

**2003 DRAFTING REQUEST**

**Bill**

Received: **09/12/2002**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing: **Tom Van Ess (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws  
Transportation - mass transit  
Transportation - motor vehicles**

Extra Copies: **TNF, PJH**

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Human service vehicles and the specialized transportation assistance program

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**Instructions:**

Wants redraft of last version of human service vehicle draft (SSA 1 to 01 SB 258 - LRBs0301). Does not want to include the last amendment (the amendment to the sub).

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 09/27/2002	kgilfoy 10/15/2002		_____			S&L
/P1			jfrantze 10/16/2002	_____	lkunkel 10/16/2002		S&L
/1	agary 01/06/2003	kgilfoy 01/06/2003	pgreensl 01/06/2003	_____	sbasford 01/06/2003	sbasford 01/06/2003	

FE Sent For:



At  
Intro.

<END>

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/?	agary 09/27/2002	kgilfoy 10/15/2002		<del>11/16/03</del>			S&L
/P1		11-1/6/03	jfrantze 10/16/2002	1/6/03 Self	lkunkel 10/16/2002		

FE Sent For:

11-1/6/03  
p8  
<END>

PA's Jacket  
"1"  
Now

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FE Sent For:		1/1-10/14 KMG	10/10/16	10/16 KMG <END>			

turned in 9/27  
-0173/p1  
LRB: [unclear]  
ARG: [unclear]  
KMG  
Redraft makes not run

~~SENATE SUBSTITUTE AMENDMENT~~

TO ~~2001~~ SENATE BILL ~~258~~

LPS: Check auto refs.

D-Note

~~February 20, 2002~~ Offered by ~~Senator LAZICH~~.

GEN. CAT.

1 AN ACT to renumber 85.01 (1); to amend 85.21 (3) (c) and 346.95 (4); and to  
2 create 85.01 (1g), 85.01 (2m), 85.21 (3m), 85.21 (5), 165.83 (2) (ng), 341.10 (15)  
3 and 346.923 of the statutes; relating to: the specialized transportation  
4 assistance program, minimum qualifications for the operator of a human  
5 service vehicle, the registration of human service vehicles, and providing  
6 penalties.

Insert

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 7 SECTION 1. 85.01 (1) of the statutes is renumbered 85.01 (1m).
- 8 SECTION 2. 85.01 (1g) of the statutes is created to read:  
9 85.01 (1g) "Background information form" means the background information  
10 form prescribed by the department under s. 346.923 (3) (a).
- 11 SECTION 3. 85.01 (2m) of the statutes is created to read:  
12 85.01 (2m) "Operator" has the meaning given in s. 340.01 (41).

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**SECTION 4.** 85.21 (3) (c) of the statutes is amended to read:

85.21 (3) (c) To make and execute contracts with counties to ensure the provision of specialized transportation service, subject to sub. (3m). Payments under such contracts to eligible applicants shall not exceed the county proportionate share, except as supplemented under par. (e) or (f). A contract under this paragraph shall prohibit the department from making any payments under this paragraph to a county that violates sub. (3m) (a) or, if a specialized transportation service is operated by a county, sub. (3m) (b). A contract under this ~~section~~ paragraph shall require the county to make a matching contribution of 20% of the contract amount and to furnish information determined necessary by the department for periodic program monitoring and year-end auditing and evaluation. A contract may permit a county to hold aids received under this section on or after July 2, 1983, in trust, according to rules promulgated by the department, for the exclusive purpose of acquiring or maintaining equipment used for services authorized under this section. All aids held in trust, as well as any accumulated interest, not expended for the authorized purposes, shall be returned to the department for deposit in the transportation fund. Nothing in this paragraph entitles a county to any investment interest accumulated prior to the time the aid payment is actually received by the county.

**SECTION 5.** 85.21 (3m) of the statutes is created to read:

**85.21 (3m) CONTRACT RESTRICTIONS; SERVICE PROHIBITIONS.** (a) No county may enter into a contract for services under this section with a specialized transportation service that has violated par. (b) within the previous 12 months unless the violation has been remedied before the contract is entered into and the violation was remedied no later than 30 days after the specialized transportation service received notice of

1 the violation. A contract between a county and a specialized transportation service  
2 for services under this section shall provide that, if the specialized transportation  
3 service violates par. (b) during the term of the contract, the county may terminate  
4 the contract without liability for the uncompleted portion of the contract or the  
5 county may, if the county determines that the violation of par. (b) is of a nature that  
6 may be remedied, withhold payment under the contract until the specialized  
7 transportation service remedies the violation.

8 (b) Notwithstanding ss. 111.321, 111.322, and 111.335, no specialized  
9 transportation service that is operated by a county or that contracts with a county  
10 for services under this section may do any of the following:

11 1. Employ as an operator any person who the specialized transportation service  
12 knows or should have known has been convicted, within the previous 60 months, of  
13 a violation of s. 346.923 other than a violation of s. 346.923 (1) (g).

14 2. Employ as an operator any person who the specialized transportation service  
15 knows or should have known has been convicted, within the previous 24 months, of  
16 a violation of s. 346.63 (1), (2m), or (5) or a local ordinance in conformity therewith,  
17 or a violation of s. 346.63 (2) or (6), 940.09 (1), or 940.25, or a violation of federal law  
18 or the law of a federally recognized American Indian tribe or band in this state or the  
19 law of another jurisdiction that would be a violation of s. 346.63 (1), (2), (2m), (5), or  
20 (6), 940.09 (1), or 940.25 if the person had committed the offense in this state and  
21 been convicted of the offense under the laws of this state, or of an offense specified  
22 in s. 343.12 (2) (d) other than an offense under s. 346.63 (7) or a local ordinance in  
23 conformity with s. 346.63 (7) or a law of a federally recognized American Indian tribe  
24 or band in this state in conformity with s. 346.63 (7), or of 2 or more offenses under  
25 s. 346.63 (7) or a local ordinance in conformity with s. 346.63 (7) or a law of a federally

1 recognized American Indian tribe or band in this state in conformity with s. 346.63  
2 (7).

3 3. Notwithstanding subd. 2., employ as an operator any person who the  
4 specialized transportation service knows or should have known has been convicted  
5 of a violation of sub. (5) (c) or s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3),  
6 (4), (5), or (6), 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285 (2), 940.29, 940.295,  
7 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11  
8 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30 or a violation of federal law or the  
9 law of a federally recognized American Indian tribe or band in this state or the law  
10 of another jurisdiction that would be a violation of s. 940.01, 940.02, 940.03, 940.05,  
11 940.12, 940.19 (2), (3), (4), (5), or (6), 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285  
12 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06,  
13 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30 if the  
14 person had committed the offense in this state and been convicted of the offense  
15 under the laws of this state.

