

SENATE BILL 44

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1 person who is more than 70 years of age if the person meets the requirements
2 specified in subs. (2) (c) to (f) and (h) and (2m) (a) to (d) before issuance of the
3 endorsement and annually takes and passes a physical examination prior to
4 issuance or renewal of the endorsement to determine that the person meets the
5 physical standards established under sub. (2) (g).

6
7 *b0062/1.50* SECTION 2547t. 343.12 (4) (a) (intro.) and 1. of the statutes are
8 consolidated, renumbered 343.12 (4) (a) and amended to read:

9 343.12 (4) (a) Notwithstanding sub. (1), a person may operate a school bus in
10 this state if ~~one or more of the following requirements are met:~~ 1. ~~The the person~~
11 ~~is a nonresident holding a valid commercial driver license with a "P" passenger an~~
12 ~~"S" endorsement and the school bus is a commercial motor vehicle or, if the school bus~~
13 ~~is not a commercial motor vehicle, the person is a resident of Iowa, Illinois, Michigan,~~
14 ~~or Minnesota holding a valid operator's license and any additional endorsements~~
15 ~~required by the person's home jurisdiction for the operation of a school bus and the~~
16 ~~origin or destination of the trip is in another state.~~

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17 *-1195/3.31* SECTION 2549. 343.12 (4) (a) 2. of the statutes is repealed.

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18 *b0062/1.51* SECTION 2550d. 343.12 (4) (a) 3. of the statutes is repealed.

19 *-1195/3.33* SECTION 2551. 343.12 (4) (b) of the statutes is amended to read:

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

25 *b0196/1.4* SECTION 2551h. 343.14 (8) of the statutes is repealed.

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1 ***b0272/2.7* SECTION 2551c.** 343.125 of the statutes is created to read:

2 **343.125 Endorsements for transporting certain hazardous materials.**

3 (1) In this section, “H” endorsement” means an endorsement specified in s.
4 343.17 (3) (d) 1m.

5 (2) The department may not issue or renew an “H” endorsement to a
6 commercial driver license unless all of the following apply:

7 (a) The applicant has submitted to the department documentary proof, in one
8 or more of the following forms, that the applicant is a U.S. citizen or that the
9 applicant’s permanent presence in the United States is authorized under federal law:

10 1. A U.S. passport.

11 2. A birth certificate bearing an official seal or other mark of authentication and
12 issued by a state, county, or municipality within the United States or by a territory
13 or possession of the United States.

14 3. A certification of birth abroad issued by the federal department of state.

15 4. A certificate of naturalization.

16 5. A certificate of U.S. citizenship.

17 6. A permanent resident card or alien registration receipt card.

18 7. Any other proof specified in 49 CFR 383.71 (a) (9).

19 (b) If the applicant submits proof described under par. (a) 6. or 7., the applicant
20 submits his or her bureau of citizenship and immigration services alien registration
21 number.

22 (c) The applicant has passed any knowledge test required by the department.

23 (d) The department of transportation has received notice from the federal
24 transportation security administration of the federal department of homeland

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1 security that the applicant does not pose a security threat warranting denial of an
2 “H” endorsement or that the applicant has received a waiver under 49 CFR 1572.143.

3 (3) (a) Except as provided in par. (b), an “H” endorsement shall expire 4 years
4 after the licensee’s next birthday after the date of issuance or renewal.

5 (b) 1. The initial period for which an “H” endorsement is valid is “.” from the
6 date on which the “H” endorsement is issued until the earlier of the following dates:

7 a. The date on which the licensee’s commercial driver license expires. This
8 subd. 1. a. does not apply if the licensee renews his or her commercial driver license
9 at the same time that the “H” endorsement is issued.

10 b. The date 4 years before the date on which the licensee’s commercial driver
11 license expires.

12 2. Notwithstanding subd. 1., if “.” as determined under subd. 1. is less than 12
13 months, the initial period for which an “H” endorsement is valid is “.” from the date
14 on which the “H” endorsement is issued until the later of the dates specified in subd.
15 1. a. or b.

16 (4) Within 15 days after receiving notice from the federal transportation
17 security administration of the federal department of homeland security, the
18 department of transportation shall do all of the following:

19 (a) Update the department’s records to reflect the notice received, the issuance,
20 denial, or cancellation of an “H” endorsement, and, if applicable, the expiration date
21 of the “H” endorsement.

22 (b) Notify the commercial driver license information system of the notice
23 received and the department’s action.

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1 (c) Issue the “H” endorsement, if the department received notice described in
2 sub. (2) (d) and the applicant is otherwise eligible for issuance of the “H”
3 endorsement.

4 (d) Cancel or deny the “H” endorsement, if the notice is of a final administrative
5 determination that the applicant or licensee poses a security threat warranting
6 denial of an “H” endorsement.

7 (5) Notwithstanding s. 227.42, there is no right to a hearing on any cancellation
8 or denial of an “H” endorsement under this section.

9 (6) Notwithstanding sub. (3) and s. 343.20 (1) (a), the department may require
10 any person who holds a valid “H” endorsement on November 1, 2003, to apply for
11 renewal of that endorsement, if that endorsement expires after November 1, 2008.
12 The department shall provide the notice required under s. 343.20 (2) (b). The
13 department may cancel the “H” endorsement of any person who fails to renew within
14 “.” specified by the department under this subsection. This subsection does not apply
15 to “H” endorsements that are issued or renewed after November 1, 2003.

16 *b0272/2.7* SECTION 2551e. 343.14 (2g) of the statutes is created to read:

17 343.14 (2g) (a) Notwithstanding ss. 111.321, 111.322, and 111.335 and any
18 other provision of law, in addition to the information required under sub. (2), the
19 application form for an “H” endorsement specified in s. 343.17 (3) (d) 1m. shall
20 include all of the information and statements required under 49 CFR 1572.5 (e),
21 including all of the following:

22 1. The list of disqualifying felony criminal offenses specified in 49 CFR
23 1572.103 (b).

24 2. A statement that the individual signing the application meets all of the
25 following requirements:

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1 a. The individual has not been convicted, or found not guilty by reason of
2 insanity, of any disqualifying felony criminal offense described in subd. 1. in any
3 jurisdiction during the 7–year period preceding the date of the application.

4 b. The individual has not been released from incarceration in any jurisdiction
5 for committing any disqualifying felony criminal offense described in subd. 1. within
6 the 5–year period preceding the date of the application.

7 c. The individual is not wanted or under indictment for any disqualifying felony
8 criminal offense described in subd. 1.

9 d. The individual is a U.S. citizen who has not renounced that citizenship, or
10 is lawfully admitted for permanent residence to the United States. If the applicant
11 is lawfully admitted for permanent residence to the United States, the applicant
12 shall provide the applicant’s alien registration number issued by the federal
13 department of homeland security.

14 3. A statement that the individual signing the application has been informed
15 that s. 343.245 (2) (a) 1. and federal regulations under 49 CFR 1572.5 impose an
16 ongoing obligation to disclose to the department within 24 hours if the individual is
17 convicted, or found not guilty by reason of insanity, of any disqualifying felony
18 criminal offense described in subd. 1., or adjudicated as a mental defective or
19 committed to a mental institution, while he or she holds an “H” endorsement
20 specified in s. 343.17 (3) (d) 1m.

21 4. Notwithstanding sub. (2) (br) and the provisions of any memorandum of
22 understanding entered into under s. 49.857 (2), the applicant’s social security
23 number.

24 (b) Upon receiving a completed application form for an “H” endorsement
25 specified in s. 343.17 (3) (d) 1m., the department of transportation shall immediately

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1 forward the application to the federal transportation security administration of the
2 federal department of homeland security. The department of transportation shall
3 also inform the applicant that the applicant has a right to obtain a copy of the
4 applicant's criminal history record by submitting a written request for that record
5 to the federal transportation security administration.

