip is in another state.

25 ***-1195/3.31* SECTION 2549.** 343.12 (4) (a) 2. of the statutes is repealed.

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1 *~~1195/3.32~~* SECTION 2550. 343.12 (4) (a) 3. of the statutes is amended to read:

2 343.12 (4) (a) 3. The person is a resident of Iowa, Illinois, Michigan or
3 Minnesota and holds a valid operator's license authorizing the operation of ~~a~~ the
4 type of school bus being operated.

5 *~~1195/3.33~~* SECTION 2551. 343.12 (4) (b) of the statutes is amended to read:

6 343.12 (4) (b) The department may, by rule, establish standards for the
7 employment by an employer of a person under par. (a) 3. as an operator of a school
8 bus in this state. The rules may require the person to meet the qualifications
9 contained in sub. (2) ~~or~~, (2m), (3), or (3m) and any rules of the department applicable
10 to residents.

11 *~~1195/3.34~~* SECTION 2552. 343.17 (3) (b) of the statutes is amended to read:

12 343.17 (3) (b) The reverse side of the license shall contain an explanation of any
13 restriction codes or endorsement abbreviations used on the front of the license, in
14 sufficient detail to identify the nature of the restrictions or endorsements to a law
15 enforcement officer of this state or another jurisdiction. ~~Except for a commercial~~
16 ~~driver license or a license labeled "CDL-Occupational" as described in s. 343.03 (3)~~
17 ~~(b) and (e), a~~ A part of the reverse side of each license shall be printed to serve as a
18 document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an
19 anatomical gift under s. 157.06 (2) (i).

20 *~~1195/3.35~~* SECTION 2553. 343.175 (2) (ag) of the statutes is amended to read:

21 343.175 (2) (ag) The department shall print a separate document to be issued
22 to all persons issued a commercial driver license ~~or a license labeled~~
23 ~~"CDL-Occupational" as described in s. 343.03 (3) (b) and (e)~~ and make provisions so
24 that the document may be attached to the reverse side of the license document along

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1 one edge. This document shall serve as a document of gift under s. 157.06 (2) (b) and
2 (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i).

3 ***-1195/3.36* SECTION 2554.** 343.20 (1) (d) of the statutes is amended to read:

4 343.20 (1) (d) The department shall cancel an operator's license that is
5 endorsed for the operation of school buses under s. 343.12 (3) or (3m), regardless of
6 the license expiration date, if the licensee fails to provide proof to the department of
7 an annual physical examination determining that the person meets the physical
8 standards established under s. 343.12 (2) (g). The licensee may elect to surrender
9 the license under s. 343.265 (1m).

10 ***-1195/3.37* SECTION 2555.** 343.22 (2) (b) of the statutes is amended to read:

11 343.22 (2) (b) In lieu of applying for a duplicate license or identification card,
12 notify the department in writing of his or her change of address. This paragraph does
13 not apply to persons issued a commercial driver license ~~or a license labeled~~
14 ~~"CDL-Occupational" as described in s. 343.03 (3) (b) and (c).~~

15 ***-1195/3.38* SECTION 2556.** 343.23 (2) (am) of the statutes is created to read:

16 343.23 (2) (am) The file specified in par. (a) shall include the following:

17 1. For a person holding a commercial driver license issued by the department,
18 a record of any disqualification by another state or jurisdiction of the person from
19 operating a commercial motor vehicle for at least 60 days or of the revocation,
20 suspension, or cancellation by another state or jurisdiction of the person's
21 commercial driver license for at least 60 days, and the violation that resulted in the
22 disqualification, revocation, suspension, or cancellation, as specified in any notice
23 received from the state or other jurisdiction in conformity with 49 USC 31311 (a) (8).

24 2. For a person holding a commercial driver license issued by the department,
25 a record of any violation in another state of any state or local law of that state or any

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1 law of a federally recognized American Indian tribe or band in that state in
2 conformity with any state law relating to motor vehicle traffic control, other than a
3 parking violation, as specified in any notice received from the state in conformity
4 with 49 USC 31311 (a) (9). The department shall record this information within 10
5 days after receipt of the notice. The department may not conceal, withhold, or mask
6 from the department's file, or otherwise allow in any way a person to avoid the
7 department's recording in the department's file of, any information of which the
8 department has notice that is required to be recorded under this subdivision,
9 regardless of whether the person has obtained deferral of imposition of judgment,
10 been allowed to enter a diversion program, or otherwise obtained delayed or
11 suspended judgment or alternative sentencing from a court.

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

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

23 ***-1195/3.39* SECTION 2557.** 343.23 (2) (b) of the statutes is amended to read:

24 343.23 (2) (b) The information specified in ~~par.~~ pars. (a) and (am) must be filed
25 by the department so that the complete operator's record is available for the use of

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

17 *~~1195/3.40~~* SECTION 2558. 343.307 (2) (d) of the statutes is amended to read:

18 343.307 (2) (d) Convictions under the law of another jurisdiction that is in
19 substantial conformity with 49 CFR 383.51 (b) (2) (i) ~~or (ii) or both~~ Table 1, items (1)
20 to (4).

21 *~~0919/3.3~~* SECTION 2559. 343.31 (1) (ar) of the statutes is amended to read:

22 343.31 (1) (ar) Injury by the operation of a commercial motor vehicle while the
23 person has an alcohol concentration of 0.04 or more but less than ~~0.1~~ 0.08 and which
24 is criminal under s. 346.63 (6).

25 *~~1195/3.41~~* SECTION 2560. 343.31 (2) of the statutes is amended to read:

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

15 *~~1195/3.42~~* SECTION 2561. 343.31 (2m) of the statutes is amended to read:

16 343.31 (2m) The department may suspend or revoke, respectively, the
17 operating privilege of any resident upon receiving notice of the conviction of that
18 person under a law of another jurisdiction or a federally recognized American Indian
19 tribe or band in this state for an offense which, if the person had committed the
20 offense in this state and been convicted of the offense under the laws of this state,
21 would have permitted suspension or revocation of the person's operating privilege
22 under s. 343.30 (1g). Upon receiving similar notice with respect to a nonresident, the
23 department may suspend or revoke the privilege of the nonresident to operate a
24 motor vehicle in this state. ~~The suspension or revocation shall not apply to the~~
25 ~~operation of a commercial motor vehicle by a nonresident who holds a valid~~

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1 ~~commercial driver license issued by another state.~~ A suspension or revocation under
2 this subsection shall be for any period not exceeding 6 months.