16 4. Notwithstanding subd. 2. and subject to subd. 3., employ as an operator any  
17 person who the specialized transportation service knows or should have known does  
18 not meet the requirements specified under s. 343.12 (2) (e) and any rule established  
19 by the department under s. 343.12 (2) (e).

20 5. Employ as an operator any person who the specialized transportation service  
21 knows or should have known does not possess a valid operator's license issued under  
22 ch. 343 or by another jurisdiction that authorizes the operation of any human service  
23 vehicle to be operated by that operator.

24 6. Employ as an operator any person who the specialized transportation service  
25 knows or should have known was involved, in the previous 12 months, as the



1 operator of a motor vehicle in more than 2 traffic accidents that resulted in  
2 convictions for violations of laws related to motor vehicle use or operation.

3 7. Employ as an operator any person for whom the specialized transportation  
4 service has not obtained an operating record as required under par. (dm). ✓

5 8. Allow a person to operate a human service vehicle prior to the specialized  
6 transportation service issuing to the person an identification card containing the  
7 *person's name and photograph and identifying the person as an operator,*  
8 ~~information required under s. 346.923(1)(g)~~ and prior to designating a location for  
9 conspicuous display of the identification card in clear view of passengers in each  
10 human service vehicle.

11 9. Allow any operator to operate a human service vehicle for more than 10 hours  
12 in any 18-hour period or, if the specialized transportation service does not operate  
13 human service vehicles every day of the week, for any time exceeding 60 hours in any  
14 period of 7 consecutive days or, if the specialized transportation service operates  
15 human service vehicles every day of the week, for any time exceeding 70 hours in any  
16 period of 8 consecutive days.

17 10. Employ as an operator any person who has not, within the previous 24  
18 months, been fully trained in the proper use of all passenger restraint systems  
19 available in the human service vehicle operated by that operator.

20 11. Employ as an operator any person who has not submitted to the specialized  
21 transportation service any completed background information form required under  
22 sub. (5) (a) or (b). ✓ ✓

23 (c) Notwithstanding ss. 111.321, 111.322, and 111.335, if a background  
24 information form submitted by a person under par. (b) 11. indicates that the person  
is not eligible under s. 346.923 to operate a human service vehicle transporting any

1 passengers, a specialized transportation service may not employ the person as an  
2 operator pending the receipt of the information sought under par. (d).

3 (d) Notwithstanding ss. 111.321, 111.322, and 111.335, within 60 days after  
4 receipt of a completed background information form from a person specified in sub.  
5 (5) (a) who would otherwise be hired as an operator by the specialized transportation  
6 service or from a person specified in sub. (5) (b), a specialized transportation service  
7 shall obtain from the records maintained by the department of justice, and the  
8 department of justice shall provide, a criminal history search of the person.  
9 Notwithstanding ss. 111.321, 111.322, and 111.335, if the person who is the subject  
10 of the criminal history search is not a resident of this state, or if at any time within  
11 the 3 years preceding the date of the search that person has not been a resident of  
12 this state, the specialized transportation service shall make a good faith effort to  
13 obtain promptly from any state in which the person is a resident, or was a resident  
14 within the 3 years preceding the date of the search, information that is equivalent  
15 to a criminal history.

16 (dm) 1. Every specialized transportation service that is operated by a county  
17 or that contracts with a county for services under this section shall, prior to  
18 employing any person as an operator, obtain the person's operating record from the  
19 department under s. 343.24 or, if the operating record has already been obtained by  
20 another entity, from that entity if there are reasonable grounds to believe that the  
21 operating record obtained from that entity is accurate and was furnished by the  
22 department to that entity not more than 2 months previously.

23 2. No later than every 4 years, every specialized transportation service that is  
24 operated by a county or that contracts with a county for services under this section

1 shall obtain, in the manner provided in subd. 1., an updated operating record for any  
2 person employed as an operator by the specialized transportation service.

3 (e) Every specialized transportation service that is operated by a county under  
4 this section shall maintain all records and furnish all information determined  
5 necessary by the department to determine compliance with this section or s. 346.923.  
6 Every specialized transportation service that contracts with a county for services  
7 under this section shall maintain all records and furnish all information determined  
8 necessary by the county or the department for purposes of program or contract  
9 monitoring, auditing, or evaluation, or to determine compliance with this section or  
10 s. 346.923.

11 (f) Any person who violates par. (b) or (c) shall be fined not more than \$1,000  
12 for the first offense and shall be fined not less than \$1,000 nor more than \$5,000 for  
13 each subsequent offense. Each day of violation after the first conviction constitutes  
14 a separate offense.

15 (g) Any person who violates par. (d) or (dm) may be required to forfeit not more  
16 than \$200. Each failure to obtain a criminal history search under par. (d) or an  
17 operating record under par. (dm) constitutes a separate offense.

18 **SECTION 6.** 85.21 (5) of the statutes is created to read:

19 85.21 (5) OPERATOR BACKGROUND INFORMATION FORMS. (a) Every person who  
20 applies to be employed as an operator by a specialized transportation service that is  
21 operated by a county or that contracts with a county for services under this section  
22 shall complete a background information form and provide it to the specialized  
23 transportation service prior to being employed by the specialized transportation  
24 service.

1 (b) No later than every 4 years, any person who is employed as an operator by  
2 a specialized transportation service that is operated by a county or that contracts  
3 with a county for services under this section shall complete an updated background  
4 information form and provide it to the specialized transportation service.

5 (c) No person may provide false or incomplete information with respect to any  
6 material fact on a background information form required to be completed under this  
7 subsection. Any person who violates this paragraph may be required to forfeit not  
8 more than \$1,000.

9 SECTION 7. 165.83 (2) (ng) of the statutes is created to read:

10 165.83 (2) (ng) Perform the duties required of the department by ss. 85.21 (3m) ✓  
11 (d) ✓ and 346.923 (4) ✓ relating to human service vehicle operators.

12 SECTION 8. 341.10 (15) of the statutes is created to read:

13 341.10 (15) The vehicle is required to be inspected under s. 110.05 ✓ and any of  
14 the following applies:

15 (a) The vehicle has not been inspected.

16 (b) The most recent inspection of the vehicle indicates noncompliance with ss.  
17 110.05 ✓ and 110.075 ✓ or ch. 347 ✓ or rules promulgated under those sections or ch. 347.

