

ASSEMBLY BILL 38 (LRB -0363)

An Act to create 343.07 (7) and 343.085 (6) of the statutes; relating to: restriction violations by persons holding instruction permits or probationary licenses to operate motor vehicles and providing a penalty. (FE)

2005

03-02. A. Introduced by Representatives **Friske, Gard, Young, Petrowski, Staskunas, Ballweg, Wasserman, Kestell, Gronemus, Rhoades, Jeskewitz, Stone, Vos, Albers, Ott, Van Roy, Ainsworth, Musser, Gunderson, Hahn, Krawczyk, Ward, Hines and Townsend**; cosponsored by Senators **Olsen, Roessler, A. Lasee, Kedzie, Grothman, Stepp, Lassa, Jauch and Reynolds.**

01-25. A. Read first time and referred to committee on Highway Safety 41

02-08. A. Fiscal estimate received.

02-16. A. Public hearing held.

03-02. A. Executive action taken.

03-03. A. Report passage recommended by committee on Highway Safety, Ayes 7, Noes 0 106

03-03. A. Referred to committee on Rules 106

03-03. A. Senator Brown added as a cosponsor 106

03-03. A. Placed on calendar 3-8-2005 by committee on Rules.

03-08. A. Read a second time 114

03-08. A. Assembly amendment 1 offered by Representative Shilling (**LRB a0279**) 114

03-08. A. Point of order that Assembly amendment 1 not germane well taken 114

03-08. A. Ordered to a third reading 114

03-08. A. Rules suspended 114

03-08. A. Read a third time and **passed** 114

03-08. A. Ordered immediately **messaged** 114

03-10. S. Received from Assembly 115

03-10. S. Read first time and referred to committee on Natural Resources and Transportation 115

04-21. S. Public hearing held.

05-04. S. Executive action taken.

05-04. S. Report concurrence recommended by committee on Natural Resources and Transportation, Ayes 5, Noes 0 196

05-04. S. Available for scheduling.

2006

03-08. S. Placed on calendar 3-9-2006 by committee on Senate Organization.

03-09. S. Read a second time.

03-09. S. Ordered to a third reading.

03-09. S. Rules suspended.

03-09. S. Read a third time and **concurred in.**

03-09. S. Ordered immediately messaged.

03-09. A. Received from Senate concurred in 937

EN

**2005
ENROLLED BILL**

05en A B- 38

ADOPTED DOCUMENTS:

Orig

Engr

___ SubAmdt ___

05-0363/1

Amendments to above (if none, write "NONE"):

None

Corrections - show date (if none, write "NONE"):

None

Topic

Rel

3-13-06

Date

JR Miller

Enrolling Drafter

ELECTRONIC PROCEDURE:

Follow automatic or manual enrolling procedures in *TEXT2000 Reference Guide, Document Specific Procedures, Ch. 20, Engrossing and Enrolling*

DISTRIBUTION:

HOUSE OF ORIGIN:

- 11 copies plus bill jacket
- Secretary of State's envelope containing 4 copies plus newspaper notice

REVISOR OF STATUTES:

- 5 copies

DEPARTMENT OF ADMINISTRATION:

- 2 copies

LRB:

- Drafting file original
- Drafting attorney 1 copy
- Legislative editors 1 copy each
- Reference section 1 copy
- Bill index librarian 1 copy

2005 ASSEMBLY BILL 38

January 25, 2005 - Introduced by Representatives FRISKE, GARD, YOUNG, PETROWSKI, STASKUNAS, BALLWEG, WASSERMAN, KESTELL, GRONEMUS, RHOADES, JESKEWITZ, STONE, VOS, ALBERS, OTT, VAN ROY, AINSWORTH, MUSSER, GUNDERSON, HAHN, KRAWCZYK, WARD, HINES and TOWNSEND, cosponsored by Senators OLSEN, ROESSLER, A. LASEE, KEDZIE, GROTHMAN, STEPP, LASSA, JAUCH and REYNOLDS. Referred to Committee on Highway Safety.