6 *b0272/2.7* **SECTION 2551g.** 343.16 (1) (a) of the statutes is amended to read:

7 343.16 (1) (a) *General.* The department shall examine every applicant for an
8 operator's license, including applicants for license renewal as provided in sub. (3),
9 and every applicant for authorization to operate a vehicle class or type for which the
10 applicant does not hold currently valid authorization, other than an instruction
11 permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants
12 for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or
13 "Class M" vehicles shall include both a knowledge test and an actual demonstration
14 in the form of a driving skills test of the applicant's ability to exercise ordinary and
15 reasonable control in the operation of a representative vehicle. The department shall
16 not administer a driving skills test to a person applying for authorization to operate
17 "Class M" vehicles who has failed 2 previous such skills tests unless the person has
18 successfully completed a rider course approved by the department. The department
19 may, by rule, exempt certain persons from the rider course requirement of this
20 paragraph. The driving skills of applicants for endorsements authorizing the
21 operation of commercial motor vehicles equipped with air brakes, the transportation
22 of passengers in commercial motor vehicles or the operation of school buses, as
23 provided in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration
24 of driving skills. The department may endorse an applicant's commercial driver
25 license for transporting hazardous materials requiring placarding or any quantity

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1 of a material listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125,
2 or for the operation of tank vehicles or vehicles towing double or triple trailers, as
3 described in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge
4 test. In administering the knowledge test, the department shall attempt to
5 accommodate any special needs of the applicant. Except as may be required by the
6 department for an “H” or “S” endorsement, the knowledge test is not intended to be
7 a test for literacy or English language proficiency. This paragraph does not prohibit
8 the department from requiring an applicant to correctly read and understand
9 highway signs.

10 *~~1195/3.34~~* SECTION 2552. 343.17 (3) (b) of the statutes is amended to read:

11 343.17 (3) (b) The reverse side of the license shall contain an explanation of any
12 restriction codes or endorsement abbreviations used on the front of the license, in
13 sufficient detail to identify the nature of the restrictions or endorsements to a law
14 enforcement officer of this state or another jurisdiction. Except for a commercial ✓
15 driver license ~~or a license labeled “CDL-Occupational” as described in s. 343.03 (3)~~
16 ~~(b) and (e)~~, a part of the reverse side of each license shall be printed to serve as a
17 document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an
18 anatomical gift under s. 157.06 (2) (i).

19 *b0272/2.8* SECTION 2552g. 343.17 (3) (d) 1m. of the statutes is amended to
20 read:

21 343.17 (3) (d) 1m. “H” endorsement, which authorizes the driver to operate
22 vehicles transporting hazardous materials requiring placarding or any quantity of
23 a material listed as a select agent or toxin under 42 CFR 73.

24 *b0272/2.8* SECTION 2552i. 343.17 (3) (d) 6. of the statutes is amended to read:

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1 343.17 (3) (d) 6. “X” endorsement, which is an optional endorsement that may
2 be used to indicate that the licensee holds both “H” and “N” endorsements. The
3 department may not issue or renew an endorsement under this subdivision after the
4 effective date of this subdivision [revisor inserts date].

5 *~~1195/3.35~~* SECTION 2553. 343.175 (2) (ag) of the statutes is amended to read:

6 343.175 (2) (ag) The department shall print a separate document to be issued
7 to all persons issued a commercial driver license ~~or a license labeled~~
8 ~~“CDL-Occupational” as described in s. 343.03 (3) (b) and (e)~~ and make provisions so
9 that the document may be attached to the reverse side of the license document along
10 one edge. This document shall serve as a document of gift under s. 157.06 (2) (b) and
11 (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i).

12 *~~b0272/2.9~~* SECTION 2553m. 343.20 (1) (a) of the statutes is amended to read:

13 343.20 (1) (a) Except as otherwise expressly provided in this chapter,
14 reinstated licenses, probationary licenses issued under s. 343.085 and original
15 licenses other than instruction permits shall expire 2 years from the date of the
16 applicant’s next birthday. All Subject to s. 343.125 (3), all other licenses and license
17 endorsements shall expire 8 years after the date of issuance. The department may
18 institute any system of initial license issuance which it deems advisable for the
19 purpose of gaining a uniform rate of renewals. In order to put such a system into
20 operation, the department may issue licenses which are valid for any period less than
21 the ordinary effective period of such license. If the department issues a license that
22 is valid for less than the ordinary effective period as authorized by this paragraph,
23 the fees due under s. 343.21 (1) (a), (b) and (d) shall be prorated accordingly.

24 *~~b0196/1.5~~* SECTION 2554h. 343.20 (2m) of the statutes is amended to read:

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1 343.20 (2m) The department shall include with the notice that it mails under
2 sub. (2) information regarding the requirements of s. 347.48 (4); and information, as
3 developed by all organ procurement organizations in cooperation with the
4 department, that promotes anatomical donations and which relates to the
5 anatomical donation opportunity available under s. 343.175; ~~and, for licensees aged~~
6 ~~65 years or older, material, as provided by the department, explaining the voluntary~~
7 ~~program that is specified in s. 71.55 (10) (b).~~

8 ***b0272/2.10*** SECTION 2554g. 343.20 (2) of the statutes is renumbered 343.20
9 (2) (a) and amended to read:

10 343.20 (2) (a) The department shall mail to the last-known address of a
11 licensee at least 30 days prior to the expiration of the license a notice of the date upon
12 which ~~such~~ the license must be renewed.

13 (c) Failure to receive notice to renew ~~such a license or endorsement~~ shall not
14 be a defense to a charge of operating a motor vehicle without a valid operator's license
15 or endorsement.

16 ***b0272/2.10*** SECTION 2554h. 343.20 (2) (b) of the statutes is created to read:

17 343.20 (2) (b) Notwithstanding par. (a), at least 180 days prior to the expiration
18 of an "H" endorsement specified in s. 343.17 (3) (d) 1m., the department of
19 transportation shall mail a notice to the last-known address of the licensee that the
20 licensee is required to pass a security threat assessment screening by the federal
21 transportation security administration of the federal department of homeland
22 security as part of the application to renew the endorsement. The notice shall inform
23 the licensee that the licensee may commence the federal security threat assessment
24 screening at any time, but no later than 90 days before expiration of the
25 endorsement.

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1 ***-1195/3.37* SECTION 2555.** 343.22 (2) (b) of the statutes is amended to read:
2 343.22 (2) (b) In lieu of applying for a duplicate license or identification card,
3 notify the department in writing of his or her change of address. This paragraph does
4 not apply to persons issued a commercial driver license ~~or a license labeled~~
5 “~~CDL-Occupational~~” as described in s. 343.03 (3) (b) and (e).

~~6~~ ***b0062/1.55* SECTION 2555g.** 343.23 (1) (intro.) of the statutes is amended to
7 read:

8 343.23 (1) (intro.) The department shall maintain a record of every application
9 for license, permit, or endorsement received by it and of every suspension, revocation
10 and, cancellation, and disqualification by the department and shall maintain
11 suitable indexes containing:

12 ***b0062/1.55* SECTION 2555m.** 343.23 (1) (c) of the statutes is amended to read:
13 343.23 (1) (c) The name of every person whose license or operating privilege has
14 been suspended, revoked, or canceled, or who is disqualified, by the department and
~~15~~ note thereon the reason for such action.

~~16~~ ***b0272/2.11* SECTION 2555m.** 343.23 (2) (a) (intro.) of the statutes is amended
17 to read:

18 343.23 (2) (a) (intro.) The department shall maintain a file for each licensee or
19 other person containing the application for license, permit or endorsement, a record
20 of reports or abstract of convictions, any notice received from the federal
21 transportation security administration concerning the person’s eligibility for an “H”
22 endorsement specified in s. 343.17 (3) (d) 1m., the status of the person’s authorization
23 to operate different vehicle groups, a record of any out-of-service orders issued
24 under s. 343.305 (7) (b) or (9) (am) and a record of any reportable accident in which
25 the person has been involved, including specification of any type of license and

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1 endorsements issued under this chapter under which the person was operating at
2 the time of the accident and an indication whether or not the accident occurred in the
3 course of any of the following:

4 *~~1195/3.38~~* SECTION 2556. 343.23 (2) (am) of the statutes is created to read:

5 343.23 (2) (am) 1. The file specified in par. (a) shall include the following:

6 a. For a person holding a commercial driver license issued by the department,
7 a record of any disqualification by another jurisdiction of the person from operating
8 a commercial motor vehicle for at least 60 days or of the revocation, suspension, or
9 cancellation by another jurisdiction of the person's commercial driver license for at
10 least 60 days, and the violation that resulted in the disqualification, revocation,
11 suspension, or cancellation, as specified in any notice received from the other
12 jurisdiction.

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13 b. For a person holding a commercial driver license issued by the department,
14 a record of any violation in another jurisdiction of any law of that jurisdiction,
15 including any local law of that jurisdiction, or of any law of a federally recognized
16 American Indian tribe or band in that jurisdiction, in conformity with any law of this
17 state relating to motor vehicle traffic control, other than a parking violation, as
18 specified in any notice received from that jurisdiction. The department shall record
19 this information within 10 days after receipt of the notice.