18 SECTION 9. 346.923 of the statutes is created to read:

19 **346.923 Human service vehicles; minimum operator qualifications. (1)**  
20 Notwithstanding ss. 111.321, 111.322, and 111.335, no person may operate a human  
21 service vehicle transporting any passenger unless all of the following apply:

22 (a) The operator possesses a valid operator's license issued under ch. 343 or by  
23 another jurisdiction that authorizes the operation of the human service vehicle.

24 (b) The operator has not been involved as the operator of a motor vehicle in more  
25 than 2 traffic accidents that resulted in convictions for violations of laws related to

1 motor vehicle use or operation during the 12 months immediately preceding the  
2 operation of the human service vehicle.

3 (c) The operator has not been convicted of a violation of this section, other than  
4 a violation of par. (g), during the 60 months immediately preceding the operation of  
5 the human service vehicle.

6 (d) The operator has not been convicted of a violation of s. 346.63 (1), (2m), or  
7 (5) or a local ordinance in conformity therewith, or a violation of s. 346.63 (2) or (6),  
8 940.09 (1), or 940.25, or a violation of federal law or the law of a federally recognized  
9 American Indian tribe or band in this state or the law of another jurisdiction that  
10 would be a violation of s. 346.63 (1), (2), (2m), (5), or (6), 940.09 (1), or 940.25 if the  
11 person had committed the offense in this state and been convicted of the offense  
12 under the laws of this state, or of an offense specified in s. 343.12 (2) (d) other than  
13 an offense under s. 346.63 (7) or a local ordinance in conformity with s. 346.63 (7) or  
14 a law of a federally recognized American Indian tribe or band in this state in  
15 conformity with s. 346.63 (7), or of 2 or more offenses under s. 346.63 (7) or a local  
16 ordinance in conformity with s. 346.63 (7) or a law of a federally recognized American  
17 Indian tribe or band in this state in conformity with s. 346.63 (7), during the 24  
18 months immediately preceding the operation of the human service vehicle.

19 (e) Notwithstanding par. (d), the operator has not been convicted of a violation  
20 of s. 85.21 (5) (c), 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5), or (6),  
21 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),  
22 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),  
23 948.12, 948.13, 948.21 (1), or 948.30 or a violation of federal law or the law of a  
24 federally recognized American Indian tribe or band in this state or the law of another  
25 jurisdiction that would be a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12,

1 940.19 (2), (3), (4), (5), or (6), 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285 (2),  
2 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06,  
3 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30 if the  
4 person had committed the offense in this state and been convicted of the offense  
5 under the laws of this state.

6 (f) Notwithstanding par. (d) and subject to par. (e), the operator meets the  
7 requirements specified under s. 343.12 (2) (e) and any rule established by the  
8 department under s. 343.12 (2) (e).

9 (g) The operator conspicuously displays <sup>any</sup> an identification card issued by <sup>the</sup> ~~the~~  
10 specialized transportation service <sup>under s. 85.21(3m)(b) 8. ✓</sup> that identifies the bearer as an operator, states his  
11 ~~or her name, and contains his or her photograph.~~

12 (h) The operator has, within the 2 previous years, been fully trained in the  
13 proper use of all passenger restraint systems available in the human service vehicle;  
14 the operator ascertains that all passengers required by statute or rule to be properly  
15 restrained are so restrained; and the operator responds to requests from passengers  
16 with respect to being properly restrained.

17 (2) A person employed as an operator by a specialized transportation service  
18 that is operated by a county or that contracts with a county for services under s. 85.21  
19 shall report to the specialized transportation service in writing within 10 days of the  
20 occurrence of any of the following:

21 (a) Any accident in which the person was involved as the operator of a motor  
22 vehicle, regardless of whether the person was issued a uniform traffic citation or  
23 charged with any offense or whether the person was operating a human service  
24 vehicle.

1 (b) Any suspension or revocation of the person's operating privilege by this  
2 state or another jurisdiction.

3 (3) The department shall do all of the following:

4 (a) Prescribe a background information form that directs a person employed or  
5 seeking employment as an operator of a human service vehicle to provide  
6 information for the purposes of determining whether the person may operate a  
7 human service vehicle under sub. (1) or may be employed as an operator by a  
8 specialized transportation service under s. 85.21 (3m). The department shall provide  
9 counties and specialized transportation services with copies of the form upon  
10 request.

11 (b) Prepare and make available to counties and specialized transportation  
12 services informational materials, in printed or electronic form, relating to  
13 compliance with this section and s. 85.21 (3m) and (5), and establish a method of  
14 communication, which may include a statewide, toll-free telephone hotline, to  
15 respond to questions regarding compliance with this section and s. 85.21 (3m) and  
16 (5).

17 (4) The department of justice shall prepare and make available to counties and  
18 specialized transportation services informational materials, in printed or electronic  
19 form, relating to criminal background information specified under this section and  
20 s. 85.21 (3m) and (5), and shall establish a method of communication, which may  
21 include a statewide, toll-free telephone hotline, to respond to questions regarding  
22 criminal background information specified under this section and s. 85.21 (3m) and  
23 (5).

24 SECTION 10. 346.95 (4) of the statutes is amended to read:

PWT

1 346.95 (4) Any person violating s. 346.923 (1) or (2), 346.925, or 346.94 (8) or  
2 (8m) may be required to forfeit not to exceed more than \$20 for the first offense or  
3 not to exceed and not more than \$50 for each subsequent offense.

4 **SECTION 11. Nonstatutory provisions.**

5 (1) In this SECTION:

6 (a) "Background information form" means the background information form  
7 prescribed by the department of transportation under section 346.923 (3) (a) of the  
8 statutes, as created by this act.

9 (b) "Specialized transportation service" means a specialized transportation  
10 service, as defined in section 85.21 (2) (g) of the statutes, that is operated by a county  
11 or that contracts with a county for services under section 85.21 of the statutes.

12 (2) Notwithstanding section 85.21 (5) of the statutes, as created by this act,  
13 every person who, on the effective date of this subsection, is employed as an operator  
14 by a specialized transportation service shall, not later than the first day of the 13th  
15 month beginning after the effective date of this subsection, complete a background  
16 information form and provide it to the specialized transportation service. A person  
17 who provides false or incomplete information with respect to any material fact on a  
18 background information form required to be completed under this subsection is  
19 subject to the penalty provided in section 85.21 (5) (c) of the statutes, as created by  
20 this act. A violation of this subsection shall be considered a violation of section 85.21  
21 (5) (c) of the statutes for purposes of sections 85.21 (3m) (b) 3. and 346.923 (1) (e) of  
22 the statutes, as created by this act.

