

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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As discussed in the first drafter's note and at our meeting, current law requires Wisconsin law enforcement officers and courts to seize an operator's license under certain circumstances. Also, law enforcement officers in other states may seize a Wisconsin operator's license for traffic violations. I have attempted to ascertain if or when, under such circumstances, the licensee may obtain either a DOT identification card or a duplicate license. I have been unable to secure adequate information in this regard. It is my understanding that if a person's license is seized by an out-of-state officer for a minor offense, the person may quickly obtain a duplicate Wisconsin operator's license, but cannot do so if the out-of-state offense was not minor. There would be a fee charged for this service. I would also anticipate that, if a court seizes an operator's license based upon suspension or revocation of the license, or if a Wisconsin arresting officer seizes a license under s. 343.305 (7) (a) or (9) (a), stats., an identification card could be issued by DOT as soon as this information could be processed. I have no information at this time as to how quickly the processing would occur, or whether a person would always receive a uniform traffic citation at the time that a license is seized under s. 343.305 (7) (a) or (9) (a), stats. Nonetheless, the provisions in proposed ss. 6.79 (7), 6.87 (4) (b) 4., and 6.965 reflect our best efforts to craft a provision to avoid a person's denial of voting privileges because the person was forced to surrender his or her license to a law enforcement officer or court shortly before an election. The attached draft does not address potential situations where a person's operator's license or identification card is retained in circumstances recognized under s. 125.039, stats. You may also wish to examine the provisions of 2005 Assembly Bill 51 with respect to these issues.

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