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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Assembly

(Assembly, Senate or Joint)

### Committee on Corrections and the Courts...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



Moved by Representative Bies, seconded by Representative Gundrum that **Assembly Amendment 1** be recommended for adoption.

Ayes: (9) Representatives Bies, Gundrum, Underheim, Owens, Suder, LeMahieu, Pope-Roberts, Wasserman and Seidel.

Noes: (0) None.

Absent: (1) Representative Parisi.

ASSEMBLY AMENDMENT 1 ADOPTION RECOMMENDED,  
Ayes 9, Noes 0

Moved by Representative Wasserman, seconded by Representative Underheim that **Assembly Bill 51** be recommended for passage as amended.

Ayes: (9) Representatives Bies, Gundrum, Underheim, Owens, Suder, LeMahieu, Pope-Roberts, Wasserman and Seidel.

Noes: (0) None.

Absent: (1) Representative Parisi.

PASSAGE AS AMENDED RECOMMENDED, Ayes 9, Noes 0

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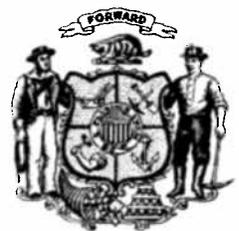
Andrew Nowlan  
Committee Clerk







WISCONSIN STATE LEGISLATURE



**ASSEMBLY BILL 51**  
**SEIZURE BY A COURT OR LAW ENFORCEMENT OFFICE OF AN OPERATOR'S**  
**LICENSE AND REINSTATEMENT OF OPERATING PRIVILEGES**

Testimony

Wisconsin Department of Transportation  
Assembly Committee on Corrections and the Courts  
Wednesday, February 23, 2005 1:00 p.m.

**INTRODUCTION:**

- Good afternoon Chairperson Bies and members of the Assembly Committee on Corrections and the Courts
- I am Erin Egan, DMV Legislative Liaison
- The department is here today to testify in support answer questions on AB51.

**CURRENT SYSTEM:**

- Requires courts/judges to take possession of an operator's license whenever the operating privilege is revoked or suspended, or whenever a law enforcement officer determines a driver is operating with a prohibited alcohol concentration, or when a driver refuses the officer's request to submit to chemical testing.
- Seized licenses are mailed to the DMV and destroyed.
- 444,546 suspensions/revocations were added to driving records in 2004

**AB51:**

- Removes the language mandating a court, judge, or law enforcement officer to take possession of a driver license in the course of other proceedings or actions, but gives the court the option to pick up the license if they wish to do so.
- If the license is seized, it must be destroyed rather than returning it to the department.

**BILL IMPACT:**

- Allows person to keep the license, which could be used for identification purposes and prevents them from needing an identification card
- Eliminates potential for theft of license through the mail
- Savings of \$500 per year for DMV for destruction of licenses

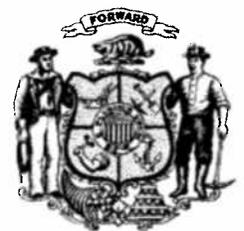
**DMV Contact**

Erin Egan, Legislative Liaison  
DMV Bureau of Driver Services  
(608) 266-1449  
[erin.egan@dot.state.wi.us](mailto:erin.egan@dot.state.wi.us)

**END OF TESTIMONY**



# WISCONSIN STATE LEGISLATURE



# **Assembly Republican Majority**

## **Bill Summary**

### **AB 51: Seizure of Driver's License**

Relating to: seizure by a court or law enforcement officer of a motor vehicle operator's license and reinstatement of an operating privilege.

Introduced by Representatives Ainsworth, Hahn, Hines, Kestell, Musser, Ott, Owens and Petrowski, cosponsored by Senator Olsen.

**Date:** December 15, 2005

### **BACKGROUND**

Under current law, if a person is convicted of an offense for which revocation of the person's operating privilege is mandatory, or if a court otherwise suspends or revokes a person's operating privilege, the court must take possession of the person's operator's license and forward it to the Department of Transportation (DOT).

Under current law, if a person is arrested for driving or operating a motor vehicle while under the influence of an intoxicant (OWI), a law enforcement officer may request the person to take a test to determine the amount of alcohol in his or her blood or breath. If a person submits to the test and the test results indicate a prohibited alcohol concentration, or if the person refuses to take the test, the officer must take possession of the person's operator's license and forward it to DOT.