3 ***-1195/3.43* SECTION 2562.** 343.315 (2) (a) (intro.) of the statutes is amended
4 to read:

5 343.315 (2) (a) (intro.) Except as provided in par. (b), a person shall be
6 disqualified from operating a commercial motor vehicle for a one-year period upon
7 a first conviction of any of the following offenses, committed on or after July 1, 1987,
8 ~~while driving or operating a commercial motor vehicle:~~

9 ***-1195/3.44* SECTION 2563.** 343.315 (2) (a) 7. of the statutes is created to read:

10 343.315 (2) (a) 7. Operating a commercial motor vehicle when the person's
11 commercial driver license is revoked, suspended, or canceled based on the person's
12 operation of a commercial motor vehicle or when the person is disqualified from
13 operating a commercial motor vehicle based on the person's operation of a
14 commercial motor vehicle.

15 ***-1195/3.45* SECTION 2564.** 343.315 (2) (a) 8. of the statutes is created to read:

16 343.315 (2) (a) 8. Causing a fatality through negligent or criminal operation
17 of a commercial motor vehicle.

18 ***-1195/3.46* SECTION 2565.** 343.315 (2) (e) of the statutes is amended to read:

19 343.315 (2) (e) A person is disqualified for life from operating a commercial
20 motor vehicle if the person uses ~~a commercial~~ any motor vehicle on or after
21 July 1, 1987, in the commission of a felony involving the manufacture, distribution,
22 delivery or dispensing of a controlled substance or controlled substance analog, or
23 possession with intent to manufacture, distribute, deliver or dispense a controlled
24 substance or controlled substance analog. No person who is disqualified under this
25 paragraph is eligible for reinstatement under par. (d).

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1 ***-1195/3.47*** SECTION 2566. 343.315 (2) (f) (intro.) of the statutes is amended
2 to read:

3 343.315 (2) (f) (intro.) A person is disqualified for a period of 60 days from
4 operating a commercial motor vehicle if convicted of 2 serious traffic violations, and
5 120 days if convicted of 3 serious traffic violations, arising from separate occurrences
6 committed within a 3-year period while driving or operating a ~~commercial~~ any motor
7 vehicle. The 120-day period of disqualification under this paragraph shall be in
8 addition to any other period of disqualification imposed under this paragraph. In
9 this paragraph, “serious traffic violations” means any of the following offenses
10 committed while operating a commercial motor vehicle, or any of the following
11 offenses committed while operating any motor vehicle if the offense results in the
12 revocation, cancellation, or suspension of the person’s operator’s license or operating
13 privilege:

14 ***-1195/3.48*** SECTION 2567. 343.315 (2) (f) 2. of the statutes is amended to
15 read:

16 343.315 (2) (f) 2. Violating any state or local law of this state or any law of a
17 federally recognized American Indian tribe or band in this state in conformity with
18 any state law or any law of another jurisdiction relating to motor vehicle traffic
19 control, arising in connection with a fatal accident, other than parking, vehicle
20 weight or vehicle defect violations, or violations to which par. (a) 7. applies.

21 ***-1195/3.49*** SECTION 2568. 343.315 (2) (f) 6. of the statutes is created to read:

22 343.315 (2) (f) 6. Operating a commercial motor vehicle when the person has
23 not obtained a commercial driver license.

24 ***-1195/3.50*** SECTION 2569. 343.315 (2) (f) 7. of the statutes is created to read:

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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
7 document issued to the person prior to the date of the citation and valid at the time
8 of the citation.

9 *–1195/3.51* **SECTION 2570.** 343.315 (2) (f) 8. of the statutes is created to read:

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

13 *–1195/3.52* **SECTION 2571.** 343.315 (2) (k) of the statutes is created to read:

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

20 *–1195/3.53* **SECTION 2572.** 343.44 (1) (d) of the statutes is amended to read:

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

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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 ***-1195/3.54* SECTION 2573.** 343.44 (2) (b) (intro.) of the statutes is amended
4 to read:

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

10 ***-1195/3.55* SECTION 2574.** 343.44 (2) (bm) of the statutes is created to read:

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

15 ***-0529/4.225* SECTION 2575.** 344.185 (2) (e) 2. of the statutes is amended to
16 read:

17 344.185 (2) (e) 2. All other proceeds of the sale remaining after the payments
18 under subd. 1. shall be retained by the secretary of transportation and applied as
19 security for payment of judgments and assignments as provided under s. 344.20 (2).
20 Any amounts not used to pay judgments or assignments shall be transmitted to the
21 ~~state treasurer~~ secretary of administration for deposit in the school fund.

22 ***-1111/4.94* SECTION 2576.** 344.576 (3) (a) 5. of the statutes is amended to
23 read:

24 344.576 (3) (a) 5. The address and telephone number of the department of
25 ~~agriculture, trade and consumer protection~~ justice.

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1 *~~1111/4.95~~* SECTION 2577. 344.576 (3) (c) of the statutes is amended to read:

2 344.576 (3) (c) The department of ~~agriculture, trade and consumer protection~~
3 justice shall promulgate rules specifying the form of the notice required under par.
4 (a), including the size of the paper and the type size and any highlighting of the
5 information described in par. (a). The rule may specify additional information that
6 must be included in the notice and the precise language that must be used.

7 *~~1111/4.96~~* SECTION 2578. 344.579 (2) (intro.) of the statutes is amended to
8 read:

9 344.579 (2) ENFORCEMENT. (intro.) The department of ~~agriculture, trade and~~
10 ~~consumer protection~~ justice shall investigate violations of ss. 344.574, 344.576 (1),
11 (2) and (3) (a) and (b), 344.577 and 344.578. The department of ~~agriculture, trade~~
12 ~~and consumer protection~~ justice may on behalf of the state:

13 *~~0529/4.226~~* SECTION 2579. 345.08 of the statutes is amended to read:

14 **345.08 Suit to recover protested tax or fee.** No suit shall be maintained
15 in any court to restrain or delay the collection or payment of the taxes levied or the
16 fees imposed or enacted in chs. 341 to 349. The aggrieved taxpayer shall pay the tax
17 or fee as and when due and, if paid under protest, may at any time within 90 days
18 from the date of such payment sue the state in an action at law to recover the tax or
19 fee so paid. If it is finally determined that such tax or fee or any part thereof was
20 wrongfully collected for any reason, the ~~department~~ secretary of administration
21 ~~shall issue a warrant on the state treasurer for pay from the transportation fund~~ the
22 amount of such tax or fee so adjudged to have been wrongfully collected ~~and the state~~
23 ~~treasurer shall pay the same out of the transportation fund.~~ A separate suit need not
24 be filed for each separate payment made by any taxpayer, but a recovery may be had
25 in one suit for as many payments as were made within the 90–day period preceding

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1 the commencement of the action. Such suits shall be commenced as provided in s.
2 775.01.