23 (3) Notwithstanding sections 111.321, <sup>and</sup> 111.322 of the statutes <sup>and</sup> section  
24 111.335 of the statutes, as affected by 2001 Wisconsin Act 16, within 60 days after  
25 receipt of a completed background information form from a person specified under

and  
Keep



a.r. ↙  
1 subsection (2), a specialized transportation service shall obtain from the records  
2 maintained by the department of justice, and the department of justice shall provide,  
3 a criminal history search of the person. Notwithstanding sections 111.321 and  
4 111.322 of the statutes, and section 111.335 of the statutes, as affected by 2001  
5 Wisconsin Act 16, if the person who is the subject of the criminal history search is not  
6 a resident of this state, or if at any time within the 3 years preceding the date of the  
7 search that person has not been a resident of this state, the specialized  
8 transportation service shall make a good faith effort to obtain promptly from any  
9 state in which the person is a resident, or was a resident within the 3 years preceding  
10 the date of the search, information that is equivalent to a criminal history. Any  
11 person who violates this subsection is subject to the penalty provided in section 85.21  
12 (3m) (g) of the statutes, as created by this act.

13 (4) Notwithstanding sections 111.321 and 111.322 of the statutes, and section  
14 111.335 of the statutes, as affected by 2001 Wisconsin Act 16, no specialized  
15 transportation service may employ as an operator any person who has not submitted  
16 to the specialized transportation service a completed background information form  
17 required under subsection (2). A specialized transportation service that violates this  
18 subsection is subject to the penalty provided in section 85.21 (3m) (f) of the statutes,  
19 as created by this act. A violation of this subsection shall be considered a violation  
20 of section 85.21 (3m) (b) 11. of the statutes, as created by this act, for purposes of  
21 section 85.21 (3) (c) of the statutes, as affected by this act, and section 85.21 (3m) (a)  
22 of the statutes, as created by this act.

23 (5) Notwithstanding section 85.21 (5) of the statutes, as created by this act, for  
24 every person employed as an operator by a specialized transportation service on the  
25 effective date of this subsection, the specialized transportation service shall, not

1 later than the first day of the 13th month beginning after the effective date of this  
2 subsection, obtain the person's operating record from the department of  
3 transportation under section 343.24 of the statutes or, if the operating record has  
4 already been obtained by another entity, from that entity if there are reasonable  
5 grounds to believe that the operating record obtained from that entity is accurate and  
6 was furnished by the department to that entity not more than 2 months previously.  
7 A specialized transportation service that violates this subsection is subject to the  
8 penalty provided in section 85.21 (3m) (g) of the statutes, as created by this act. A  
9 violation of this subsection shall be considered a violation of section 85.21 (3m) (b)  
10 7. of the statutes, as created by this act, for purposes of section 85.21 (3) (c) of the  
11 statutes, as affected by this act, and section 85.21 (3m) (a) of the statutes, as created  
12 by this act.

13 **SECTION 12. Initial applicability.**

14 (1) The treatment of section 85.21 (3) (c) and (3m) (a) of the statutes first applies  
15 to contracts that are entered into on the effective date of this subsection.

16 (2) The treatment of section 341.10 (15) of the statutes first applies to  
17 applications for registration submitted on the first day of the 4th month beginning  
18 after publication.

19 (3) The treatment of sections 85.21 (3m) (b) 1. to 7., 10., and 11., (c), (d), and (dm)  
20 and (5) and 346.923 (1) (a) to (f) and (h), (2), and (3) (a) of the statutes first applies  
21 to persons specified under SECTION 11 (2) of this act on the first day of the 13th month  
22 beginning after the effective date of this subsection.  
a.r. → ↑ a.r.

23 **SECTION 13. Effective date.**



2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0173/plins  
ARG:.....

Insert

*Analysis by the Legislative Reference Bureau*

Under current law, with certain exceptions, any motor vehicle used to transport elderly or disabled persons in connection with a transportation assistance program for these persons is called a "human service vehicle." No person may drive a human service vehicle unless the vehicle is insured with property damage liability coverage of not less than \$10,000 and bodily injury liability coverage of not less than \$75,000 per person. Current law establishes no minimum qualifications for the driver of a human service vehicle.

This bill establishes minimum qualifications for the driver of a human service vehicle. Under the bill, no person may drive a human service vehicle transporting passengers unless the person possesses a valid driver's license, has not, in the preceding year, operated a motor vehicle involved in more than <sup>five</sup> traffic accidents resulting in convictions; has not, in the preceding <sup>two</sup> years, been convicted of any specified violation relating to the operation of a human service vehicle; has not, in the preceding <sup>two</sup> years, been convicted of operating a motor vehicle while intoxicated; has not, at any time, been convicted of any specified serious crime, including homicide, battery, sexual assault, abuse of a vulnerable adult, abuse or neglect of a person in a residential or treatment facility, and abuse, exploitation, or neglect of a child; has not, in the preceding <sup>five</sup> years, been otherwise convicted of a felony or offense against public morals; has recently been trained in the proper use of passenger restraint systems; and conspicuously displays any identification card required to be issued by the person's employer. A person who drives a human service vehicle in violation of these minimum qualifications (a violating driver) may be required to forfeit not more than \$20 for a first violation and not more than \$50 for each subsequent violation.

Under the bill, any person who is hired to drive a human service vehicle in connection with a specialized transportation service that is operated by a county or that contracts with a county (STS) must submit to the STS, prior to employment (or within one year of the effective date of the bill for those persons already employed by an STS at the time of enactment), and every 4 years thereafter, a completed background information form created by the Department of Transportation (DOT) to determine the person's eligibility to operate human service vehicles. A person convicted of providing materially false or incomplete information on a required background information form may be required to forfeit not more than \$1,000 and is permanently barred from subsequently operating human service vehicles transporting passengers. Any person who drives a human service vehicle for an STS must also report to the STS any motor vehicle accident involving the person as an operator and any suspension or revocation of the person's operating privilege.

In addition to requiring an STS to obtain background information forms from current and prospective employees, the bill requires the STS to obtain vehicle

operating records and criminal history searches for employee drivers and persons to be hired as drivers. The bill prohibits an STS from:

1. Employing any driver whom the STS knows or should have known does not meet the minimum qualifications for operation of a human service vehicle.
2. Employing any driver for whom the STS has not obtained a completed background information form and an operating record.
3. Allowing any driver to operate a human service vehicle beyond specified maximum operating hours.

