

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1402/1dn
ARG:kjf:rs

February 20, 2003

ATTN: Kimber Liedl

The attached draft is a redraft of 2001 AB-235, except that it allows statewide reciprocity for operators' licenses and it incorporates the amendment prepared last session as LRBa1218 relating to criminal history checks.

Under current law, municipalities are bound by uniform state requirements in issuing operators' licenses, and may not impose qualifications or criteria in addition to those imposed by state law as a condition of issuing these licenses. However, under the statutes, municipalities have a certain latitude in determining whether an applicant meets the statutory criteria for issuance of an operator's license. The applicable statute simply states that licenses cannot be issued to persons with "an arrest or conviction record" or to persons who are habitual law offenders or who have been convicted of a felony, with the qualification that the arrest or conviction must be substantially related to the licensed activity. (See s. 125.04 (5).) Accordingly, although municipalities are bound to follow the uniform state requirements for issuance of an operator's license, municipalities have a certain discretion in their actual application of the requirements, particularly in the area of the criminal history check, since there is no explicit statutory standard for conducting the criminal history check or explicit enumeration of disqualifying offenses. This bill allows a nonissuing municipality to refuse to recognize an operator's license if the issuing municipality failed to conduct the criminal history check in accordance with state statutes.

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