3 ***-0529/4.227* SECTION 2580.** 346.177 (3) of the statutes is amended to read:

4 346.177 (3) If any deposit is made for an offense to which this section applies,
5 the person making the deposit shall also deposit a sufficient amount to include the
6 railroad crossing improvement assessment under this section. If the deposit is
7 forfeited, the amount of the railroad crossing improvement assessment shall be
8 transmitted to the ~~state treasurer~~ secretary of administration under sub. (4). If the
9 deposit is returned, the amount of the railroad crossing improvement assessment
10 shall also be returned.

11 ***-0529/4.228* SECTION 2581.** 346.177 (4) of the statutes is amended to read:

12 346.177 (4) The clerk of the circuit court shall collect and transmit to the county
13 treasurer the railroad crossing improvement assessment as required under s. 59.40
14 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary of
15 administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of
16 administration shall deposit all amounts received under this subsection in the
17 transportation fund to be appropriated under s. 20.395 (2) (gj).

18 ***-1187/4.203* SECTION 2582.** 346.45 (3) (d) of the statutes is amended to read:

19 346.45 (3) (d) A railroad grade crossing which is marked with a sign in
20 accordance with s. 195.285 (3). Such signs shall be erected by the maintaining
21 authority only upon order of the ~~office of the commissioner of railroads as set forth~~
22 in department or the division of hearings and appeals in accordance with s. 195.285.

23 ***-0529/4.229* SECTION 2583.** 346.495 (3) of the statutes is amended to read:

24 346.495 (3) If any deposit is made for an offense to which this section applies,
25 the person making the deposit shall also deposit a sufficient amount to include the

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1 railroad crossing improvement assessment under this section. If the deposit is
2 forfeited, the amount of the railroad crossing improvement assessment shall be
3 transmitted to the ~~state treasurer~~ secretary of administration under sub. (4). If the
4 deposit is returned, the amount of the railroad crossing improvement assessment
5 shall also be returned.

6 ***-0529/4.230* SECTION 2584.** 346.495 (4) of the statutes is amended to read:

7 346.495 (4) The clerk of the circuit court shall collect and transmit to the county
8 treasurer the railroad crossing improvement assessment as required under s. 59.40
9 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary of
10 administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of
11 administration shall deposit all amounts received under this subsection in the
12 transportation fund to be appropriated under s. 20.395 (2) (gj).

13 ***-0919/3.4* SECTION 2585.** 346.63 (2m) of the statutes is amended to read:

14 346.63 (2m) If a person has not attained the legal drinking age, as defined in
15 s. 125.02 (8m), the person may not drive or operate a motor vehicle while he or she
16 has an alcohol concentration of more than 0.0 but not more than ~~0.1~~ 0.08. One
17 penalty for violation of this subsection is suspension of a person's operating privilege
18 under s. 343.30 (1p). The person is eligible for an occupational license under s. 343.10
19 at any time. If a person arrested for a violation of this subsection refuses to take a
20 test under s. 343.305, the refusal is a separate violation and the person is subject to
21 revocation of the person's operating privilege under s. 343.305 (10) (em).

22 ***-0919/3.5* SECTION 2586.** 346.63 (5) (a) of the statutes is amended to read:

23 346.63 (5) (a) No person may drive or operate a commercial motor vehicle while
24 the person has an alcohol concentration of 0.04 or more but less than ~~0.1~~ 0.08.

25 ***-0919/3.6* SECTION 2587.** 346.63 (6) (a) of the statutes is amended to read:

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1 346.63 (6) (a) No person may cause injury to another person by the operation
2 of a commercial motor vehicle while the person has an alcohol concentration of 0.04
3 or more but less than ~~0.1~~ 0.08.

4 *~~0529/4.231~~* SECTION 2588. 346.65 (4r) (c) of the statutes is amended to read:

5 346.65 (4r) (c) If any deposit is made for an offense to which this subsection
6 applies, the person making the deposit shall also deposit a sufficient amount to
7 include the railroad crossing improvement assessment under this subsection. If the
8 deposit is forfeited, the amount of the railroad crossing improvement assessment
9 shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d).
10 If the deposit is returned, the amount of the railroad crossing improvement
11 assessment shall also be returned.

12 *~~0529/4.232~~* SECTION 2589. 346.65 (4r) (d) of the statutes is amended to read:

13 346.65 (4r) (d) The clerk of the circuit court shall collect and transmit to the
14 county treasurer the railroad crossing improvement assessment as required under
15 s. 59.40 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary
16 of administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of
17 administration shall deposit all amounts received under this paragraph in the
18 transportation fund to be appropriated under s. 20.395 (2) (gj).

19 *~~0529/4.233~~* SECTION 2590. 346.655 (2) (a) of the statutes is amended to read:

20 346.655 (2) (a) Except as provided in par. (b), the clerk of court shall collect and
21 transmit the amount under sub. (1) to the county treasurer as provided in s. 59.40
22 (2) (m). The county treasurer shall then make payment of 38.5% of the amount to
23 the ~~state treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2.

24 *~~0529/4.234~~* SECTION 2591. 346.655 (2) (b) of the statutes is amended to read:

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1 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall
2 transmit the amount to the treasurer of the county, city, town, or village, and that
3 treasurer shall make payment of 38.5% of the amount to the ~~state treasurer~~
4 secretary of administration as provided in s. 66.0114 (1) (bm). The treasurer of the
5 city, town, or village shall transmit the remaining 61.5% of the amount to the
6 treasurer of the county.

7 *~~0529/4.235~~* **SECTION 2592.** 346.655 (3) of the statutes is amended to read:

8 346.655 (3) All moneys collected from the driver improvement surcharge that
9 are transmitted to the county treasurer under sub. (2) (a) or (b), except the amounts
10 that the county treasurer is required to transmit to the ~~state treasurer~~ secretary of
11 administration under sub. (2) (a) or (b), shall be retained by the county treasurer and
12 disbursed to the county department under s. 51.42 for services under s. 51.42 for
13 drivers referred through assessment.

14 *~~1229/2.2~~* **SECTION 2593.** 348.25 (8) (a) (intro.) of the statutes is amended to
15 read:

16 348.25 (8) (a) (intro.) Except as provided under par. (dm), the department shall
17 charge the following fees for each permit issued under s. 348.26 or 348.27:

18 *~~1190/1.1~~* **SECTION 2594.** 348.25 (8) (a) 1. of the statutes is amended to read:

19 348.25 (8) (a) 1. For a vehicle or combination of vehicles which exceeds length
20 limitations, \$15, except that if the application for a permit for a vehicle described in
21 this subdivision is submitted to the department after December 31, 1999, and before
22 July 1, ~~2003~~ 2005, the fee is \$17.