20 c. For a person holding a commercial driver license issued by this state or
21 another jurisdiction, a record of each violation, while operating any motor vehicle,
22 of any state law or local ordinance of this state or any law of a federally recognized
23 American Indian tribe or band in this state in conformity with any law of this state
24 relating to motor vehicle traffic control, other than a parking violation. The

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1 department shall record the information under this subdivision within 10 days after
2 the date of conviction.

3 2. In maintaining the department's file specified in subd. 1. and par. (a), the
4 department may not conceal, withhold, or mask from the department's file, or
5 otherwise allow in any way a person to avoid the department's recording in the
6 department's file of, any information required to be recorded in the department's file
7 under 49 CFR 384.225 and 384.226, regardless of whether the person has obtained
8 deferral of imposition of judgment, been allowed to enter a diversion program, or
9 otherwise obtained delayed or suspended judgment or alternative sentencing from
10 a court.

11 *~~1195/3.39~~* SECTION 2557. 343.23 (2) (b) of the statutes is amended to read:
12 343.23 (2) (b) The information specified in ~~par.~~ pars. (a) and (am) must be filed
13 by the department so that the complete operator's record is available for the use of
14 the secretary in determining whether operating privileges of such person shall be
15 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest
16 of public safety. The record of suspensions, revocations, and convictions that would
17 be counted under s. 343.307 (2) shall be maintained permanently. The record of
18 convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for
19 at least 10 years. The record of convictions for disqualifying offenses under s.
20 343.315 (2) (f) and (j), and all records specified in par. (am), shall be maintained for
21 at least 3 years. The record of convictions for disqualifying offenses under s. 343.315
22 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee
23 transfers residency to another state such record may be transferred to another state
24 of licensure of the licensee if that state accepts responsibility for maintaining a
25 permanent record of convictions for disqualifying offenses. Such reports and records

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1 may be cumulative beyond the period for which a license is granted, but the secretary,
2 in exercising the power of suspension granted under s. 343.32 (2) may consider only
3 those reports and records entered during the 4-year period immediately preceding
4 the exercise of such power of suspension.

5 ***b0272/2.12* SECTION 2557g.** 343.245 (2) (a) 1. of the statutes is amended to
6 read:

7 343.245 (2) (a) 1. ‘To state.’ A person, after applying for or receiving a
8 commercial driver license issued by this state, who is convicted of violating in a motor
9 vehicle any law of this state or local ordinance adopted in conformity therewith or
10 a law enacted by a federally recognized American Indian tribe or band in this state
11 which is in conformity with any law of this state, or the law of another jurisdiction,
12 relating to motor vehicle traffic control, other than parking violations, shall notify
13 the department of the conviction in the manner specified by the department within
14 30 days after the date of conviction. Notwithstanding any other provision of law, a
15 person who holds an “H” endorsement specified in s. 343.17 (3) (d) 1m. shall notify
16 the department within 24 hours if the person is convicted, or found not guilty by
17 reason of insanity, of any disqualifying felony criminal offense described in s. 343.14
18 (2g) (a) 1., or adjudicated as a mental defective or committed to a mental institution.

19 ***b0272/2.12* SECTION 2557i.** 343.265 (1r) of the statutes is created to read:

20 343.265 (1r) Notwithstanding sub. (1), the department shall accept the
21 voluntary surrender of an “H” endorsement specified in s. 343.17 (3) (d) 1m. Upon
22 accepting the surrender, the department shall immediately cancel the endorsement
23 if the licensee is not eligible for the endorsement. Following cancellation under this
24 subsection, the department shall take the actions required in s. 343.125 (4) (a) and
25 (b). Upon accepting the surrender from a person to whom the department would not

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1 be prohibited from issuing an “H” endorsement, the department may remove that
2 endorsement from the licensee’s commercial driver license as a temporary surrender.
3 The department may not issue an “H” endorsement to any person whose “H”
4 endorsement is removed as a temporary surrender under this subsection unless the
5 person applies for initial issuance of an “H” endorsement.

6 *b0272/2.12* SECTION 2557k. 343.28 (1) of the statutes is amended to read:
7 343.28 (1) Whenever a person is convicted of a moving traffic violation under
8 chs. 341 to 349 or under a local ordinance enacted under ch. 349, the clerk of the court
9 in which the conviction occurred, or the justice, judge or magistrate of a court not
10 having a clerk, shall, as provided in s. 345.48, forward to the department the record
11 of such conviction. The record of conviction forwarded to the department shall state
12 whether the offender was involved in an accident at the time of the offense, whether
13 the offender was operating a commercial motor vehicle at the time of the offense and,
14 if so, whether the offender was transporting hazardous materials requiring
15 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
16 73, or was operating a vehicle designed to carry, or actually carrying, 16 or more
17 passengers, including the driver. Whenever a person is convicted of exceeding a
18 posted speed limit, the record of conviction forwarded to the department shall
19 include the number of miles per hour in excess of the posted speed limit.

20 *b0272/2.12* SECTION 2557m. 343.28 (2) of the statutes is amended to read:
21 343.28 (2) Whenever a person is convicted of any offense for which s. 343.31
22 makes mandatory the revocation by the secretary of such person’s operating
23 privilege, the court in which the conviction occurred shall require the surrender to
24 it of any license then held by such person. The clerk of the court, or the justice, judge
25 or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the

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1 department the record of conviction and any surrendered licenses. The record of
2 conviction forwarded to the department shall state whether the offender was
3 involved in an accident at the time of the offense, whether the offender was operating
4 a commercial motor vehicle at the time of the offense and, if so, whether the offender
5 was transporting hazardous materials requiring placarding or any quantity of a
6 material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle
7 designed to carry, or actually carrying, 16 or more passengers, including the driver.

8 ***-1195/3.40*** SECTION 2558. 343.307 (2) (d) of the statutes is amended to read:

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

12
13 ***-1195/3.43*** SECTION 2562. 343.315 (2) (a) (intro.) of the statutes is amended
14 to read:

15 343.315 (2) (a) (intro.) Except as provided in par. (b), a person shall be
16 disqualified from operating a commercial motor vehicle for a one-year period upon
17 a first conviction of any of the following offenses, committed on or after July 1, 1987,
18 while driving or operating a commercial motor vehicle or committed on or after
19 September 30, 2005, while driving or operating any motor vehicle:

20 ***-1195/3.44*** SECTION 2563. 343.315 (2) (a) 7. of the statutes is created to read:

21 343.315 (2) (a) 7. Operating a commercial motor vehicle when the person's
22 commercial driver license is revoked, suspended, or canceled based on the person's
23 operation of a commercial motor vehicle or when the person is disqualified from
24 operating a commercial motor vehicle. ✓

25 ***-1195/3.45*** SECTION 2564. 343.315 (2) (a) 8. of the statutes is created to read:

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1 343.315 (2) (a) 8. Causing a fatality through negligent or criminal operation
2 of a commercial motor vehicle.

3 ***b0272/2.13* SECTION 2564m.** 343.315 (2) (b) of the statutes is amended to
4 read:

5 343.315 (2) (b) If any of the violations listed in par. (a) occurred in the course
6 of transporting hazardous materials requiring placarding or any quantity of a
7 material listed as a select agent or toxin under 42 CFR 73 on or after July 1, 1987,
8 the person shall be disqualified from operating a commercial motor vehicle for a
9 3-year period.

10 ***-1195/3.46* SECTION 2565.** 343.315 (2) (e) of the statutes is amended to read:

11 343.315 (2) (e) A person is disqualified for life from operating a commercial
12 motor vehicle if the person uses ^{*delete space*} a commercial motor vehicle on or after July 1, 1987,
13 or uses any motor vehicle on or after September 30, 2005, in the commission of a
14 felony involving the manufacture, distribution, delivery or dispensing of a controlled
15 substance or controlled substance analog, or possession with intent to manufacture,
16 distribute, deliver or dispense a controlled substance or controlled substance analog.
17 No person who is disqualified under this paragraph is eligible for reinstatement
18 under par. (d).