Under current law, with certain exceptions, a person whose operating privilege is suspended or revoked may apply for an occupational license authorizing the person to operate a motor vehicle for limited purposes. To obtain an occupational license, a person must surrender his or her suspended or revoked operator's license.

Under current law, with limited exceptions, a suspended operating privilege is automatically reinstated when the period of suspension has terminated and a reinstatement fee is paid to DOT or when the suspension is based on a conviction and the conviction is reversed, set aside, or vacated. Whenever a person's operating privilege is automatically reinstated, DOT must notify the person and return any surrendered and unexpired license in its possession.

Also under current law, if a court suspends a person's operating privilege for failure to pay a forfeiture or surcharge, the court must take possession of the person's suspended operator's license and forward it to DOT, and DOT must return the license to the person upon payment of the forfeiture or surcharge and payment of the reinstatement fee.

### **SUMMARY OF AB 51 AS AMENDED BY COMMITTEE**

Under Assembly Bill 51 if a person is convicted of an offense for which revocation of the person's operating privilege is mandatory, or if a court otherwise suspends or revokes a person's operating privilege, the court may take possession of the person's operator's license. If a court does take possession of a person's operator's license, the court must destroy the license.

Also under the bill, if a person is arrested for driving or operating a motor vehicle while under the influence of an intoxicant (OWI), a law enforcement officer may request the person to take a test to determine the amount of alcohol in his or her blood or breath. If a person submits to the test and the test results indicate a

prohibited alcohol concentration, or if the person refuses to take the test, a law enforcement officer under these circumstances may not take possession of a person's operator's license.

December 15<sup>th</sup>, 2005  
Bill 51, page 2

### **SUMMARY OF AB 51 CONTINUED**

Under Assembly Bill 51, a person who is otherwise eligible to obtain an occupational license may do so without surrendering his or her revoked operator's license.

Also under this bill, which requires the court to destroy a person's operator's license if the court takes possession of it, DOT does not return a person's suspended operator's license upon reinstatement of the person's operating privilege. Instead, if the person has satisfied all requirements for reinstatement, including, if applicable, payment of any required reinstatement fee, DOT must issue a new license without any additional fee for the license if the person no longer possesses the license.

### **AMENDMENTS**

**Assembly Amendment 1** to Assembly Bill 51 stipulates that when a driver's license is destroyed, it must be done so by shredding. [adopted 9-0-1 (Rep. Parisi absent)].

### **FISCAL EFFECT**

Fiscal estimates for Assembly Bill 51 prepared by the Department of Corrections, District Attorneys, Department of Justice, and the State Public Defender, all indicated no impact.

A fiscal estimate for Assembly Bill 51 prepared by the Department of Transportation indicates an annualized cost savings of approximately \$469 related reduced document shredding by the Department.

### **PROS**

1. Does not change penalty or fine, only impacts what is done with the physical license.
2. Allows person to keep license for identification purposes.
3. There is now an information network in place for law enforcement that allows for instant information regarding the status of an individual's license.

### **CONS**

1. None apparent.

### **SUPPORTERS**

Representative John Ainsworth, author; Senator Luther Olsen, lead co-author, Department of Motor Vehicles.

### **OPPOSITION**

No one registered or appeared in opposition to AB 51.

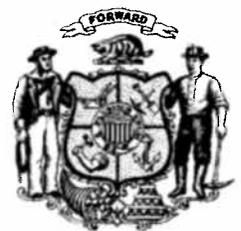
### **HISTORY**

Assembly Bill 51 was introduced on January 27, 2005, and referred to the Assembly Committee on Corrections and the Courts. A public hearing was held on February 23, 2005. On May 4, 2005, the Committee voted 9-0 [Rep. Parisi absent] to recommend passage of Assembly Bill 51 as amended.

**CONTACT:** Andrew Nowlan, Office of Rep. Garey Bies



# WISCONSIN STATE LEGISLATURE



AB 51  
2-23-05

Does not charge penalty or fines, only impacts what ~~must~~ be is done with the physical license.

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Historical method of seizing license where now, the info network in place allows officers ~~instant~~ instant status info regarding an individual's license

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Amdment for- definition of "destroyed."

51

CL

When court revokes must take.

51

May take, if does, must destroy

CL  
DUI

CL/51

Does not have to sur lic for  
occup

Jury lic