23 *~~1190/1.2~~* **SECTION 2595.** 348.25 (8) (a) 2. of the statutes is amended to read:

24 348.25 (8) (a) 2. For a vehicle or combination of vehicles which exceeds either
25 width limitations or height limitations, \$20, except that if the application for a

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1 permit for a vehicle described in this subdivision is submitted to the department
2 after December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is \$22.

3 ***-1190/1.3* SECTION 2596.** 348.25 (8) (a) 2m. of the statutes is amended to
4 read:

5 348.25 (8) (a) 2m. For a vehicle or combination of vehicles which exceeds both
6 width and height limitations, \$25, except that if the application for a permit for a
7 vehicle described in this subdivision is submitted to the department after
8 December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is \$28.

9 ***-1190/1.4* SECTION 2597.** 348.25 (8) (b) 1. of the statutes is amended to read:

10 348.25 (8) (b) 1. For a vehicle or combination of vehicles which exceeds length
11 limitations, \$60, except that if the application for a permit for a vehicle described in
12 this subdivision is submitted to the department after December 31, 1999, and before
13 July 1, ~~2003~~ 2005, the fee is \$66.

14 ***-1190/1.5* SECTION 2598.** 348.25 (8) (b) 2. of the statutes is amended to read:

15 348.25 (8) (b) 2. For a vehicle or combination of vehicles which exceeds width
16 limitations or height limitations or both, \$90, except that if the application for a
17 permit for a vehicle described in this subdivision is submitted to the department
18 after December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is \$99.

19 ***-1190/1.6* SECTION 2599.** 348.25 (8) (b) 3. a. of the statutes is amended to
20 read:

21 348.25 (8) (b) 3. a. If the gross weight is 90,000 pounds or less, \$200, except that
22 if the application for a permit for a vehicle described in this subd. 3. a. is submitted
23 to the department after December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is
24 \$220.

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1 *~~1190/1.7~~* **SECTION 2600.** 348.25 (8) (b) 3. b. of the statutes is amended to
2 read:

3 348.25 (8) (b) 3. b. If the gross weight is more than 90,000 pounds but not more
4 than 100,000 pounds, \$350, except that if the application for a permit for a vehicle
5 described in this subd. 3. b. is submitted to the department after December 31, 1999,
6 and before July 1, 2003 2005, the fee is \$385.

7 *~~1190/1.8~~* **SECTION 2601.** 348.25 (8) (b) 3. c. of the statutes is amended to
8 read:

9 348.25 (8) (b) 3. c. If the gross weight is greater than 100,000 pounds, \$350 plus
10 \$100 for each 10,000–pound increment or fraction thereof by which the gross weight
11 exceeds 100,000 pounds, except that if the application for a permit for a vehicle
12 described in this subd. 3. c. is submitted to the department after December 31, 1999,
13 and before July 1, 2003 2005, the fee is \$385 plus \$110 for each 10,000–pound
14 increment or fraction thereof by which the gross weight exceeds 100,000 pounds.

15 *~~1190/1.9~~* **SECTION 2602.** 348.25 (8) (bm) 1. of the statutes is amended to
16 read:

17 348.25 (8) (bm) 1. Unless a different fee is specifically provided, the fee for a
18 consecutive month permit is one–twelfth of the fee under par. (b) for an annual
19 permit times the number of months for which the permit is desired, plus \$15 for each
20 permit issued. This subdivision does not apply to applications for permits submitted
21 after December 31, 1999, and before July 1, 2003 2005.

22 *~~1190/1.10~~* **SECTION 2603.** 348.25 (8) (bm) 2. of the statutes is amended to
23 read:

24 348.25 (8) (bm) 2. Unless a different fee is specifically provided, the fee for a
25 consecutive month permit is one–twelfth of the fee under par. (b) for an annual

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SECTION 2603

1 permit times the number of months for which the permit is desired, plus \$16.50 for
2 each permit issued, rounded to the nearest whole dollar. This subdivision does not
3 apply to applications submitted before January 1, 2000, or submitted after
4 June 30, 2003 2005.

5 *~~1229/2.3~~* SECTION 2604. 348.25 (8) (e) of the statutes is amended to read:

6 348.25 (8) (e) The officer or agency authorized to issue a permit under s. 348.26
7 or 348.27 may require any applicant for a permit under s. 348.26 or 348.27 to pay the
8 cost of any special investigation undertaken to determine whether a permit should
9 be approved or denied and to pay an additional fee of \$5 per permit if a department
10 telephone call-in procedure is used. If the department permits the payment of the
11 fee under par. (a) by telephone or Internet with use of a credit card, the department
12 shall charge a fee to be established by rule for each transaction. The fee shall
13 approximate the cost to the department for providing this service to persons so
14 requesting.

15 *~~0529/4.236~~* SECTION 2605. 349.04 (3) of the statutes is amended to read:

16 349.04 (3) If any deposit is made for an offense to which this section applies,
17 the person making the deposit shall also deposit a sufficient amount to include the
18 truck driver education assessment under this section. If the deposit is forfeited, the
19 amount of the truck driver education assessment shall be transmitted to the ~~state~~
20 ~~treasurer~~ secretary of administration under sub. (4). If the deposit is returned, the
21 amount of the truck driver education assessment shall also be returned.

22 *~~0529/4.237~~* SECTION 2606. 349.04 (4) of the statutes is amended to read:

23 349.04 (4) The clerk of the circuit court shall collect and transmit to the county
24 treasurer the truck driver education assessment as required under s. 59.40 (2) (m).
25 The county treasurer shall then pay the ~~state treasurer~~ secretary of administration

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1 as provided in s. 59.25 (3) (f) 2. ~~The state treasurer~~ secretary of administration shall
2 deposit all amounts received under this subsection in the general fund to be credited
3 to the appropriation account under s. 20.292 (1) (hm).

4 ***-0529/4.238* SECTION 2607.** 350.115 (1) (c) of the statutes is amended to read:

5 350.115 (1) (c) If any deposit is made for an offense to which this section applies,
6 the person making the deposit shall also deposit a sufficient amount to include the
7 snowmobile registration restitution payment prescribed in this section. If the
8 deposit is forfeited, the amount of the snowmobile registration restitution payment
9 shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d).
10 If the deposit is returned, the snowmobile registration restitution payment shall also
11 be returned.

12 ***-0529/4.239* SECTION 2608.** 350.115 (1) (d) of the statutes is amended to read:

13 350.115 (1) (d) The clerk of the court shall collect and transmit to the county
14 treasurer the snowmobile registration restitution payment and other amounts
15 required under s. 59.40 (2) (m). The county treasurer shall then make payment to
16 the ~~state treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2.