19 ***-1195/3.47* SECTION 2566.** 343.315 (2) (f) (intro.) of the statutes is amended
20 to read:

21 343.315 (2) (f) (intro.) A person is disqualified for a period of 60 days from
22 operating a commercial motor vehicle if convicted of 2 serious traffic violations, and
23 120 days if convicted of 3 serious traffic violations, arising from separate occurrences
24 committed within a 3-year period while driving or operating ^{*g*} a commercial motor
25 vehicle or while driving or operating any motor vehicle if the person holds a

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1 commercial driver license. The 120-day period of disqualification under this
2 paragraph shall be in addition to any other period of disqualification imposed under
3 this paragraph. In this paragraph, “serious traffic violations” means any of the
4 following offenses committed while operating a commercial motor vehicle, or any of
5 the following offenses committed while operating any motor vehicle if the offense
6 results in the revocation, cancellation, or suspension of the person’s operator’s
7 license or operating privilege:

8 ***-1195/3.48*** **SECTION 2567.** 343.315 (2) (f) 2. of the statutes is amended to
9 read:

10 343.315 (2) (f) 2. Violating any state or local law of this state or any law of a
11 federally recognized American Indian tribe or band in this state in conformity with
12 any state law or any law of another jurisdiction relating to motor vehicle traffic
13 control, arising in connection with a fatal accident, other than parking, vehicle
14 weight or vehicle defect violations, or violations described in par. (a) 8.

15 ***-1195/3.49*** **SECTION 2568.** 343.315 (2) (f) 6. of the statutes is created to read:

16 343.315 (2) (f) 6. Operating a commercial motor vehicle when the person has
17 not obtained a commercial driver license.

18 ***-1195/3.50*** **SECTION 2569.** 343.315 (2) (f) 7. of the statutes is created to read:

19 343.315 (2) (f) 7. Operating a commercial motor vehicle when the person does
20 not have in his or her immediate possession the person’s commercial driver license
21 document, including any special restrictions cards issued under s. 343.10 (7) (d) or
22 343.17 (4), unless the person produces in court or in the office of the law enforcement
23 officer that issued the citation, by the date that the person must appear in court or
24 pay any fine or forfeiture with respect to the citation, a commercial driver license

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1 document issued to the person prior to the date of the citation and valid at the time
2 of the citation.

3 *~~1195/3.51~~* SECTION 2570. 343.315 (2) (f) 8. of the statutes is created to read:

4 343.315 (2) (f) 8. Operating a commercial motor vehicle without the proper
5 class of commercial driver license or endorsements for the specific vehicle group
6 being operated or for the passengers or type of cargo being transported.

7 ~~7~~ *b0062/1.78* SECTION 2570m. 343.315 (2) (h) of the statutes is amended to
8 read:

9 343.315 (2) (h) Except as provided in par. (i), a person is disqualified for a period
10 of 90 days from operating a commercial motor vehicle if convicted of an
11 out-of-service violation, or one year if convicted of 2 out-of-service violations, or 3
12 years if convicted of 3 or more out-of-service violations, arising from separate
13 occurrences committed within a 10-year period while driving or operating a
14 commercial motor vehicle. A disqualification under this paragraph shall be in
15 addition to any penalty imposed under s. 343.44. In this paragraph, “out-of-service
16 violation” means violating s. 343.44 (1) (c) by operating a commercial motor vehicle
17 while the operator or vehicle is ordered out-of-service under state or federal law.

18 ~~18~~ *b0272/2.14* SECTION 2570m. 343.315 (2) (i) of the statutes is amended to
19 read:

20 343.315 (2) (i) If the violation listed in par. (h) occurred in the course of
21 transporting hazardous materials requiring placarding or any quantity of a material
22 listed as a select agent or toxin under 42 CR 73, or while operating a vehicle designed
23 to carry, or actually carrying, 16 or more passengers, including the driver, the person
24 shall be disqualified from operating a commercial motor vehicle for 180 days upon
25 a first conviction, or for a 3-year period for a 2nd or subsequent conviction, arising

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1 from separate occurrences committed within a 10-year period while driving or
2 operating a commercial motor vehicle. A disqualification under this paragraph shall
3 be in addition to any penalty imposed under s. 343.44.

4 *~~1195/3.52~~* SECTION 2571. 343.315 (2) (k) of the statutes is created to read:

5 343.315 (2) (k) A person disqualified by federal authorities under 49 USC
6 31310 (f) and 49 CFR 383.52 on the basis that the person's continued operation of a
7 commercial motor vehicle would create an imminent hazard, as defined in 49 USC
8 5102 and 49 CFR 383.5, is disqualified from operating a commercial motor vehicle
9 for the period of disqualification determined by the federal authority upon receipt by
10 the department of the notice of disqualification provided for in 49 CFR 383.52 (d).

11 *~~b0062/1.79~~* SECTION 2571y. 343.44 (1) (c) of the statutes is amended to read:

12 343.44 (1) (c) *Operating while ordered out-of-service.* No person may operate
13 a commercial motor vehicle while the person or the commercial motor vehicle is
14 ordered out-of-service under state or federal law.

15 *~~1195/3.53~~* SECTION 2572. 343.44 (1) (d) of the statutes is amended to read:

16 343.44 (1) (d) *Operating while disqualified.* No person may operate a
17 commercial motor vehicle while disqualified under s. 343.315 or 49 CFR 383.51,
18 under the law of another jurisdiction or Mexico that provides for disqualification of
19 commercial drivers in a manner similar to 49 CFR 383.51, or under a determination
20 by the federal highway motor carrier safety administration under the federal rules
21 of practice for motor carrier safety contained in 49 CFR 386 that the person is no
22 longer qualified to operate a vehicle under 49 CFR 391.

23 *~~1195/3.54~~* SECTION 2573. 343.44 (2) (b) (intro.) of the statutes is amended

24 to read:

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

6 *~~1195/3.55~~* SECTION 2574. 343.44 (2) (bm) of the statutes is created to read:

7 343.44 (2) (bm) Any person who violates sub. (1) (c) shall be fined not less than
8 \$1,100 nor more than \$2,750 or imprisoned for not more than one year in the county
9 jail or both. In imposing a sentence under this paragraph, the court shall review the
10 record and consider the factors specified in par. (b) 1. to 5.

11 *~~b0196/1.6~~* SECTION 2574h. 343.50 (4) of the statutes is amended to read:

12 343.50 (4) APPLICATION. The application for an identification card shall include
13 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), and
14 (em), and such further information as the department may reasonably require to
15 enable it to determine whether the applicant is entitled by law to an identification
16 card,~~and, for applicants who are aged 65 years or older, material, as provided by the~~
17 ~~department, explaining the voluntary program that is specified in s. 71.55 (10) (b).~~
18 The department shall, as part of the application process, take a photograph of the
19 applicant to comply with sub. (3). No application may be processed without the
20 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are
21 punishable as provided in s. 343.14 (9).

22 *~~0529/4.225~~* SECTION 2575. 344.185 (2) (e) 2. of the statutes is amended to
23 read:

24 344.185 (2) (e) 2. All other proceeds of the sale remaining after the payments
25 under subd. 1. shall be retained by the secretary of transportation and applied as

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SECTION 2575

1 security for payment of judgments and assignments as provided under s. 344.20 (2).
2 Any amounts not used to pay judgments or assignments shall be transmitted to the
3 state treasurer secretary of administration for deposit in the school fund.

4 ***-0529/4.226*** SECTION 2579. 345.08 of the statutes is amended to read:

5 **345.08 Suit to recover protested tax or fee.** No suit shall be maintained
6 in any court to restrain or delay the collection or payment of the taxes levied or the
7 fees imposed or enacted in chs. 341 to 349. The aggrieved taxpayer shall pay the tax
8 or fee as and when due and, if paid under protest, may at any time within 90 days
9 from the date of such payment sue the state in an action at law to recover the tax or
10 fee so paid. If it is finally determined that such tax or fee or any part thereof was
11 wrongfully collected for any reason, the department secretary of administration
12 shall ~~issue a warrant on the state treasurer for pay from the transportation fund~~ the
13 amount of such tax or fee so adjudged to have been wrongfully collected ~~and the state~~
14 ~~treasurer shall pay the same out of the transportation fund.~~ A separate suit need not
15 be filed for each separate payment made by any taxpayer, but a recovery may be had
16 in one suit for as many payments as were made within the 90-day period preceding
17 the commencement of the action. Such suits shall be commenced as provided in s.
18 775.01.

19 ***b0272/2.15*** SECTION 2579m. 345.11 (2m) (b) of the statutes is amended to
20 read:

21 345.11 (2m) (b) Whether the vehicle was transporting hazardous materials
22 requiring placarding or any quantity of a material listed as a select agent or toxin
23 under 42 CFR 73.