An STS that employs a driver of a human service vehicle in violation of these requirements may be fined not more than \$1,000 for a first offense and not less than \$1,000 nor more than \$5,000 for each subsequent offense. An STS that fails to obtain a required criminal history search or operating record may be required to forfeit not more than \$200.

The bill prohibits counties from entering into a contract with any STS that employs a violating driver or that has otherwise violated these obligations within the previous 12 months unless the violation was remedied before the contract is entered into and not later than 30 days after the STS received notice of the violation. The bill also requires that any contract between a county and an STS ~~must~~ allow the county to terminate the contract without liability if the STS employs a violating driver or otherwise violates these obligations during the term of the contract. Under the bill, any contract between DOT and a county relating to the specialized transportation assistance program must specify that DOT may not make payments to a county that violates its obligations. STET

This bill requires DOT to prescribe and provide the background information forms to be completed by drivers and to prepare and make available informational materials. The bill requires the Department of Justice to provide criminal background information to requesting STSs and to prepare and make available informational materials.

Current law also requires an annual inspection of the equipment and condition of human service vehicles. This bill prohibits DOT from registering a human service vehicle that has not passed a required annual inspection.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

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

LRB-0173/p1dn

ARG:.....

*KMG*

ATTN: Tom Van Ess

The attached draft is identical to Senate Substitute Amendment 1 to 2001 Senate Bill 258 (LRBs0301/1) except for the addition of the analysis and for moving some material from created s. 346.923 (1) (g) to created s. 85.21 (3m) (b) 8. ✓

The attached draft is prepared as a preliminary draft. If it meets with your approval, please advise and I will prepare it as a "1" for introduction. If you would like additional changes made, or have any questions or concerns, please call or e-mail.

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

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

LRB-0173/P1dn  
ARG:kmg:jf

October 16, 2002

ATTN: Tom Van Ess

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

1/6/03

H/c w/

Sen. Lazich's ofc.

12:30 p

Ann Molitor → CRS 0173

↳ wanted draft jacketed; called back b/c  
if R a "1/1" 4

- draft is OK →

- wants this redrafted as a "1/1" →

- send out today jacketed





State of Wisconsin  
2003 - 2004 LEGISLATURE

TODAY

LRB-0173/1  
ARG:kmg:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

1 AN ACT to renumber 85.01 (1); to amend 85.21 (3) (c) and 346.95 (4); and to  
2 create 85.01 (1g), 85.01 (2m), 85.21 (3m), 85.21 (5), 165.83 (2) (ng), 341.10 (15)  
3 and 346.923 of the statutes; relating to: the specialized transportation  
4 assistance program, minimum qualifications for the operator of a human  
5 service vehicle, the registration of human service vehicles, and providing  
6 penalties.

---

***Analysis by the Legislative Reference Bureau***

Under current law, with certain exceptions, any motor vehicle used to transport elderly or disabled persons in connection with a transportation assistance program for these persons is called a "human service vehicle." No person may drive a human service vehicle unless the vehicle is insured with property damage liability coverage of not less than \$10,000 and bodily injury liability coverage of not less than \$75,000 per person. Current law establishes no minimum qualifications for the driver of a human service vehicle.

This bill establishes minimum qualifications for the driver of a human service vehicle. Under the bill, no person may drive a human service vehicle transporting passengers unless the person possesses a valid driver's license; has not, in the preceding year, operated a motor vehicle involved in more than two traffic accidents resulting in convictions; has not, in the preceding five years, been convicted of any specified violation relating to the operation of a human service vehicle; has not, in

the preceding two years, been convicted of operating a motor vehicle while intoxicated; has not, at any time, been convicted of any specified serious crime, including homicide, battery, sexual assault, abuse of a vulnerable adult, abuse or neglect of a person in a residential or treatment facility, and abuse, exploitation, or neglect of a child; has not, in the preceding five years, been otherwise convicted of a felony or offense against public morals; has recently been trained in the proper use of passenger restraint systems; and conspicuously displays any identification card required to be issued by the person's employer. A person who drives a human service vehicle in violation of these minimum qualifications (a violating driver) may be required to forfeit not more than \$20 for a first violation and not more than \$50 for each subsequent violation.

Under the bill, any person who is hired to drive a human service vehicle in connection with a specialized transportation service (STS) that is operated by a county or that contracts with a county must submit to the STS, prior to employment (or within one year of the effective date of the bill for those persons already employed by an STS at the time of enactment), and every 4 years thereafter, a completed background information form created by the Department of Transportation (DOT) to determine the person's eligibility to operate human service vehicles. A person convicted of providing materially false or incomplete information on a required background information form may be required to forfeit not more than \$1,000 and is permanently barred from subsequently operating human service vehicles transporting passengers. Any person who drives a human service vehicle for an STS must also report to the STS any motor vehicle accident involving the person as an operator and any suspension or revocation of the person's operating privilege.

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3. Allowing any driver to operate a human service vehicle beyond specified maximum operating hours.

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The bill prohibits counties from entering into a contract with any STS that employs a violating driver or that has otherwise violated these obligations within the previous 12 months unless the violation was remedied before the contract is entered into and not later than 30 days after the STS received notice of the violation. The bill also requires that any contract between a county and an STS allow the county to terminate the contract without liability if the STS employs a violating driver or

otherwise violates these obligations during the term of the contract. Under the bill, any contract between DOT and a county relating to the specialized transportation assistance program must specify that DOT may not make payments to a county that violates its obligations.

This bill requires DOT to prescribe and provide the background information forms to be completed by drivers and to prepare and make available informational materials. The bill requires the Department of Justice to provide criminal background information to requesting STSs and to prepare and make available informational materials.

Current law also requires an annual inspection of the equipment and condition of human service vehicles. This bill prohibits DOT from registering a human service vehicle that has not passed a required annual inspection.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 85.01 (1) of the statutes is renumbered 85.01 (1m).

2           **SECTION 2.** 85.01 (1g) of the statutes is created to read:

3           85.01 (1g) "Background information form" means the background information  
4 form prescribed by the department under s. 346.923 (3) (a).

5           **SECTION 3.** 85.01 (2m) of the statutes is created to read:

6           85.01 (2m) "Operator" has the meaning given in s. 340.01 (41).