17 ***-1187/4.204* SECTION 2609.** 350.137 (1) of the statutes is amended to read:

18 350.137 (1) The department, after having consulted with each rail authority,
19 as defined in s. 350.138 (1) (b), in this state, that has furnished the department with
20 the information required under s. 350.138 (2m), an established snowmobile
21 association that represents snowmobile clubs, as defined in s. 350.138 (1) (e), in this
22 state, and the ~~office of the commissioner of railroads~~ department of transportation,
23 shall promulgate rules to establish uniform maintenance standards and uniform
24 design and construction standards for snowmobile rail crossings under ss. 350.138
25 and 350.139.

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SECTION 2610

1 ***-1187/4.205*** SECTION 2610. 350.138 (4) (c) of the statutes is amended to read:

2 350.138 (4) (c) The department shall give notice of any hearing scheduled
3 under par. (b) to the applicant, to the applicable rail authority, and to the ~~office of the~~
4 ~~commissioner of railroads~~ department of transportation. The hearing shall be a
5 contested case hearing under ch. 227. The department's department of natural
6 resources' order issuing or denying a permit is a final order subject to judicial review
7 under ch. 227.

8 ***-1187/4.206*** SECTION 2611. 350.138 (9) of the statutes is amended to read:

9 350.138 (9) INSPECTION AUTHORIZED. The department or the ~~office of the~~
10 ~~commissioner of railroads~~ department of transportation may inspect the site of a
11 proposed snowmobile rail crossing or the site of a snowmobile rail crossing for which
12 a permit has been issued to determine whether there are grounds to refuse to issue
13 a permit under sub. (4) or to revoke a permit under sub. (8).

14 ***-1187/4.207*** SECTION 2612. 350.139 (5) of the statutes is amended to read:

15 350.139 (5) INSPECTION AUTHORIZED. The department or the ~~office of the~~
16 ~~commissioner of railroads~~ department of transportation may inspect an established
17 snowmobile rail crossing to determine whether the snowmobile organization
18 maintaining the crossing is in compliance with the requirements imposed under sub.
19 (4).

20 ***-1187/4.208*** SECTION 2613. 350.1395 (2) (b) 2. of the statutes is amended to
21 read:

22 350.1395 (2) (b) 2. The department shall hold a hearing on a petition filed under
23 subd. 1. after giving notice of the hearing to the rail authority, the snowmobile
24 organization, and the ~~office of the commissioner of railroads~~ department of
25 transportation. The hearing shall be a contested case hearing under ch. 227. The

SENATE BILL**SECTION 2613**

1 ~~department's~~ department of natural resources' order shall be a final order subject to
2 judicial review under ch. 227.

3 ***-1187/4.209* SECTION 2614.** 350.1395 (2) (b) 3. (intro.) of the statutes is
4 amended to read:

5 350.1395 (2) (b) 3. (intro.) The department shall grant a rail authority's petition
6 under subd. 2. to close or remove a snowmobile rail crossing if, after a hearing under
7 subd. 2., and after giving substantial weight to the ~~office of the commissioner of~~
8 railroads' department of transportation's testimony or report given under s. 195.03
9 (30) (b), the department of natural resources finds that any of the following applies:

10 ***-1187/4.210* SECTION 2615.** 350.1395 (4) (b) of the statutes is amended to
11 read:

12 350.1395 (4) (b) The department may not promulgate a rule under this
13 subsection without first consulting with each rail authority in this state that has
14 furnished the department with the information required under s. 350.138 (2m), an
15 established snowmobile association that represents snowmobile clubs, as defined in
16 s. 350.138 (1) (e), in this state, and the ~~office of the commissioner of railroads~~
17 department of transportation.

18 ***-0529/4.240* SECTION 2616.** 351.07 (1g) of the statutes is amended to read:

19 351.07 (1g) No person may file a petition for an occupational license under sub.
20 (1) unless he or she first pays a fee of \$40 to the clerk of the circuit court. The clerk
21 of the circuit court shall give the person a receipt and forward the fee to the county
22 treasurer. That treasurer shall pay 50% of the fee to the ~~state treasurer~~ secretary
23 of administration under s. 59.25 (3) (m) and retain the balance for the use of the
24 county.

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SECTION 2617

1 ***-1249/1.1*** SECTION 2617. 445.125 (1) (a) 2. of the statutes, as affected by 2001
2 Wisconsin Act 16, is amended to read:

3 445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made
4 irrevocable as to the first \$3,000 \$1,500 of the funds paid under the agreement by
5 each depositor.

6 ***-1431/2.42*** SECTION 2618. 552.23 (1) of the statutes is amended to read:

7 552.23 (1) If the target company is an insurance company subject to regulation
8 by the commissioner of insurance, a banking corporation ~~subject to regulation by the~~
9 ~~division of banking, a, savings bank, or savings and loan association subject to~~
10 regulation by the division of ~~savings institutions~~ banking, or a company subject to
11 regulation by the public service commission, or the department of transportation ~~or~~
12 ~~the office of the commissioner of railroads~~, the division of securities shall promptly
13 furnish a copy of the registration statement filed under this chapter to the regulatory
14 agency having supervision of the target company. Any hearing under this chapter
15 involving any such target company shall be held jointly with the regulatory agency
16 having supervision, and any determination following the hearing shall be made
17 jointly with that regulatory agency.

 ****NOTE: This is reconciled s. 552.23 (1). This SECTION has been affected by drafts
with the following LRB numbers: LRB–1187 and LRB–1431.

18 ***-1634/7.63*** SECTION 2619. 560.045 (1) of the statutes is amended to read:

19 560.045 (1) ~~Notwithstanding s. 16.54 (2) (a), from moneys received under a~~
20 ~~community development block grant, 42 USC 5301 to 5320, the department shall~~
21 ~~contract with the department of administration for the administration of housing~~
22 ~~programs, including the housing improvement grant program and the initial~~
23 ~~rehabilitation grant program.~~ To the extent allowed under federal law or regulation,

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1 the department shall give priority in the awarding of grants under the housing
2 programs to grants for projects related to the redevelopment of brownfields, as
3 defined in s. 560.60 (1v).

4 ***-1546/2.15* SECTION 2620.** 560.13 of the statutes is repealed.

5 ***-1546/2.16* SECTION 2621.** 560.138 (1) (ac) of the statutes is amended to read:
6 560.138 (1) (ac) “Brownfields” has the meaning given in s. ~~560.13 (1) (a)~~ 560.60
7 (1v).

8 ***-1546/2.17* SECTION 2622.** 560.139 (1) (c) of the statutes is repealed.

9 ***-1376/1.2* SECTION 2623.** 560.18 of the statutes is repealed.

10 ***-1877/2.5* SECTION 2624.** 560.25 of the statutes, as affected by 2001
11 Wisconsin Act 16, is repealed.

12 ***-1546/2.18* SECTION 2625.** 560.41 (1) of the statutes is repealed.

