

2005 DRAFTING REQUEST

Bill

Received: **01/06/2005**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Kitty Rhoades (608) 266-1526**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Rhoades@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Drivers licenses and truancy

Instructions:

See Attached

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>
/?				_____			S&L
/1	phurley 03/18/2005 phurley 09/06/2005	kfollett 04/12/2005 kfollett 09/15/2005	jfrantze 04/13/2005	_____	lemery 04/13/2005 mbarman 04/13/2005		S&L
/2			rschluet 09/15/2005	_____	lnorthro 09/15/2005	lnorthro 09/15/2005	

FE Sent For:

*At
11/17/05*

<END>

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	phurley 09/06/2005	kfollett 09/15/2005		_____	mbarman 04/13/2005		
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FE Sent For:

12 kjf
9/15/05

9/15/05
<END>

mbarman
04/13/2005

Requested by Nick

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/?	phurley	1/11gf 4/12	2/4/12	2/6/R2 4/13			S&L

FE Sent For:

<END>

4/18

2005 BILL

318-05

Gen

1 AN ACT ...; relating to: suspension of motor vehicle operating privilege for
2 habitual truancy.

five

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may not issue a driver's license to a person who is under the age of 18 and who is an habitual truant. An habitual truant is a pupil who is absent from school without an acceptable excuse for part or all of 5 or more days on which school is held during a school semester. This bill requires a school attendance officer to notify the Department of Transportation (DOT) that a pupil enrolled in the school district is an habitual truant. The bill also requires the school attendance officer to notify DOT when a pupil who was reported as truant completes a full school year without being an habitual truant.

Under the bill, DOT is required to suspend the pupil's operating privilege or, if the pupil is not yet a licensed driver, to prevent the pupil from obtaining a driver's license, until the pupil completes one year of school without being an habitual truant.

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:

3 SECTION 1. 118.16 (2) (cv) of the statutes is created to read:

X
X
X
X
X

BILL**SECTION 1**

1 118.16 (2) (cv) At the end of each semester, shall provide the names of pupils
2 who are habitual truants to the Department of Transportation and shall provide the
3 names of pupils who were listed as habitual truants but who have completed a school
4 year without being habitually truant.

5 **SECTION 2.** 343.06 (1) (c) of the statutes is amended to read:

6 343.06 (1) (c) To any person under age 18 unless the person is enrolled in a
7 school program or high school equivalency program and is not a habitual truant as
8 defined in s. 118.16 (1) (a) or, if the person was named as an habitual truant under
9 s. 118.16 (2) (cv), has completed a year of school without being habitually truant, has
10 graduated from high school or been granted a declaration of high school graduation
11 equivalency or is enrolled in a home-based private educational program, as defined
12 in s. 115.001 (3g), and has satisfactorily completed a course in driver education in
13 public schools approved by the department of public instruction, or in technical
14 colleges approved by the technical college system board, or in nonpublic and private
15 schools which meet the minimum standards set by the department of public
16 instruction, or has satisfactorily completed a substantially equivalent course in
17 driver training approved by the department and given by a school licensed by the
18 department under s. 343.61, or has satisfactorily completed a substantially
19 equivalent course in driver education or training approved by another state and has
20 attained the age of 16, except as provided in s. 343.07 (1). The department shall not
21 issue a license to any person under the age of 18 authorizing the operation of "Class
22 M" vehicles unless the person has successfully completed a basic rider course
23 approved by the department. The department may, by rule, exempt certain persons
24 from the basic rider course requirement of this paragraph. Applicants for a license
25 under s. 343.08 or 343.135 are exempt from the driver education, basic rider or driver

BILL

1 training course requirement. The secretary shall prescribe rules for licensing of
 2 schools and instructors to qualify under this paragraph. The driver education course
 3 shall be made available to every eligible student in the state. Except as provided
 4 under s. 343.16 (1) (c) and (2) (cm) to (e), no operator's license may be issued unless
 5 a driver's examination has been administered by the department.

6 **Cross Reference:** Cross Reference: Cross Reference: See also ch. Trans 129, Wis. adm. code. **Cross Reference:**

History: 1971 c. 40 s. 93; 1971 c. 154 s. 79 (3); 1971 c. 219; 1975 c. 184 s. 13; 1975 c. 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 41, 238, 273, 360, 447; 1983 a. 17, 243; 1985 a. 202; 1987 a. 40, 122; 1987 a. 332 s. 64; 1987 a. 403; 1989 a. 31, 105; 1993 a. 16, 227, 363, 399, 491; 1995 a. 27 s. 9145 (1); 1995 a. 77, 113, 448; 1997 a. 27, 84, 283; 1999 a. 9, 140; 2001 a. 38; 2003 a. 33.

7 **SECTION 3.** 343.10 (8) (intro.) of the statutes is amended to read:

8 **343.10 (8) VIOLATION OF RESTRICTIONS.** (intro.) Any Except as provided in (8m),^{sub.}
 9 any person who violates a restriction on an occupational license as to hours of the day,
 10 area, routes or purpose of travel, vehicles allowed to be operated, use of an ignition
 11 interlock device, sobriety or use of alcohol, controlled substances or controlled
 12 substance analogs shall be:

History: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337; 1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109; 2001 a. 16 ss. 3409f, 3409g, 4060hw, 4060hy; 2003 a. 33, 80, 200, 326.

13 **SECTION 4.** 343.10 (8m) of the statutes is created to read:

14 **343.10 (8m) VIOLATION OF RESTRICTIONS BY HABITUAL TRUANTS.** A person whose
 15 operating privilege is suspended under s. 343.343 and who violates any restriction
 16 on an occupational license may be prosecuted under s. 343.343 (2).