7           **SECTION 4.** 85.21 (3) (c) of the statutes is amended to read:

8           85.21 (3) (c) To make and execute contracts with counties to ensure the  
9 provision of specialized transportation service, subject to sub. (3m). Payments under  
10 such contracts to eligible applicants shall not exceed the county proportionate share,  
11 except as supplemented under par. (e) or (f). A contract under this paragraph shall  
12 prohibit the department from making any payments under this paragraph to a  
13 county that violates sub. (3m) (a) or, if a specialized transportation service is  
14 operated by a county, sub. (3m) (b). A contract under this section paragraph shall

1 require the county to make a matching contribution of 20% of the contract amount  
2 and to furnish information determined necessary by the department for periodic  
3 program monitoring and year-end auditing and evaluation. A contract may permit  
4 a county to hold aids received under this section on or after July 2, 1983, in trust,  
5 according to rules promulgated by the department, for the exclusive purpose of  
6 acquiring or maintaining equipment used for services authorized under this section.  
7 All aids held in trust, as well as any accumulated interest, not expended for the  
8 authorized purposes, shall be returned to the department for deposit in the  
9 transportation fund. Nothing in this paragraph entitles a county to any investment  
10 interest accumulated prior to the time the aid payment is actually received by the  
11 county.

12 SECTION 5. 85.21 (3m) of the statutes is created to read:

13 85.21 (3m) CONTRACT RESTRICTIONS; SERVICE PROHIBITIONS. (a) No county may  
14 enter into a contract for services under this section with a specialized transportation  
15 service that has violated par. (b) within the previous 12 months unless the violation  
16 has been remedied before the contract is entered into and the violation was remedied  
17 no later than 30 days after the specialized transportation service received notice of  
18 the violation. A contract between a county and a specialized transportation service  
19 for services under this section shall provide that, if the specialized transportation  
20 service violates par. (b) during the term of the contract, the county may terminate  
21 the contract without liability for the uncompleted portion of the contract or the  
22 county may, if the county determines that the violation of par. (b) is of a nature that  
23 may be remedied, withhold payment under the contract until the specialized  
24 transportation service remedies the violation.

1 (b) Notwithstanding ss. 111.321, 111.322, and 111.335, no specialized  
2 transportation service that is operated by a county or that contracts with a county  
3 for services under this section may do any of the following:

4 1. Employ as an operator any person who the specialized transportation service  
5 knows or should have known has been convicted, within the previous 60 months, of  
6 a violation of s. 346.923 other than a violation of s. 346.923 (1) (g).

7 2. Employ as an operator any person who the specialized transportation service  
8 knows or should have known has been convicted, within the previous 24 months, of  
9 a violation of s. 346.63 (1), (2m), or (5) or a local ordinance in conformity therewith,  
10 or a violation of s. 346.63 (2) or (6), 940.09 (1), or 940.25, or a violation of federal law  
11 or the law of a federally recognized American Indian tribe or band in this state or the  
12 law of another jurisdiction that would be a violation of s. 346.63 (1), (2), (2m), (5), or  
13 (6), 940.09 (1), or 940.25 if the person had committed the offense in this state and  
14 been convicted of the offense under the laws of this state, or of an offense specified  
15 in s. 343.12 (2) (d) other than an offense under s. 346.63 (7) or a local ordinance in  
16 conformity with s. 346.63 (7) or a law of a federally recognized American Indian tribe  
17 or band in this state in conformity with s. 346.63 (7), or of 2 or more offenses under  
18 s. 346.63 (7) or a local ordinance in conformity with s. 346.63 (7) or a law of a federally  
19 recognized American Indian tribe or band in this state in conformity with s. 346.63  
20 (7).

21 3. Notwithstanding subd. 2., employ as an operator any person who the  
22 specialized transportation service knows or should have known has been convicted  
23 of a violation of sub. (5) (c) or s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3),  
24 (4), (5), or (6), 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285 (2), 940.29, 940.295,  
25 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11

1 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30 or a violation of federal law or the  
2 law of a federally recognized American Indian tribe or band in this state or the law  
3 of another jurisdiction that would be a violation of s. 940.01, 940.02, 940.03, 940.05,  
4 940.12, 940.19 (2), (3), (4), (5), or (6), 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285  
5 (2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06,  
6 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30 if the  
7 person had committed the offense in this state and been convicted of the offense  
8 under the laws of this state.

9 4. Notwithstanding subd. 2. and subject to subd. 3., employ as an operator any  
10 person who the specialized transportation service knows or should have known does  
11 not meet the requirements specified under s. 343.12 (2) (e) and any rule established  
12 by the department under s. 343.12 (2) (e).

13 5. Employ as an operator any person who the specialized transportation service  
14 knows or should have known does not possess a valid operator's license issued under  
15 ch. 343 or by another jurisdiction that authorizes the operation of any human service  
16 vehicle to be operated by that operator.

17 6. Employ as an operator any person who the specialized transportation service  
18 knows or should have known was involved, in the previous 12 months, as the  
19 operator of a motor vehicle in more than 2 traffic accidents that resulted in  
20 convictions for violations of laws related to motor vehicle use or operation.

21 7. Employ as an operator any person for whom the specialized transportation  
22 service has not obtained an operating record as required under par. (dm).

23 8. Allow a person to operate a human service vehicle prior to the specialized  
24 transportation service issuing to the person an identification card containing the  
25 person's name and photograph and identifying the person as an operator, and prior

1 to designating a location for conspicuous display of the identification card in clear  
2 view of passengers in each human service vehicle.

3 9. Allow any operator to operate a human service vehicle for more than 10 hours  
4 in any 18-hour period or, if the specialized transportation service does not operate  
5 human service vehicles every day of the week, for any time exceeding 60 hours in any  
6 period of 7 consecutive days or, if the specialized transportation service operates  
7 human service vehicles every day of the week, for any time exceeding 70 hours in any  
8 period of 8 consecutive days.

9 10. Employ as an operator any person who has not, within the previous 24  
10 months, been fully trained in the proper use of all passenger restraint systems  
11 available in the human service vehicle operated by that operator.

12 11. Employ as an operator any person who has not submitted to the specialized  
13 transportation service any completed background information form required under  
14 sub. (5) (a) or (b).

15 (c) Notwithstanding ss. 111.321, 111.322, and 111.335, if a background  
16 information form submitted by a person under par. (b) 11. indicates that the person  
17 is not eligible under s. 346.923 to operate a human service vehicle transporting any  
18 passengers, a specialized transportation service may not employ the person as an  
19 operator pending the receipt of the information sought under par. (d).