- 1 **AN ACT to create** 343.07 (7) and 343.085 (6) of the statutes; **relating to:**
2 restriction violations by persons holding instruction permits or probationary
3 licenses to operate motor vehicles and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may issue an instruction permit to a person who is at least 15 years and six months of age, who has passed a knowledge test, who, if under 18 years of age, has enrolled in an approved driver education and training course, and who, except for age or lack of training in the operation of a motor vehicle, is qualified to obtain an operator's license. The permit remains valid for 12 months unless cancelled by DOT. The permit authorizes the person to operate most motor vehicles (excluding commercial motor vehicles, school buses, and Type 1 motorcycles) subject to certain restrictions, including restrictions related to persons required to accompany the permittee while operating a motor vehicle, persons who may be passengers in a motor vehicle operated by the permittee, and hours during which the permittee may operate a motor vehicle.

Under current law, a person who is at least 16 years of age and who is otherwise qualified (including having passed a knowledge test and, if under 18 years of age, having completed a driver education and training course and a basic motorcycle rider course) may obtain a Type 1 motorcycle instruction permit. The permit is valid for six months but may be renewed. The permit authorizes the person to operate a Type 1 motorcycle subject to certain restrictions related to persons who may accompany

ASSEMBLY BILL 38

the permittee on a motorcycle and hours during which the permittee may operate a motorcycle.

Under current law, a probationary license is, with certain exceptions, issued to all applicants who qualify for an original driver's license and remains in effect for two years from the date of the licensee's next birthday. During the first nine months following issuance of a probationary license, a probationary licensee who is under 18 years of age is subject, with limited exceptions, to certain restrictions on the operation of "Class D" vehicles (automobiles and most other motor vehicles), including restrictions related to persons who may be passengers in a motor vehicle operated by the licensee and hours during which the licensee may operate a motor vehicle.

Also under current law, an application for an operator's license by any person under the age of 18 must be signed and verified by an adult sponsor (typically the person's parent) attesting that the person meets certain educational criteria for issuance of an operator's license.

Under current law, a person holding a probationary license or instruction permit who violates these operating restrictions may be required to forfeit up to \$200 for the first offense, may be fined up to \$300 and imprisoned for not more than 30 days for the second offense within three years, and may be fined up to \$500 and imprisoned for not more than six months for the third or subsequent offense within three years.

This bill changes the penalty for persons who violate operating restrictions under a probationary license or an instruction permit. Under this bill, a person holding a probationary license or instruction permit who violates these operating restrictions must forfeit \$50 for a first offense and not less than \$50 nor more than \$100 for each subsequent offense. In addition, DOT must provide notice of the conviction to any adult sponsor of the person.

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.** 343.07 (7) of the statutes is created to read:
- 2 343.07 (7) PENALTY FOR RESTRICTION VIOLATIONS. (a) Notwithstanding s. 343.43
- 3 (1) (d) and (3m), any person who violates sub. (1) (a), (bm), or (d) or (4) (b) 1. or 2. shall
- 4 be required to forfeit \$50 for the first offense and not less than \$50 nor more than
- 5 \$100 for each subsequent offense.

ASSEMBLY BILL 38

1 (b) Upon receiving notice of a person's conviction for a violation of sub. (1) (a),
2 (bm), or (d) or (4) (b) 1. or 2., the department shall notify any adult sponsor who has
3 signed for the person under s. 343.15 (1) of the conviction.

4 **SECTION 2.** 343.085 (6) of the statutes is created to read:

5 343.085 (6) (a) Notwithstanding s. 343.43 (1) (d) and (3m), any person who
6 violates sub. (2m) (a) shall be required to forfeit \$50 for the first offense and not less
7 than \$50 nor more than \$100 for each subsequent offense.

8 (b) Upon receiving notice of a person's conviction for a violation of sub. (2m) (a),
9 the department shall notify any adult sponsor who has signed for the person under
10 s. 343.15 (1) of the conviction.

11 **SECTION 3. Initial applicability.**

12 (1) This act first applies to violations committed on the effective date of this
13 subsection, but does not preclude the counting of other violations as prior violations
14 for purposes of sentencing a person.

15 **SECTION 4. Effective date.**

16 (1) This act takes effect on the first day of the 4th month beginning after
17 publication.

18 (END)