24 ***-0529/4.227*** SECTION 2580. 346.177 (3) of the statutes is amended to read:

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1 346.177 (3) If any deposit is made for an offense to which this section applies,
2 the person making the deposit shall also deposit a sufficient amount to include the
3 railroad crossing improvement assessment under this section. If the deposit is
4 forfeited, the amount of the railroad crossing improvement assessment shall be
5 transmitted to the ~~state treasurer~~ secretary of administration under sub. (4). If the
6 deposit is returned, the amount of the railroad crossing improvement assessment
7 shall also be returned.

8 *~~0529/4.228~~* SECTION 2581. 346.177 (4) of the statutes is amended to read:

9 346.177 (4) The clerk of the circuit court shall collect and transmit to the county
10 treasurer the railroad crossing improvement assessment as required under s. 59.40
11 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary of
12 administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of
13 administration shall deposit all amounts received under this subsection in the
14 transportation fund to be appropriated under s. 20.395 (2) (gj).

15 *~~0529/4.229~~* SECTION 2583. 346.495 (3) of the statutes is amended to read:

16 346.495 (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 railroad crossing improvement assessment under this section. If the deposit is
19 forfeited, the amount of the railroad crossing improvement assessment shall be
20 transmitted to the ~~state treasurer~~ secretary of administration under sub. (4). If the
21 deposit is returned, the amount of the railroad crossing improvement assessment
22 shall also be returned.

23 *~~0529/4.230~~* SECTION 2584. 346.495 (4) of the statutes is amended to read:

24 346.495 (4) The clerk of the circuit court shall collect and transmit to the county
25 treasurer the railroad crossing improvement assessment as required under s. 59.40

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SECTION 2584

1 (2) (m). The county treasurer shall then pay the ~~state treasurer~~ secretary of
2 administration as provided in s. 59.25 (3) (f) 2. The ~~state treasurer~~ secretary of
3 administration shall deposit all amounts received under this subsection in the
4 transportation fund to be appropriated under s. 20.395 (2) (gj).

5 ~~3~~
6 ***-0529/4.231* SECTION 2588.** 346.65 (4r) (c) of the statutes is amended to read:

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

14 ***-0529/4.232* SECTION 2589.** 346.65 (4r) (d) of the statutes is amended to read:

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

21 ***-0529/4.233* SECTION 2590.** 346.655 (2) (a) of the statutes is amended to read:

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

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1 *~~0529/4.234~~* SECTION 2591. 346.655 (2) (b) of the statutes is amended to read:

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

8 *~~0529/4.235~~* SECTION 2592. 346.655 (3) of the statutes is amended to read:

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

15 *~~1190/1.1~~* SECTION 2594. 348.25 (8) (a) 1. of the statutes is amended to read:

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

20 *~~1190/1.2~~* SECTION 2595. 348.25 (8) (a) 2. of the statutes is amended to read:

21 348.25 (8) (a) 2. For a vehicle or combination of vehicles which exceeds either
22 width limitations or height limitations, \$20, except that if the application for a
23 permit for a vehicle described in this subdivision is submitted to the department
24 after December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is \$22.

SENATE BILL 44**SECTION 2596**

1 ***-1190/1.3*** **SECTION 2596.** 348.25 (8) (a) 2m. of the statutes is amended to
2 read:

3 348.25 (8) (a) 2m. For a vehicle or combination of vehicles which exceeds both
4 width and height limitations, \$25, except that if the application for a permit for a
5 vehicle described in this subdivision is submitted to the department after
6 December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is \$28.

7 ***-1190/1.4*** **SECTION 2597.** 348.25 (8) (b) 1. of the statutes is amended to read:

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

12 ***-1190/1.5*** **SECTION 2598.** 348.25 (8) (b) 2. of the statutes is amended to read:

13 348.25 (8) (b) 2. For a vehicle or combination of vehicles which exceeds width
14 limitations or height limitations or both, \$90, except that if the application for a
15 permit for a vehicle described in this subdivision is submitted to the department
16 after December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is \$99.

17 ***-1190/1.6*** **SECTION 2599.** 348.25 (8) (b) 3. a. of the statutes is amended to
18 read:

19 348.25 (8) (b) 3. a. If the gross weight is 90,000 pounds or less, \$200, except that
20 if the application for a permit for a vehicle described in this subd. 3. a. is submitted
21 to the department after December 31, 1999, and before July 1, ~~2003~~ 2005, the fee is
22 \$220.

23 ***-1190/1.7*** **SECTION 2600.** 348.25 (8) (b) 3. b. of the statutes is amended to
24 read:

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

5 ***-1190/1.8*** SECTION 2601. 348.25 (8) (b) 3. c. of the statutes is amended to
6 read:

7 348.25 (8) (b) 3. c. If the gross weight is greater than 100,000 pounds, \$350 plus
8 \$100 for each 10,000–pound increment or fraction thereof by which the gross weight
9 exceeds 100,000 pounds, except that if the application for a permit for a vehicle
10 described in this subd. 3. c. is submitted to the department after December 31, 1999,
11 and before July 1, 2003 2005, the fee is \$385 plus \$110 for each 10,000–pound
12 increment or fraction thereof by which the gross weight exceeds 100,000 pounds.

13 ***-1190/1.9*** SECTION 2602. 348.25 (8) (bm) 1. of the statutes is amended to
14 read:

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

20 ***-1190/1.10*** SECTION 2603. 348.25 (8) (bm) 2. of the statutes is amended to
21 read:

22 348.25 (8) (bm) 2. Unless a different fee is specifically provided, the fee for a
23 consecutive month permit is one–twelfth of the fee under par. (b) for an annual
24 permit times the number of months for which the permit is desired, plus \$16.50 for
25 each permit issued, rounded to the nearest whole dollar. This subdivision does not

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SECTION 2603

1 apply to applications submitted before January 1, 2000, or submitted after
2 June 30, ~~2003~~ 2005.

3 *~~1229/2.3~~* SECTION 2604. 348.25 (8) (e) of the statutes is amended to read:

4 348.25 (8) (e) The officer or agency authorized to issue a permit under s. 348.26
5 or 348.27 may require any applicant for a permit under s. 348.26 or 348.27 to pay the
6 cost of any special investigation undertaken to determine whether a permit should
7 be approved or denied and to pay an additional fee [✓] of \$5 [✓] established by the
8 department by rule per permit if a department telephone call-in procedure or
9 Internet procedure is used. ~~The~~^e fee shall approximate the cost to the department
10 for providing this service to persons so requesting. ✓

11 *~~0529/4.236~~* SECTION 2605. 349.04 (3) of the statutes is amended to read:

12 349.04 (3) If any deposit is made for an offense to which this section applies,
13 the person making the deposit shall also deposit a sufficient amount to include the
14 truck driver education assessment under this section. If the deposit is forfeited, the
15 amount of the truck driver education assessment shall be transmitted to the state
16 ~~treasurer~~ secretary of administration under sub. (4). If the deposit is returned, the
17 amount of the truck driver education assessment shall also be returned.

18 *~~0529/4.237~~* SECTION 2606. 349.04 (4) of the statutes is amended to read:

19 349.04 (4) The clerk of the circuit court shall collect and transmit to the county
20 treasurer the truck driver education assessment as required under s. 59.40 (2) (m).
21 The county treasurer shall then pay the ~~state treasurer~~ secretary of administration
22 as provided in s. 59.25 (3) (f) 2. ~~The state treasurer~~ secretary of administration shall
23 deposit all amounts received under this subsection in the general fund to be credited
24 to the appropriation account under s. 20.292 (1) (hm).

25 *~~0529/4.238~~* SECTION 2607. 350.115 (1) (c) of the statutes is amended to read:

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

8 *~~0529/4.239~~* SECTION 2608. 350.115 (1) (d) of the statutes is amended to read:

9 350.115 (1) (d) The clerk of the court shall collect and transmit to the county
10 treasurer the snowmobile registration restitution payment and other amounts
11 required under s. 59.40 (2) (m). The county treasurer shall then make payment to
12 the ~~state treasurer~~ secretary of administration as provided in s. 59.25 (3) (f) 2.