17 **SECTION 5.** 343.343 of the statutes is created to read:

18 **343.343 Suspension of operating privileges for habitual truants. (1)**

19 The department shall suspend the operating privileges of a person who is under the
 20 age of 18 and who is reported as an habitual truant under s. 118.16 (2) (cv). The
 21 suspension shall remain in place until the person completes a year of school without
 22 being habitually truant or attains the age of 18.

23 **(2)** No person whose operating privilege is suspended under sub. (1) and who
 24 obtains an occupational license under s. 343.10 may violate any restriction on an

BILL

1 occupational license. The department shall suspend the operating privilege of a
2 person who violates this subsection for one year.

3 **SECTION 6.** 343.39 (1) (a) of the statutes is amended to read:

4 343.39 (1) (a) When, in the case of a suspended operating privilege, the period
5 of suspension has terminated, or, if the operating privilege was suspended under s.
6 343.343, the person has completed a year of school without being habitually truant
7 or has attained the age of 18, and the reinstatement fee specified in s. 343.21 (1) (j)
8 has been paid to the department and, for reinstatement of an operating privilege
9 suspended under ch. 344, the person files with the department proof of financial
10 responsibility, if required, in the amount, form and manner specified under ch. 344.

History: 1973 c. 90; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1991 a. 39, 277; 1993 a. 16; 1997 a. 84, "....."

(END)

SECTION 7. Effective date.

(1) This act takes effect on the first day of September, 2005.

2005 BILL

9-14

Regen

1 AN ACT *to amend* 343.06 (1) (c), 343.10 (8) (intro.) and 343.39 (1) (a); and *to*
2 *create* 118.16 (2) (cv), 343.10 (8m) and 343.343 of the statutes; **relating to:**
3 suspension of motor vehicle operating privilege for habitual truancy.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may not issue a driver's license to a person who is under the age of 18 and who is a habitual truant. A habitual truant is a pupil who is absent from school without an acceptable excuse for part or all of five or more days on which school is held during a school semester. This bill requires a school attendance officer to notify the Department of Transportation (DOT) that a pupil enrolled in the school district is a habitual truant. The bill also requires the school attendance officer to notify DOT when a pupil who was reported as truant completes a full school year without being a habitual truant.

Under the bill, DOT is required to suspend the pupil's operating privilege or, if the pupil is not yet a licensed driver, to prevent the pupil from obtaining a driver's license, until the pupil completes one year of school without being an habitual truant.

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:

BILL

1 **SECTION 1.** 118.16 (2) (cv) of the statutes is created to read:

2 118.16 **(2)** (cv) At the end of each semester, shall provide the names of pupils
3 who are habitual truants to the department of transportation and shall provide the
4 names of pupils who were listed as habitual truants but who have completed a school
5 year without being habitually truant.

6 **SECTION 2.** 343.06 (1) (c) of the statutes is amended to read:

7 343.06 **(1)** (c) To any person under age 18 unless the person is enrolled in a
8 school program or high school equivalency program and is not a habitual truant as
9 defined in s. 118.16 (1) (a) or, if the person was named as a habitual truant under s.
10 118.16 (2) (cv), has completed a year of school without being habitually truant, has
11 graduated from high school or been granted a declaration of high school graduation
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13 in s. 115.001 (3g), and has satisfactorily completed a course in driver education in
14 public schools approved by the department of public instruction, or in technical
15 colleges approved by the technical college system board, or in nonpublic and private
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17 instruction, or has satisfactorily completed a substantially equivalent course in
18 driver training approved by the department and given by a school licensed by the
19 department under s. 343.61, or has satisfactorily completed a substantially
20 equivalent course in driver education or training approved by another state and has
21 attained the age of 16, except as provided in s. 343.07 (1). The department shall not
22 issue a license to any person under the age of 18 authorizing the operation of "Class
23 M" vehicles unless the person has successfully completed a basic rider course
24 approved by the department. The department may, by rule, exempt certain persons
25 from the basic rider course requirement of this paragraph. Applicants for a license

BILL

1 under s. 343.08 or 343.135 are exempt from the driver education, basic rider or driver
2 training course requirement. The secretary shall prescribe rules for licensing of
3 schools and instructors to qualify under this paragraph. The driver education course
4 shall be made available to every eligible student in the state. Except as provided
5 under s. 343.16 (1) (c) and (2) (cm) to (e), no operator's license may be issued unless
6 a driver's examination has been administered by the department.

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8 has been paid to the department and, for reinstatement of an operating privilege
9 suspended under ch. 344, the person files with the department proof of financial
10 responsibility, if required, in the amount, form and manner specified under ch. 344.

11 **SECTION 7. Effective date.**

12 (1) This act takes effect on September 1, 2005.

13 (END)

MP 2006

Northrop, Lori

From: Cekosh, Nick
Sent: Thursday, September 15, 2005 11:04 AM
To: LRB.Legal
Subject: Draft review: LRB 05-1527/2 Topic: Drivers licenses and truancy

It has been requested by <Cekosh, Nick> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-1527/2 Topic: Drivers licenses and truancy

Barman, Mike

From: Barman, Mike
Sent: Wednesday, January 04, 2006 12:10 PM
To: Rep.Rhoades; Cekosh, Nick
Subject: LRB 05-1527/2 (attached - requested by Nick)

Attachments: 05-1527/2



05-15272.pdf (20
KB)

Mike Barman (Senior Program Assistant)
State of Wisconsin - Legislative Reference Bureau
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1 East Main Street, Suite 200
Madison, WI 53703
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