

2005 DRAFTING REQUEST

Bill

Received: **09/30/2004**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Donald Friske (608) 266-7694**

By/Representing: **Tim Gary**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **PJH**

Submit via email: **YES**

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

Carbon copy (CC:) to: **Tim.Gary@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Penalties for graduated driver license violations and requiring report to sponsor

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> |
|--------------|---------------------|--|-----------------------|----------------|------------------------|------------------------|-----------------|
| /? | agary 09/30/2004 | kfollett 10/04/2004 kfollett 10/04/2004 | | _____ | | | S&L |
| /1 | | | rschlue 10/04/2004 | _____ | sbasford 10/04/2004 | lnorthro 01/18/2005 | |

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LRB-0363

10/04/2004 02:22:32 PM

Page 2

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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<END>

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FE Sent For:

<END>

Gary, Aaron

From: Gary, Tim
Sent: Tuesday, September 14, 2004 1:54 PM
To: Gary, Aaron
Subject: 2003 AB 831

Aaron,

Could you please draft 2003 AB 831, as amended by the legislature, for the 2005 session?

Thank you in advance.

Sincerely,
Tim Gary
Research Assistant for
Representative Donald Friske

Wanted
by 10/15

0363/1
LRB-41971
ARG:kmg:pg
kjf

2003 ASSEMBLY BILL 831

D-Note

February 9, 2004 - Introduced by Representatives FRISKE, PETROWSKI and YOUNG, cosponsored by Senator ROESSLER. Referred to Committee on Highway Safety.

Regen

1 AN ACT *to create* 343.07 (7), 343.085 (6) and 343.32 (2) (bc) 3. of the statutes;
2 relating to: restriction violations by persons holding instruction permits or
3 probationary 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 831

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. ~~DOT may not assess demerit points for a restriction violation.~~

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 831

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.** 343.32 (2) (bc) 3. of the statutes is created to read:

12 343.32 (2) (bc) 3. The scale adopted by the secretary may not assess any demerit
13 points for a restriction violation under s. 343.07 (1) (a), (bm), or (d) or (4) (b) 1. or 2.
14 or 343.085 (2m) (a).

15 **SECTION 4. Initial applicability.**

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

19 (END)

Insert
3-18

D-Note

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 831**

February 11, 2004 - Offered by Representatives PETROWSKI and FRISKE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 11: delete lines 11 to 14.

3 **2.** Page 3, line 18: after that line insert:

4 **SECTION 4m. Effective date.**

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

7 (END)

insert
3-18

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

LRB-0363/1dn

ARG: *ksj*

Date

ATTN: Tim Gary

The attached redraft of 2003 AB-831 incorporates AA1 to AB-831.

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-0363/1dn
ARG:kjf:rs

October 4, 2004

ATTN: Tim Gary

The attached redraft of 2003 AB-831 incorporates AA1 to AB-831.

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

Northrop, Lori

From: Gary, Tim
Sent: Tuesday, January 18, 2005 2:29 PM
To: LRB.Legal
Subject: Draft review: LRB 05-0363/1 Topic: Penalties for graduated driver license violations and requiring report to sponsor

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

Draft review: LRB 05-0363/1 Topic: Penalties for graduated driver license violations and requiring report to sponsor