13 *~~b0322/2.3~~* SECTION 2608m. 350.12 (4) (b) (intro.) of the statutes is amended
14 to read:

15 350.12 (4) (b) *Trail aids and related costs.* (intro.) The moneys appropriated
16 under s. 20.370 (1) (mq) and (5) (cb), (ck), (cr), (cs), and (cw) shall be used for
17 development and maintenance, the cooperative snowmobile sign program, major
18 reconstruction or rehabilitation to improve bridges on existing approved trails, trail
19 rehabilitation, signing of snowmobile routes, and state snowmobile trails and areas
20 and distributed as follows:

21 *~~0529/4.240~~* SECTION 2616. 351.07 (1g) of the statutes is amended to read:

22 351.07 (1g) No person may file a petition for an occupational license under sub.
23 (1) unless he or she first pays a fee of \$40 to the clerk of the circuit court. The clerk
24 of the circuit court shall give the person a receipt and forward the fee to the county
25

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SECTION 2616

1 treasurer. That treasurer shall pay 50% of the fee to the ~~state treasurer~~ secretary
2 of administration under s. 59.25 (3) (m) and retain the balance for the use of the
3 county.

4 ***-1431/2.42* SECTION 2618.** 552.23 (1) of the statutes is amended to read:

5 552.23 (1) If the target company is an insurance company subject to regulation
6 by the commissioner of insurance, a banking corporation ~~subject to regulation by the~~
7 ~~division of banking, a~~, savings bank, or savings and loan association subject to
8 regulation by the division of ~~savings institutions~~ banking, or a company subject to
9 regulation by the public service commission, the department of transportation, or ✓
10 the office of the commissioner of railroads, the division of securities shall promptly ✓
11 furnish a copy of the registration statement filed under this chapter to the regulatory
12 agency having supervision of the target company. Any hearing under this chapter
13 involving any such target company shall be held jointly with the regulatory agency
14 having supervision, and any determination following the hearing shall be made
15 jointly with that regulatory agency.

keep & move

16 ***b0105/3.7* SECTION 2618t.** 560.031 of the statutes is repealed.

***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.

17 ***-1634/7.63* SECTION 2619.** 560.045 (1) of the statutes is amended to read:

18 560.045 (1) ~~Notwithstanding s. 16.54 (2) (a), from moneys received under a~~
19 ~~community development block grant, 42 USC 5301 to 5320, the department shall~~
20 ~~contract with the department of administration for the administration of housing~~
21 ~~programs, including the housing improvement grant program and the initial~~
22 ~~rehabilitation grant program.~~ To the extent allowed under federal law or regulation,
23 the department shall give priority in the awarding of grants under the housing

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SECTION 2619

1 programs to grants for projects related to the redevelopment of brownfields, as
2 defined in s. 560.60 (1v).

3 ***b0101/2.2* SECTION 2624d.** 560.25 (2) (intro.) of the statutes, as affected by
4 2001 Wisconsin Act 16, is amended to read:

5 560.25 (2) GRANTS. (intro.) Subject to sub. (4), the department may make a
6 grant from the appropriation under ~~s. 20.143 (1) (k)~~ s. 20.143 (1) (f) to a
7 technology-based nonprofit organization to provide support for a manufacturing
8 extension center if all of the following apply:

9 ***-1877/2.7* SECTION 2628.** 560.62 (2m) of the statutes is repealed.

10 ***b0105/3.8* SECTION 2628fd.** 560.80 (4) of the statutes is amended to read:

11 560.80 (4) “Eligible development project costs” means costs that, in accordance
12 with sound business and financial practices, are appropriately incurred in
13 connection with a development project ~~or a recycling development project~~, but does
14 not include entertainment expenses or expenses incurred more than 6 months before
15 the board approves a grant or loan under s. 560.83 ~~or 560.835~~.

16 ***b0105/3.8* SECTION 2628ff.** 560.80 (5) of the statutes is amended to read:

17 560.80 (5) “Eligible recipient” means a person who is eligible to receive a grant
18 under s. 560.82 (5) (a) or 560.837 or a grant or loan under s. 560.83 (5) (a) or (b) ~~or~~
19 560.835.

20 ***b0105/3.8* SECTION 2628fh.** 560.80 (11) of the statutes is amended to read:

21 560.80 (11) “Project” means a development project, ~~a recycling development~~
22 ~~project~~, an early planning project, a finance project, an education and training
23 project or a revolving fund project.

24 ***b0105/3.8* SECTION 2628fj.** 560.80 (12) of the statutes is repealed.

25

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SECTION 2628fL

1 ***b0105/3.8* SECTION 2628fL.** 560.81 (2) of the statutes is amended to read:

2 560.81 (2) The board awards a grant or loan to the eligible recipient or local
3 development corporation under ss. 560.83 (1) and 560.84 or to the eligible recipient
4 under ~~ss. 560.835 and s.~~ 560.84.

5 ***b0105/3.8* SECTION 2628fn.** 560.81 (3) of the statutes is amended to read:

6 560.81 (3) The board awards a grant or loan to the local development
7 corporation under s. 560.83 (2) ~~or 560.835.~~

8 ***b0105/3.8* SECTION 2628fp.** 560.82 (2) (intro.) of the statutes is amended to
9 read:

10 560.82 (2) (intro.) The department may not award a grant under sub. (1) ~~or s.~~
11 ~~560.835 (6)~~ unless the eligible recipient submits an application, in a form required
12 by the department, that contains or describes all of the following:

13 ***b0105/3.8* SECTION 2628fr.** 560.82 (3) (intro.) of the statutes is amended to
14 read:

15 560.82 (3) (intro.) An eligible recipient who receives a grant under sub. (1) or
16 s. 560.835 (6), 2001 stats., may only use the proceeds of the grant for the following
17 purposes:

18 ***b0105/3.8* SECTION 2628ft.** 560.82 (4) (b) of the statutes is amended to read:

19 560.82 (4) (b) Award, to any one eligible recipient or for any one early planning
20 project, grants under sub. (1) ~~or s. 560.835 (6)~~ that total more than \$15,000.

21 ***b0105/3.8* SECTION 2628fv.** 560.82 (5) (a) of the statutes is amended to read:

22 560.82 (5) (a) The department may only award grants under sub. (1) ~~or s.~~
23 ~~560.835 (6)~~ to individuals who are minority group members and residents of this
24 state.

25 ***b0105/3.8* SECTION 2628gd.** 560.835 of the statutes is repealed.

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SECTION 2628gf

1 ***b0105/3.8* SECTION 2628gf.** 560.84 (1) (b) 1. of the statutes is amended to
2 read:

3 560.84 (1) (b) 1. If an early planning project under s. 560.82 ~~or 560.835 (6)~~, that
4 the project will increase employment in this state.

5 ***b0105/3.8* SECTION 2628gh.** 560.84 (1) (b) 2. of the statutes is amended to
6 read:

7 560.84 (1) (b) 2. If a development project ~~or recycling development project~~, that
8 the project will retain or increase employment in this state.

9 ***b0105/3.8* SECTION 2628gj.** 560.84 (1) (e) 1. of the statutes is amended to
10 read:

11 560.84 (1) (e) 1. For grants funding early planning projects under s. 560.82 ~~or~~
12 ~~560.835 (6)~~, not less than 25% of the cost of the project. Up to 50% of the contribution
13 under this subdivision may be in the form of the in-kind services of a qualified 3rd
14 party or qualified 3rd parties. The department shall determine what services may
15 be used as in-kind contributions and whether a 3rd party is qualified, for purposes
16 of this subdivision.

17 ***b0105/3.8* SECTION 2628gL.** 560.84 (1) (e) 2. of the statutes is amended to
18 read:

19 560.84 (1) (e) 2. For grants and loans funding development projects ~~or recycling~~
20 ~~development projects~~, a cash contribution of not less than 25% of the cost of the
21 project.

22 ***b0105/3.8* SECTION 2628gn.** 560.84 (1) (f) of the statutes is amended to read:

23 560.84 (1) (f) That the project meets all criteria set forth in s. 560.82, 560.83,
24 ~~560.835~~ or 560.837, whichever is appropriate.

25 ***b0105/3.8* SECTION 2628gp.** 560.84 (1) (j) of the statutes is amended to read:

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SECTION 2628gp

1 560.84 (1) (j) If a development project, ~~recycling development project~~, finance
2 project, or education and training project, that funds from the grant or loan will not
3 be used to refinance existing debt.

4 ***b0105/3.8* SECTION 2628gr.** 560.84 (2) (a) 1. of the statutes is amended to
5 read:

6 560.84 (2) (a) 1. If an early planning project under s. 560.82 ~~or 560.835 (6)~~, the
7 extent to which the project will increase employment in this state.

8 ***b0105/3.8* SECTION 2628gt.** 560.84 (2) (a) 2. of the statutes is amended to
9 read:

10 560.84 (2) (a) 2. If a development project ~~or recycling development project~~, the
11 extent to which the project will retain or increase employment in this state.