20 (d) Notwithstanding ss. 111.321, 111.322, and 111.335, within 60 days after  
21 receipt of a completed background information form from a person specified in sub.  
22 (5) (a) who would otherwise be hired as an operator by the specialized transportation  
23 service or from a person specified in sub. (5) (b), a specialized transportation service  
24 shall obtain from the records maintained by the department of justice, and the  
25 department of justice shall provide, a criminal history search of the person.

1 Notwithstanding ss. 111.321, 111.322, and 111.335, if the person who is the subject  
2 of the criminal history search is not a resident of this state, or if at any time within  
3 the 3 years preceding the date of the search that person has not been a resident of  
4 this state, the specialized transportation service shall make a good faith effort to  
5 obtain promptly from any state in which the person is a resident, or was a resident  
6 within the 3 years preceding the date of the search, information that is equivalent  
7 to a criminal history.

8 (dm) 1. Every specialized transportation service that is operated by a county  
9 or that contracts with a county for services under this section shall, prior to  
10 employing any person as an operator, obtain the person's operating record from the  
11 department under s. 343.24 or, if the operating record has already been obtained by  
12 another entity, from that entity if there are reasonable grounds to believe that the  
13 operating record obtained from that entity is accurate and was furnished by the  
14 department to that entity not more than 2 months previously.

15 2. No later than every 4 years, every specialized transportation service that is  
16 operated by a county or that contracts with a county for services under this section  
17 shall obtain, in the manner provided in subd. 1., an updated operating record for any  
18 person employed as an operator by the specialized transportation service.

19 (e) Every specialized transportation service that is operated by a county under  
20 this section shall maintain all records and furnish all information determined  
21 necessary by the department to determine compliance with this section or s. 346.923.  
22 Every specialized transportation service that contracts with a county for services  
23 under this section shall maintain all records and furnish all information determined  
24 necessary by the county or the department for purposes of program or contract



1 monitoring, auditing, or evaluation, or to determine compliance with this section or  
2 s. 346.923.

3 (f) Any person who violates par. (b) or (c) shall be fined not more than \$1,000  
4 for the first offense and shall be fined not less than \$1,000 nor more than \$5,000 for  
5 each subsequent offense. Each day of violation after the first conviction constitutes  
6 a separate offense.

7 (g) Any person who violates par. (d) or (dm) may be required to forfeit not more  
8 than \$200. Each failure to obtain a criminal history search under par. (d) or an  
9 operating record under par. (dm) constitutes a separate offense.

10 **SECTION 6.** 85.21 (5) of the statutes is created to read:

11 **85.21 (5) OPERATOR BACKGROUND INFORMATION FORMS.** (a) Every person who  
12 applies to be employed as an operator by a specialized transportation service that is  
13 operated by a county or that contracts with a county for services under this section  
14 shall complete a background information form and provide it to the specialized  
15 transportation service prior to being employed by the specialized transportation  
16 service.

17 (b) No later than every 4 years, any person who is employed as an operator by  
18 a specialized transportation service that is operated by a county or that contracts  
19 with a county for services under this section shall complete an updated background  
20 information form and provide it to the specialized transportation service.

21 (c) No person may provide false or incomplete information with respect to any  
22 material fact on a background information form required to be completed under this  
23 subsection. Any person who violates this paragraph may be required to forfeit not  
24 more than \$1,000.

25 **SECTION 7.** 165.83 (2) (ng) of the statutes is created to read:

1           165.83 (2) (ng) Perform the duties required of the department by ss. 85.21 (3m)  
2 (d) and 346.923 (4) relating to human service vehicle operators.

3           **SECTION 8.** 341.10 (15) of the statutes is created to read:

4           **341.10 (15)** The vehicle is required to be inspected under s. 110.05 and any of  
5 the following applies:

6           (a) The vehicle has not been inspected.

7           (b) The most recent inspection of the vehicle indicates noncompliance with ss.  
8 110.05 and 110.075 or ch. 347 or rules promulgated under those sections or ch. 347.

9           **SECTION 9.** 346.923 of the statutes is created to read:

10           **346.923 Human service vehicles; minimum operator qualifications. (1)**

11 Notwithstanding ss. 111.321, 111.322, and 111.335, no person may operate a human  
12 service vehicle transporting any passenger unless all of the following apply:

13           (a) The operator possesses a valid operator's license issued under ch. 343 or by  
14 another jurisdiction that authorizes the operation of the human service vehicle.

15           (b) The operator has not been involved as the operator of a motor vehicle in more  
16 than 2 traffic accidents that resulted in convictions for violations of laws related to  
17 motor vehicle use or operation during the 12 months immediately preceding the  
18 operation of the human service vehicle.

19           (c) The operator has not been convicted of a violation of this section, other than  
20 a violation of par. (g), during the 60 months immediately preceding the operation of  
21 the human service vehicle.

22           (d) The operator has not been convicted of a violation of s. 346.63 (1), (2m), or  
23 (5) or a local ordinance in conformity therewith, or a violation of s. 346.63 (2) or (6),  
24 940.09 (1), or 940.25, or a violation of federal law or the law of a federally recognized  
25 American Indian tribe or band in this state or the law of another jurisdiction that

1 would be a violation of s. 346.63 (1), (2), (2m), (5), or (6), 940.09 (1), or 940.25 if the  
2 person had committed the offense in this state and been convicted of the offense  
3 under the laws of this state, or of an offense specified in s. 343.12 (2) (d) other than  
4 an offense under s. 346.63 (7) or a local ordinance in conformity with s. 346.63 (7) or  
5 a law of a federally recognized American Indian tribe or band in this state in  
6 conformity with s. 346.63 (7), or of 2 or more offenses under s. 346.63 (7) or a local  
7 ordinance in conformity with s. 346.63 (7) or a law of a federally recognized American  
8 Indian tribe or band in this state in conformity with s. 346.63 (7), during the 24  
9 months immediately preceding the operation of the human service vehicle.

10 (e) Notwithstanding par. (d), the operator has not been convicted of a violation  
11 of s. 85.21 (5) (c), 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5), or (6),  
12 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),  
13 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),  
14 948.12, 948.13, 948.21 (1), or 948.30 or a violation of federal law or the law of a  
15 federally recognized American Indian tribe or band in this state or the law of another  
16 jurisdiction that would be a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12,  
17 940.19 (2), (3), (4), (5), or (6), 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285 (2),  
18 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06,  
19 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30 if the  
20 person had committed the offense in this state and been convicted of the offense  
21 under the laws of this state.