13 ***-1546/2.19* SECTION 2626.** 560.44 of the statutes is repealed.

14 ***-1877/2.6* SECTION 2627.** 560.605 (1) (i) of the statutes is amended to read:
15 560.605 (1) (i) The eligible recipient has not received a grant under s. 560.25,
16 2001 stats.

17 ***-1877/2.7* SECTION 2628.** 560.62 (2m) of the statutes is repealed.

18 ***-0529/4.241* SECTION 2629.** 562.02 (1) (g) of the statutes is amended to read:
19 562.02 (1) (g) At least once every 3 months, file a written report on the operation
20 of racing in this state with the governor, the attorney general, the ~~state treasurer~~
21 secretary of administration, the secretary of state, the legislative audit bureau, the
22 president of the senate, and the speaker of the assembly. The report shall include
23 information on racetrack operations, race attendance, and private, state, and local
24 revenues derived from racing in this state.

25 ***-1704/1.3* SECTION 2630.** 565.25 (1m) of the statutes is amended to read:

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SECTION 2630

1 565.25 (1m) SCOPE OF AUTHORITY. Subject to approval by the secretary of
2 revenue, the administrator may determine whether lottery functions shall be
3 performed by ~~department of revenue employees or~~ by one or more persons under
4 contract with the department of administration, except that ~~no contract may provide~~
5 ~~for the entire management of the lottery or for the entire operation of the lottery by~~
6 ~~any private person. The department of administration may contract for~~
7 ~~management consultation services to assist in the management or operation of the~~
8 ~~lottery. The department of administration may not contract for financial auditing~~
9 ~~or security monitoring services, except that, if for financial auditing services and~~
10 ~~procurement functions relating to the state lottery.~~ If the department of
11 administration delegates under s. 16.71 (1) to the department of revenue the
12 authority to make a major procurement, the department of revenue may contract
13 with the department of administration for warehouse and building protection
14 services relating to the state lottery. If the department of administration delegates
15 under s. 16.71 (1) to the department of revenue the authority to make a major
16 procurement, the department of revenue shall assume the powers and duties of the
17 department of administration and the administrator shall assume the powers and
18 duties of the secretary of administration under this section and ss. 16.70 to 16.77,
19 except under ss. 16.72 (4) (a), 16.76 (1) and 16.77 (1).

20 *–1704/1.4* SECTION 2631. 565.25 (2) (a) 4. of the statutes is repealed and
21 recreated to read:

22 565.25 (2) (a) 4. The administrator shall develop specifications for major
23 procurements. If security is a factor in the materials, supplies, equipment, property,
24 or services to be purchased in any major procurement, then invitations for bids or
25 competitive sealed proposals shall include specifications related to security. The

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1 administrator shall submit specifications for major procurement to the secretary of
2 revenue for review and approval before the department releases the specifications
3 in invitations for bids or competitive sealed proposals. The department shall require
4 separate bids or separate competitive sealed proposals for management consultation
5 services if the services are provided under contract as provided in sub. (1m).

6 ***-0529/4.242* SECTION 2632.** 565.37 (3) of the statutes is amended to read:

7 565.37 (3) DEPARTMENT REPORT. The department shall submit quarterly reports
8 on the operation of the lottery to the chief clerk of each house of the legislature, for
9 distribution to the legislature under s. 13.172 (2) and to the governor, attorney
10 general, ~~state treasurer~~ secretary of administration, secretary of state, and state
11 auditor.

12 ***-1825/2.2* SECTION 2633.** 569.06 of the statutes is renumbered 569.06 (1) and
13 amended to read:

14 569.06 (1) GENERAL ALLOCATION. Except as provided in sub. (2), Indian gaming
15 receipts received in any fiscal year, up to \$24,352,500, shall be credited to the
16 appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm) as
17 specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm). Except as provided
18 under sub. (2), Indian gaming receipts received in any fiscal year in excess of the
19 amount specified in this subsection shall be paid into the general fund.

20 ***-1825/2.3* SECTION 2634.** 569.06 (2) of the statutes is created to read:

21 569.06 (2) LIMITATIONS ON PAYMENTS TO GENERAL FUND. (a) *Fiscal year 2003–04.*
22 Not more than \$112,000,000 may be paid into the general fund under sub. (1) during
23 the 2003–04 fiscal year. Indian gaming receipts in excess of this amount that would
24 otherwise be required to be paid into the general fund under sub. (1) shall be credited

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SECTION 2634

1 to the appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm)
2 as specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm).

3 (b) *Fiscal year 2004–05 and thereafter.* Not more than \$125,000,000 may be
4 paid into the general fund under sub. (1) during the 2004–05 fiscal year and any fiscal
5 year thereafter. Indian gaming receipts in excess of this amount that would
6 otherwise be required to be paid into the general fund under sub. (1) shall be credited
7 to the appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm)
8 as specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) and (hm).

9 ***-0529/4.243* SECTION 2635.** 601.13 (1) (intro.) of the statutes is amended to
10 read:

11 601.13 (1) RECEIPT OF DEPOSITS. (intro.) Subject to the approval of the
12 commissioner, the ~~state treasurer~~ secretary of administration shall accept deposits
13 or control of acceptable book–entry accounts from insurers and other licensees of the
14 office as follows:

15 ***-0529/4.244* SECTION 2636.** 601.13 (3) (intro.) of the statutes is amended to
16 read:

17 601.13 (3) SECURITIES ELIGIBLE. (intro.) All deposits may consist of any of the
18 securities authorized in this subsection. Each security must be approved by the
19 commissioner, must be subject to disposition by the ~~state treasurer~~ secretary of
20 administration, and must not be available to any other person except as expressly
21 provided by law. The authorized securities are:

22 ***-0529/4.245* SECTION 2637.** 601.13 (5) of the statutes is amended to read:

23 601.13 (5) RECEIPT, INSPECTION, AND RECORD. The ~~state treasurer~~ secretary of
24 administration shall deliver to the depositor a receipt for all securities deposited or
25 held under the control of the ~~state treasurer~~ secretary of administration and shall

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SECTION 2637

1 permit the depositor to inspect its physically held securities at any reasonable time.
2 On application of the depositor the ~~treasurer~~ secretary of administration shall certify
3 when required by any law of the United States or of any other state or foreign country
4 or by the order of any court of competent jurisdiction that the deposit was made. The
5 ~~treasurer~~ secretary of administration and the commissioner shall each keep a
6 permanent record of securities deposited or held under the control of the state
7 ~~treasurer~~ secretary of administration and of any substitutions or withdrawals and
8 shall compare records at least annually.