12 ***b0105/3.8* SECTION 2628gv.** 560.84 (2) (c) (intro.) of the statutes is amended
13 to read:

14 560.84 (2) (c) (intro.) If a development project ~~or recycling development project~~,
15 whether the project will be located in any or all of the following:

16 ***b0105/3.8* SECTION 2628gx.** 560.84 (2) (f) of the statutes is amended to read:

17 560.84 (2) (f) If a development project ~~or recycling development project~~, the
18 financial soundness of the minority business involved in the project and the
19 commitment of the eligible recipient to repay the loan or grant.

20 ***b0105/3.8* SECTION 2628hd.** 560.85 (2) of the statutes is amended to read:

21 560.85 (2) The board shall develop a policy governing the repayment of grants
22 and loans made under s. 560.83 ~~or 560.835~~. The board or department shall deposit
23 moneys received in repayment of grants and loans under s. 560.83 in the
24 appropriation under s. 20.143 (1) (im).

25 ***b0105/3.8* SECTION 2628hf.** 560.85 (3) (a) of the statutes is amended to read:

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SECTION 2628hf

1 560.85 (3) (a) Develop procedures to evaluate applications and monitor project
2 performance for grants awarded for early planning projects under s. 560.82 or s.
3 560.835 (6), 2001 stats.

4 ***b0105/3.8*** SECTION 2628hh. 560.85 (3) (b) of the statutes is amended to read:

5 560.85 (3) (b) Develop procedures, with the approval of the board, to evaluate
6 applications, monitor project performance and audit grants and loans awarded for
7 development projects under s. 560.83, ~~recycling development~~ projects under s.
8 560.835, 2001 stats., and finance projects and education and training projects under
~~9~~ s. 560.837.

~~10~~ ***b0318/1.3*** SECTION 2628m. 560.87 (6) of the statutes is repealed.

~~11~~ ***b0385/1.1*** SECTION 2628m. 560.795 (3) (a) 4. and 5. of the statutes are
12 consolidated, renumbered 560.795 (3) (a) 4. and amended to read:

13 560.795 (3) (a) 4. Any person that is conducting or that intends to conduct
14 economic activity in a development opportunity zone under sub. (1) (e) ~~and that, in~~
15 ~~conjunction with the local governing body of the city in which the development~~
16 ~~opportunity zone is located, submits a project plan as described in par. (b) to the~~
17 ~~department shall be entitled to claim tax benefits while the area is designated as a~~
18 ~~development opportunity zone. 5. Any corporation that is conducting or that intends~~
19 ~~to conduct economic activity in a development opportunity zone under sub. (1) or (f)~~
20 and that, in conjunction with the local governing body of the city in which the
21 development opportunity zone is located, submits a project plan as described in par.
22 (b) to the department shall be entitled to claim tax benefits while the area is
~~23~~ designated as a development opportunity zone.

24 ***-0529/4.241*** SECTION 2629. 562.02 (1) (g) of the statutes is amended to read:

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SECTION 2629

1 562.02 (1) (g) At least once every 3 months, file a written report on the operation
2 of racing in this state with the governor, the attorney general, the ~~state treasurer~~
3 secretary of administration, the secretary of state, the legislative audit bureau, the
4 president of the senate, and the speaker of the assembly. The report shall include
5 information on racetrack operations, race attendance, and private, state, and local
6 revenues derived from racing in this state.

7 *~~b0334/1.1~~* SECTION 2629d. 562.057 (4m) (b) of the statutes is repealed.

8 *~~b0334/1.1~~* SECTION 2629e. 562.057 (4m) (bm) of the statutes is created to
9 read:

10 562.057 (4m) (bm) Wagering on simulcast races will be conducted at the
11 racetrack only as an adjunct to, and not in a manner that will supplant, wagering on
12 live on-track racing at that racetrack, and wagering on simulcast races will not be
13 the primary source of wagering revenue at that racetrack.

14 *~~b0246/3.2~~* SECTION 2630g. 565.25 (1m) of the statutes is renumbered 565.25
15 (1m) (a) and amended to read:

16 565.25 (1m) (a) Subject to approval by the secretary of revenue, the
17 administrator may determine whether lottery functions shall be performed by
18 department of revenue employees or by one or more persons under contract with the
19 department of administration, except that ~~no~~ a contract may provide for the entire
20 management of the lottery or for the entire operation of the lottery, other than
21 services described in par. (c), by any a private person only if the joint committee on
22 finance approves the contract, subject to par. (b), under s. 13.10. The department of
23 administration may contract for management consultation services to assist in the
24 management or operation of the lottery.

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SECTION 2630g

1 (c) The department of administration may not contract for financial auditing
2 or security monitoring services, except that, if the department of administration
3 delegates under s. 16.71 (1) to the department of revenue the authority to make a
4 major procurement, the department of revenue may contract with the department
5 of administration for warehouse and building protection services relating to the state
6 lottery.

7 (d) If the department of administration delegates under s. 16.71 (1) to the
8 department of revenue the authority to make a major procurement, the department
9 of revenue shall assume the powers and duties of the department of administration
10 and the administrator shall assume the powers and duties of the secretary of
11 administration under this section and ss. 16.70 to 16.77, except under ss. 16.72 (4)
12 (a), 16.76 (1) and 16.77 (1).

13 ***b0246/3.2* SECTION 2630h.** 565.25 (1m) (b) of the statutes is created to read:

14 565.25 (1m) (b) The joint committee on finance may not approve a contract
15 providing for the entire management of the lottery or for the entire operation of the
16 lottery by any private person unless the departments of administration and revenue
17 first jointly submit to the joint committee on finance a lottery privatization plan
18 describing all of the following:

- 19 1. What functions the private person would perform under the contract.
- 20 2. What management authority the private person would have with respect to
21 lottery advertising, prize payout levels, and any lottery function that the state would
22 perform if the contract were approved.
- 23 3. How the private person would interact with other lottery vendors.
- 24 4. Whether the contract would require some form of profit sharing and, if so,
25 a description of the profit-sharing mechanism.

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SECTION 2630h

1 5. A transition plan to ensure the successful conversion of the lottery to new
2 management, including a schedule for phasing out state positions and a rationale for
3 the number and classification of state positions that would be needed after the
4 conversion.

5 *~~1704/1.4~~* SECTION 2631. 565.25 (2) (a) 4. of the statutes is repealed and
6 recreated to read:

7 565.25 (2) (a) 4. The administrator shall develop specifications for major
8 procurements. If security is a factor in the materials, supplies, equipment, property,
9 or services to be purchased in any major procurement, then invitations for bids or
10 competitive sealed proposals shall include specifications related to security. The
11 administrator shall submit specifications for major procurement to the secretary of
12 revenue for review and approval before the department of administration releases ✓
13 the specifications in invitations for bids or competitive sealed proposals. The
14 department of administration ✓ shall require separate bids or separate competitive
15 sealed proposals for management consultation services if the services are provided
16 under contract as provided in sub. (1m) (a). ✓

17 *~~0529/4.242~~* SECTION 2632. 565.37 (3) of the statutes is amended to read:

18 565.37 (3) DEPARTMENT REPORT. The department shall submit quarterly reports
19 on the operation of the lottery to the chief clerk of each house of the legislature, for
20 distribution to the legislature under s. 13.172 (2) and to the governor, attorney
21 general, ~~state treasurer~~ secretary of administration, secretary of state, and state
22 auditor.

23
24 *~~b0314/1.1~~* SECTION 2633m. 569.06 of the statutes is amended to read:

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SECTION 2633m

1 **569.06 Indian gaming receipts.** Indian gaming receipts shall be credited to
2 the appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) ~~and (hm)~~ as
3 specified under ss. 20.455 (2) (gc) and 20.505 (8) (h) ~~and (hm)~~. Indian gaming receipts
4 shall be credited to the appropriation account under s. 20.505 (8) (hm) in the amount
5 necessary to make the transfers specified under s. 20.505 (8) (hm). Indian gaming
6 receipts not otherwise credited to appropriation accounts under this section shall be
7 paid into the general fund.