22 (f) Notwithstanding par. (d) and subject to par. (e), the operator meets the  
23 requirements specified under s. 343.12 (2) (e) and any rule established by the  
24 department under s. 343.12 (2) (e).

1 (g) The operator conspicuously displays any identification card issued by a  
2 specialized transportation service under s. 85.21 (3m) (b) 8.

3 (h) The operator has, within the 2 previous years, been fully trained in the  
4 proper use of all passenger restraint systems available in the human service vehicle;  
5 the operator ascertains that all passengers required by statute or rule to be properly  
6 restrained are so restrained; and the operator responds to requests from passengers  
7 with respect to being properly restrained.

8 (2) A person employed as an operator by a specialized transportation service  
9 that is operated by a county or that contracts with a county for services under s. 85.21  
10 shall report to the specialized transportation service in writing within 10 days of the  
11 occurrence of any of the following:

12 (a) Any accident in which the person was involved as the operator of a motor  
13 vehicle, regardless of whether the person was issued a uniform traffic citation or  
14 charged with any offense or whether the person was operating a human service  
15 vehicle.

16 (b) Any suspension or revocation of the person's operating privilege by this  
17 state or another jurisdiction.

18 (3) The department shall do all of the following:

19 (a) Prescribe a background information form that directs a person employed or  
20 seeking employment as an operator of a human service vehicle to provide  
21 information for the purposes of determining whether the person may operate a  
22 human service vehicle under sub. (1) or may be employed as an operator by a  
23 specialized transportation service under s. 85.21 (3m). The department shall provide  
24 counties and specialized transportation services with copies of the form upon  
25 request.

1 (b) Prepare and make available to counties and specialized transportation  
2 services informational materials, in printed or electronic form, relating to  
3 compliance with this section and s. 85.21 (3m) and (5), and establish a method of  
4 communication, which may include a statewide, toll-free telephone hotline, to  
5 respond to questions regarding compliance with this section and s. 85.21 (3m) and  
6 (5).

7 (4) The department of justice shall prepare and make available to counties and  
8 specialized transportation services informational materials, in printed or electronic  
9 form, relating to criminal background information specified under this section and  
10 s. 85.21 (3m) and (5), and shall establish a method of communication, which may  
11 include a statewide, toll-free telephone hotline, to respond to questions regarding  
12 criminal background information specified under this section and s. 85.21 (3m) and  
13 (5).

14 **SECTION 10.** 346.95 (4) of the statutes is amended to read:

15 346.95 (4) Any person violating s. 346.923 (1) or (2), 346.925, or 346.94 (8) or  
16 (8m) may be required to forfeit ~~not to exceed~~ more than \$20 for the first offense or  
17 ~~not to exceed~~ and not more than \$50 for each subsequent offense.

18 **SECTION 11. Nonstatutory provisions.**

19 (1) In this SECTION:

20 (a) “Background information form” means the background information form  
21 prescribed by the department of transportation under section 346.923 (3) (a) of the  
22 statutes, as created by this act.

23 (b) “Specialized transportation service” means a specialized transportation  
24 service, as defined in section 85.21 (2) (g) of the statutes, that is operated by a county  
25 or that contracts with a county for services under section 85.21 of the statutes.

1           (2) Notwithstanding section 85.21 (5) of the statutes, as created by this act,  
2 every person who, on the effective date of this subsection, is employed as an operator  
3 by a specialized transportation service shall, not later than the first day of the 13th  
4 month beginning after the effective date of this subsection, complete a background  
5 information form and provide it to the specialized transportation service. A person  
6 who provides false or incomplete information with respect to any material fact on a  
7 background information form required to be completed under this subsection is  
8 subject to the penalty provided in section 85.21 (5) (c) of the statutes, as created by  
9 this act. A violation of this subsection shall be considered a violation of section 85.21  
10 (5) (c) of the statutes for purposes of sections 85.21 (3m) (b) 3. and 346.923 (1) (e) of  
11 the statutes, as created by this act.

12           (3) Notwithstanding sections 111.321, 111.322, and 111.335 of the statutes,  
13 within 60 days after receipt of a completed background information form from a  
14 person specified under subsection (2), a specialized transportation service shall  
15 obtain from the records maintained by the department of justice, and the department  
16 of justice shall provide, a criminal history search of the person. Notwithstanding  
17 sections 111.321, 111.322, and 111.335 of the statutes, if the person who is the subject  
18 of the criminal history search is not a resident of this state, or if at any time within  
19 the 3 years preceding the date of the search that person has not been a resident of  
20 this state, the specialized transportation service shall make a good faith effort to  
21 obtain promptly from any state in which the person is a resident, or was a resident  
22 within the 3 years preceding the date of the search, information that is equivalent  
23 to a criminal history. Any person who violates this subsection is subject to the  
24 penalty provided in section 85.21 (3m) (g) of the statutes, as created by this act.

1 (4) Notwithstanding sections 111.321, 111.322, and 111.335 of the statutes, no  
2 specialized transportation service may employ as an operator any person who has  
3 not submitted to the specialized transportation service a completed background  
4 information form required under subsection (2). A specialized transportation service  
5 that violates this subsection is subject to the penalty provided in section 85.21 (3m)  
6 (f) of the statutes, as created by this act. A violation of this subsection shall be  
7 considered a violation of section 85.21 (3m) (b) 11. of the statutes, as created by this  
8 act, for purposes of section 85.21 (3) (c) of the statutes, as affected by this act, and  
9 section 85.21 (3m) (a) of the statutes, as created by this act.

10 (5) Notwithstanding section 85.21 (5) of the statutes, as created by this act, for  
11 every person employed as an operator by a specialized transportation service on the  
12 effective date of this subsection, the specialized transportation service shall, not  
13 later than the first day of the 13th month beginning after the effective date of this  
14 subsection, obtain the person's operating record from the department of  
15 transportation under section 343.24 of the statutes or, if the operating record has  
16 already been obtained by another entity, from that entity if there are reasonable  
17 grounds to believe that the operating record obtained from that entity is accurate and  
18 was furnished by the department to that entity not more than 2 months previously.  
19 A specialized transportation service that violates this subsection is subject to the  
20 penalty provided in section 85.21 (3m) (g) of the statutes, as created by this act. A  
21 violation of this subsection shall be considered a violation of section 85.21 (3m) (b)  
22 7. of the statutes, as created by this act, for purposes of section 85.21 (3) (c) of the  
23 statutes, as affected by this act, and section 85.21 (3m) (a) of the statutes, as created  
24 by this act.

25 **SECTION 12. Initial applicability.**