9 *~~0529/4.246~~* SECTION 2638. 601.13 (6) of the statutes is amended to read:

10 601.13 (6) TRANSFER OF SECURITIES. No transfer of a deposited security, whether
11 voluntary or by operation of law, is valid unless approved in writing by the
12 commissioner and countersigned by the ~~treasurer~~ secretary of administration.

13 *~~0529/4.247~~* SECTION 2639. 601.13 (8) (intro.) of the statutes is amended to
14 read:

15 601.13 (8) INTEREST AND SUBSTITUTIONS. (intro.) Subject to s. ~~14.58 (13)~~ 16.401
16 (11), a depositor shall, while solvent and complying with the laws of this state, be
17 entitled:

18 *~~0529/4.248~~* SECTION 2640. 601.13 (11) of the statutes is amended to read:

19 601.13 (11) ADVANCE DEPOSIT OF FEES. With the approval of the commissioner,
20 any person required to pay fees or assessments to the state through the
21 commissioner may make a deposit with the ~~treasurer~~ secretary of administration
22 from which the fees or assessments shall be paid on order of the commissioner not
23 less than twice each year. Upon request by the depositor, any balance remaining
24 shall be returned on the certificate of the commissioner that all fees and assessments
25 have been paid to date.

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SECTION 2641

1 ***-0153/P1.1*** SECTION 2641. 601.17 of the statutes is repealed.

2 ***-1876/1.5*** SECTION 2642. 601.34 of the statutes is repealed.

3 ***-0529/4.249*** SECTION 2643. 601.45 (3) of the statutes is amended to read:

4 601.45 (3) DEPOSIT. The commissioner may require any examinee, before or
5 from time to time during an examination, to deposit with the ~~state treasurer~~
6 secretary of administration such deposits as the commissioner deems necessary to
7 pay the costs of the examination. Any deposit and any payment made under subs.
8 (1) and (2) shall be credited to the appropriation under s. 20.145 (1) (g) in the
9 percentage specified in that paragraph.

10 ***-0529/4.250*** SECTION 2644. 601.62 (4) of the statutes is amended to read:

11 601.62 (4) FEES IN INVESTIGATIONS AND HEARINGS. The fees for stenographic
12 services in investigations, examinations, and hearings may not exceed the sum
13 provided for like services in the circuit court. The fees of officers, witnesses,
14 interpreters, and stenographers on behalf of the commissioner or the state shall be
15 paid by the ~~state treasurer upon the warrant of the department~~ secretary of
16 administration, authorized by the certificate of the commissioner, and shall be
17 charged to the appropriation under s. 20.145 (1) (g).

18 ***-0529/4.251*** SECTION 2645. 604.04 (4) of the statutes is amended to read:

19 604.04 (4) PAYMENT PROCEDURE. Any charges against a fund under sub. (3) shall
20 be certified by the commissioner, audited by the department of administration under
21 s. 16.53, and paid by the ~~treasurer~~ secretary of administration out of the appropriate
22 fund in accordance with procedures of the department of administration.

23 ***-0529/4.252*** SECTION 2646. 604.05 of the statutes is amended to read:

24 **604.05 Investments.** Assets of all funds under chs. 605 to 607 shall be
25 invested by the state investment board under s. 25.17. Each January 1 the state

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SECTION 2646

1 ~~treasurer~~ secretary of administration shall credit each fund with earnings on the
2 invested assets in each fund for the preceding 12 months. If any fund is indebted to
3 the general fund of the state, the fund shall be charged, at the end of each calendar
4 year, with interest on the indebtedness at the average rate earned by the state upon
5 its deposits in public depositories during the period of indebtedness and that sum
6 shall be credited to the general fund.

7 ***-0529/4.253* SECTION 2647.** 604.06 (1) of the statutes is amended to read:

8 604.06 (1) CUSTODY. The ~~state treasurer~~ secretary of administration has sole
9 custody of all assets of funds under chs. 605 to 607.

10 ***-0529/4.254* SECTION 2648.** 604.07 of the statutes is amended to read:

11 **604.07 Bonds.** The commissioner as manager of the funds and the ~~treasurer~~
12 secretary of administration shall file surety bonds, specifically conditioned on the
13 performance of their duties under chs. 605 to 607, in amounts required by, and with
14 sureties approved by, the governor.

15 ***-0529/4.255* SECTION 2649.** 605.30 of the statutes is amended to read:

16 **605.30 Inadequacy of fund.** If the property fund does not have sufficient
17 assets to pay claims that are due, the ~~department~~ secretary of administration shall
18 ~~issue a warrant as a~~ transfer from the general fund to the property fund an amount
19 sufficient to pay the losses and ~~the state treasurer~~ shall pay the ~~warrant~~ losses. The
20 property fund shall thereafter repay the general fund this amount and the
21 ~~department~~ secretary of administration shall ~~issue warrants for such~~ transfer the
22 amount as soon as there are assets in the property fund.

23 ***-0529/4.256* SECTION 2650.** 611.76 (4) (e) of the statutes is amended to read:

24 611.76 (4) (e) That no policyholder, other than a policyholder of a mutual life
25 insurance company, may receive a distribution of shares valued in excess of the

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SECTION 2650

1 amount to which he or she is entitled under s. 645.72 (4). Any excess over that
2 amount shall be distributed in shares to the state treasury for the benefit of the
3 common school fund. After 5 years the shares may be sold by the ~~treasurer~~ secretary
4 of administration at his or her discretion and the proceeds credited to the common
5 school fund; and

6 ***-0029/2.5*** SECTION 2651. 632.746 (7m) of the statutes is created to read:

7 632.746 (7m) (a) In this subsection, “terms of the group health benefit plan”
8 does not include any requirements under the group health benefit plan related to
9 enrollment periods or waiting periods.

10 (b) An insurer offering a group health benefit plan shall permit, as provided in
11 par. (c), an employee who is not enrolled but who is eligible for coverage under the
12 terms of the group health benefit plan, or a participant’s or employee’s dependent
13 who is not enrolled but who is eligible for coverage under the terms of the group
14 health benefit plan, to enroll for coverage under the terms of the plan if all of the
15 following apply:

16 1. The employee or dependent is eligible for benefits under the Medical
17 Assistance program under s. 49.472 or for coverage under the Badger Care health
18 care program under s. 49.665.

19 2. The department of health and family services will purchase coverage under
20 the group health benefit plan on behalf of the employee or dependent because the
21 department of health and family services has determined that paying the portion of
22 the premium for which the employee is responsible will not be more costly than
23 providing the medical assistance or the coverage under the Badger Care health care
24 program, whichever is applicable.

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1 (c) An insurer permitting an employee or dependent to enroll under this
2 subsection shall provide for an enrollment period of not less than 30 days, beginning
3 on the date on which the department of health and family services makes the
4 determination under par. (b) 2.