8 *~~0529/4.243~~* **SECTION 2635.** 601.13 (1) (intro.) of the statutes is amended to
9 read:

10 601.13 (1) RECEIPT OF DEPOSITS. (intro.) Subject to the approval of the
11 commissioner, the ~~state treasurer~~ secretary of administration shall accept deposits
12 or control of acceptable book-entry accounts from insurers and other licensees of the
13 office as follows:

14 *~~0529/4.244~~* **SECTION 2636.** 601.13 (3) (intro.) of the statutes is amended to
15 read:

16 601.13 (3) SECURITIES ELIGIBLE. (intro.) All deposits may consist of any of the
17 securities authorized in this subsection. Each security must be approved by the
18 commissioner, must be subject to disposition by the ~~state treasurer~~ secretary of
19 administration, and must not be available to any other person except as expressly
20 provided by law. The authorized securities are:

21 *~~0529/4.245~~* **SECTION 2637.** 601.13 (5) of the statutes is amended to read:

22 601.13 (5) RECEIPT, INSPECTION, AND RECORD. The ~~state treasurer~~ secretary of
23 administration shall deliver to the depositor a receipt for all securities deposited or
24 held under the control of the ~~state treasurer~~ secretary of administration and shall
25 permit the depositor to inspect its physically held securities at any reasonable time.

SENATE BILL 44**SECTION 2637**

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

8 ***-0529/4.246* SECTION 2638.** 601.13 (6) of the statutes is amended to read:

9 601.13 (6) TRANSFER OF SECURITIES. No transfer of a deposited security, whether
10 voluntary or by operation of law, is valid unless approved in writing by the
11 commissioner and countersigned by the ~~treasurer~~ secretary of administration.

12 ***-0529/4.247* SECTION 2639.** 601.13 (8) (intro.) of the statutes is amended to
13 read:

14 601.13 (8) INTEREST AND SUBSTITUTIONS. (intro.) Subject to s. ~~14.58 (13)~~ 16.401
15 (11), a depositor shall, while solvent and complying with the laws of this state, be
16 entitled:

17 ***-0529/4.248* SECTION 2640.** 601.13 (11) of the statutes is amended to read:

18 601.13 (11) ADVANCE DEPOSIT OF FEES. With the approval of the commissioner,
19 any person required to pay fees or assessments to the state through the
20 commissioner may make a deposit with the ~~treasurer~~ secretary of administration
21 from which the fees or assessments shall be paid on order of the commissioner not
22 less than twice each year. Upon request by the depositor, any balance remaining
23 shall be returned on the certificate of the commissioner that all fees and assessments
24 have been paid to date.

25 ***-0153/P1.1* SECTION 2641.** 601.17 of the statutes is repealed.

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1 *-1876/1.5* SECTION 2642. 601.34 of the statutes is repealed.

2 *b0375/2.3* SECTION 2642m. 601.41 (12) of the statutes is created to read:

3 601.41 (12) SUBSTANTIALLY SIMILAR HEALTH CARE COVERAGE PLAN. The
4 commissioner shall promulgate rules that set out a standardized summary of
5 benefits provided under health care coverage plans, including plans offered under
6 s. 40.51 (7), for use in determining whether a health care coverage plan is
7 substantially similar to a plan offered under s. 40.51 (7).

8 *-0529/4.249* SECTION 2643. 601.45 (3) of the statutes is amended to read:

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

15 *-0529/4.250* SECTION 2644. 601.62 (4) of the statutes is amended to read:

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

23 *-0529/4.251* SECTION 2645. 604.04 (4) of the statutes is amended to read:

24 604.04 (4) PAYMENT PROCEDURE. Any charges against a fund under sub. (3) shall
25 be certified by the commissioner, audited by the department of administration under

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SECTION 2645

1 s. 16.53, and paid by the ~~treasurer~~ secretary of administration out of the appropriate
2 fund in accordance with procedures of the department of administration.

3 ***-0529/4.252*** SECTION 2646. 604.05 of the statutes is amended to read:

4 **604.05 Investments.** Assets of all funds under chs. 605 to 607 shall be
5 invested by the state investment board under s. 25.17. Each January 1 the state
6 ~~treasurer~~ secretary of administration shall credit each fund with earnings on the
7 invested assets in each fund for the preceding 12 months. If any fund is indebted to
8 the general fund of the state, the fund shall be charged, at the end of each calendar
9 year, with interest on the indebtedness at the average rate earned by the state upon
10 its deposits in public depositories during the period of indebtedness and that sum
11 shall be credited to the general fund.

12 ***-0529/4.253*** SECTION 2647. 604.06 (1) of the statutes is amended to read:

13 604.06 (1) CUSTODY. The ~~state treasurer~~ secretary of administration has sole
14 custody of all assets of funds under chs. 605 to 607.

15 ***-0529/4.254*** SECTION 2648. 604.07 of the statutes is amended to read:

16 **604.07 Bonds.** The commissioner as manager of the funds and the ~~treasurer~~
17 secretary of administration shall file surety bonds, specifically conditioned on the
18 performance of their duties under chs. 605 to 607, in amounts required by, and with
19 sureties approved by, the governor.

20 ***-0529/4.255*** SECTION 2649. 605.30 of the statutes is amended to read:

21 **605.30 Inadequacy of fund.** If the property fund does not have sufficient
22 assets to pay claims that are due, the ~~department~~ secretary of administration shall
23 issue a warrant as a transfer from the general fund to the property fund an amount
24 sufficient to pay the losses and the ~~state treasurer~~ shall pay the warrant losses. The
25 property fund shall thereafter repay the general fund this amount and the

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1 department secretary of administration shall ~~issue warrants for such transfer~~ the
2 amount as soon as there are assets in the property fund.

3 ***-0529/4.256* SECTION 2650.** 611.76 (4) (e) of the statutes is amended to read:

4 611.76 (4) (e) That no policyholder, other than a policyholder of a mutual life
5 insurance company, may receive a distribution of shares valued in excess of the
6 amount to which he or she is entitled under s. 645.72 (4). Any excess over that
7 amount shall be distributed in shares to the state treasury for the benefit of the
8 common school fund. After 5 years the shares may be sold by the ~~treasurer~~ secretary
9 of administration at his or her discretion and the proceeds credited to the common
10 school fund; and

11 ***-0029/2.5* SECTION 2651.** 632.746 (7m) of the statutes is created to read:

12 632.746 (7m) (a) In this subsection, “terms of the group health benefit plan”
13 does not include any requirements under the group health benefit plan related to
14 enrollment periods or waiting periods.

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

21 1. The employee or dependent is eligible for benefits under the Medical
22 Assistance program under s. 49.472 or for coverage under the Badger Care health
23 care program under s. 49.665.

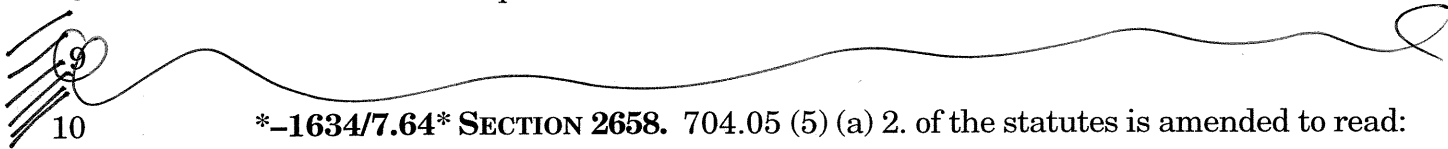
24 2. The department of health and family services will purchase coverage under
25 the group health benefit plan on behalf of the employee or dependent because the

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SECTION 2651

1 department of health and family services has determined that paying the portion of
2 the premium for which the employee is responsible will not be more costly than
3 providing the medical assistance or the coverage under the Badger Care health care
4 program, whichever is applicable.

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



9 ***-1634/7.64* SECTION 2658.** 704.05 (5) (a) 2. of the statutes is amended to read:

10 704.05 (5) (a) 2. Give the tenant notice, personally or by ordinary mail
11 addressed to the tenant's last-known address, of the landlord's intent to dispose of
12 the personal property by sale or other appropriate means if the property is not
13 repossessed by the tenant. If the tenant fails to repossess the property within 30 days
14 after the date of personal service or the date of the mailing of the notice, the landlord
15 may dispose of the property by private or public sale or any other appropriate means.
16 The landlord may deduct from the proceeds of sale any costs of sale and any storage
17 charges if the landlord has first stored the personalty under subd. 1. If the proceeds
18 minus the costs of sale and minus any storage charges are not claimed within 60 days
19 after the date of the sale of the personalty, the landlord is not accountable to the
20 tenant for any of the proceeds of the sale or the value of the property. The landlord
21 shall send the proceeds of the sale minus the costs of the sale and minus any storage
22 charges to the department of administration for deposit in the appropriation under
23 s. 20.505 (7) 20.143 (2) (h).
24