5 ***-1755/3.8* SECTION 2652.** 655.26 (2) of the statutes is amended to read:

6 655.26 (2) By the 15th day of each month, the board of governors shall report
7 the information specified in sub. (1) to the medical examining board for each claim
8 paid by the fund or from the appropriation under s. 20.145 (2) (a) during the previous
9 month for damages arising out of the rendering of health care services by a health
10 care provider or an employee of a health care provider.

11 ***-1755/3.9* SECTION 2653.** 655.27 (3) (am) of the statutes is amended to read:

12 655.27 (3) (am) *Assessments for peer review council.* The fund, a mandatory
13 health care liability risk-sharing plan established under s. 619.04, and a private
14 health care liability insurer shall be assessed, as appropriate, fees sufficient to cover
15 the costs of the patients compensation fund peer review council, including costs of
16 administration, for reviewing claims paid by the fund, or from the appropriation
17 under s. 20.145 (2) (a), by the plan, and by the insurer, respectively, under s. 655.275
18 (5). The fees shall be set by the commissioner by rule, after approval by the board
19 of governors, and shall be collected by the commissioner for deposit in the fund. The
20 costs of the patients compensation fund peer review council shall be funded from the
21 appropriation under s. 20.145 (2) (um).

22 ***-1755/3.10* SECTION 2654.** 655.27 (4) (a) of the statutes is amended to read:

23 655.27 (4) (a) Moneys shall be withdrawn from the fund, or paid from the
24 appropriation under s. 20.145 (2) (a), by the commissioner only upon vouchers
25 approved and authorized by the board of governors.

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1 controlling the cost of health care services to state taxpayers, workers, and
2 employers. The fund may be used for all of the following purposes:

3 (a) To assist in the education and training of health care providers.

4 (b) To ensure that health care providers who serve recipients under the Medical
5 Assistance program or other health care programs established by the state receive
6 levels of payment sufficient to retain their participation in the programs and to
7 reduce the risk of shifting costs to private sector employers.

8 (c) To defray the cost of other health–related programs that the secretary of
9 health and family services determines are effective in ensuring the availability of
10 health care providers in the state and controlling the cost of health care services to
11 state taxpayers, workers, and employers.

12 (2) The health care provider availability and cost control fund shall be
13 administered by the commissioner.

14 (3) The health care provider availability and cost control fund shall be funded
15 with the transfer of moneys from the patients compensation fund under 2003
16 Wisconsin Act (this act), section 9228 (1).

17 ***-1634/7.64* SECTION 2658.** 704.05 (5) (a) 2. of the statutes is amended to read:

18 704.05 (5) (a) 2. Give the tenant notice, personally or by ordinary mail
19 addressed to the tenant's last-known address, of the landlord's intent to dispose of
20 the personal property by sale or other appropriate means if the property is not
21 repossessed by the tenant. If the tenant fails to repossess the property within 30 days
22 after the date of personal service or the date of the mailing of the notice, the landlord
23 may dispose of the property by private or public sale or any other appropriate means.
24 The landlord may deduct from the proceeds of sale any costs of sale and any storage
25 charges if the landlord has first stored the personalty under subd. 1. If the proceeds

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1 minus the costs of sale and minus any storage charges are not claimed within 60 days
2 after the date of the sale of the personalty, the landlord is not accountable to the
3 tenant for any of the proceeds of the sale or the value of the property. The landlord
4 shall send the proceeds of the sale minus the costs of the sale and minus any storage
5 charges to the department of administration for deposit in the appropriation under
6 s. ~~20.505 (7)~~ 20.143 (2) (h).

7 *~~1111/4.97~~* SECTION 2659. 704.90 (9) of the statutes is amended to read:

8 704.90 (9) RULES. The department of ~~agriculture, trade and consumer~~
9 ~~protection~~ justice may promulgate rules necessary to carry out the purposes of this
10 section.

11 *~~1111/4.98~~* SECTION 2660. 704.90 (11) (title) of the statutes is amended to
12 read:

13 704.90 (11) (title) DUTIES OF THE DEPARTMENT OF ~~AGRICULTURE, TRADE AND~~
14 ~~CONSUMER PROTECTION~~ JUSTICE.

15 *~~1111/4.99~~* SECTION 2661. 704.90 (11) (a) of the statutes is amended to read:

16 704.90 (11) (a) Except as provided in par. (c), the department of ~~agriculture,~~
17 ~~trade and consumer protection~~ justice shall investigate alleged violations of this
18 section and rules promulgated under sub. (9). To facilitate its investigations, the
19 department may subpoena persons and records and may enforce compliance with the
20 subpoenas as provided in s. 885.12.

21 *~~1111/4.100~~* SECTION 2662. 707.49 (4) of the statutes is amended to read:

22 707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an
23 escrow account, a developer may obtain a surety bond issued by a company
24 authorized to do business in this state, an irrevocable letter of credit or a similar
25 arrangement, in an amount which at all times is not less than the amount of the

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1 deposits otherwise subject to the escrow requirements of this section. The bond,
2 letter of credit or similar arrangement shall be filed with the department of
3 agriculture, ~~trade and consumer protection~~ justice and made payable to the
4 department of agriculture, ~~trade and consumer protection~~ justice for the benefit of
5 aggrieved parties.

6 ***-1111/4.101* SECTION 2663.** 707.57 (2) of the statutes is amended to read:

7 707.57 (2) DEPARTMENT OF AGRICULTURE, ~~TRADE AND CONSUMER PROTECTION~~
8 JUSTICE AUTHORITY. (a) The department of agriculture, ~~trade and consumer~~
9 ~~protection~~ justice, or any district attorney upon informing the department of
10 agriculture, ~~trade and consumer protection~~ justice, may commence an action in
11 circuit court in the name of the state to restrain by temporary or permanent
12 injunction any violation of this chapter. Before entry of final judgment, the court may
13 make such orders or judgments as may be necessary to restore to any person any
14 pecuniary loss suffered because of the acts or practices involved in the action if proof
15 of these acts or practices is submitted to the satisfaction of the court.

16 (b) The department of agriculture, ~~trade and consumer protection~~ justice may
17 conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its
18 investigation of violations of this chapter.

19 ***-1111/4.102* SECTION 2664.** 707.57 (3) of the statutes is amended to read:

20 707.57 (3) PENALTY. Any person who violates this chapter shall be required to
21 forfeit not more than \$5,000 for each offense. Forfeitures under this subsection shall
22 be enforced by action on behalf of the state by the department of agriculture, ~~trade~~
23 ~~and consumer protection~~ justice or by the district attorney of the county where the
24 violation occurs.

25 ***-0529/4.257* SECTION 2665.** 753.061 (5) of the statutes is amended to read: