

## 2007 ASSEMBLY BILL 818

February 19, 2008 – Introduced by Representatives PETROWSKI, GRIGSBY, HONADEL, BERCEAU, FIELDS, HAHN, KESSLER, PARISI, POPE-ROBERTS, SHERIDAN, SINICKI, TURNER, VRUWINK and A. WILLIAMS, cosponsored by Senators TAYLOR and LEHMAN. Referred to Committee on Transportation.

1     **AN ACT** *to repeal* 343.10 (2) (a) 3., 343.31 (1) (hm), 343.38 (4) (a), 343.38 (4) (b),  
2           343.39 (1) (a), 344.32 and 345.48 (3); *to renumber and amend* 343.26 and  
3           343.39 (3); *to amend* 118.163 (2) (a), 118.163 (2m) (a), 343.03 (1) (b), 343.05 (1)  
4           (a), 343.06 (2), 343.20 (1) (a), 343.28 (2), 343.30 (1g) (b), 343.30 (1q) (h), 343.30  
5           (4), 343.30 (6) (d), 343.305 (7) (a), 343.305 (7) (b), 343.305 (9) (a) (intro.), 343.305  
6           (9) (am) (intro.), 343.305 (10) (g), 343.315 (3) (a), 343.315 (3) (b), 343.32 (1m) (d),  
7           343.38 (title), 343.38 (1) (intro.), 343.38 (1) (a), 343.38 (2), 343.38 (3), 343.38 (4)  
8           (intro.), 343.39 (1) (b), 343.39 (2), 344.18 (1m) (a), 344.18 (3m) (a), 344.24, 344.26  
9           (1), 344.27 (2), 344.29, 344.30 (1), 344.33 (1), 344.34, 344.42, 345.47 (1) (c),  
10          345.48 (2), 345.48 (4), 631.37 (4) (e), 800.09 (1) (c), 938.17 (2) (d) 2., 938.34 (8),  
11          938.34 (8d) (d), 938.34 (14m), 938.34 (14r) (a), 938.34 (14r) (c), 938.342 (1g) (a),  
12          938.343 (2), 938.344 (2e) (b), 938.344 (2e) (c), 938.355 (6) (d) 2., 938.355 (6m) (a)  
13          1m., 961.50 (1) (intro.) and 961.50 (3); and *to create* 343.26 (2) and 343.38 (3g)  
14          and (3r) of the statutes; **relating to:** motor vehicle operating privileges,

**ASSEMBLY BILL 818**

- 1           seizures by courts or law enforcement officers of operator's licenses, and  
2           reinstatement of canceled identification cards.
- 

***Analysis by the Legislative Reference Bureau***

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

Under this bill, a court that suspends or revokes a person's operating privilege may take possession of a person's operator's license but is not required to do so. If a court does take possession of a person's operator's license, the court must destroy the license. Upon reinstatement of the person's operating privilege, instead of returning the license, DOT must issue a new license. Also, a law enforcement officer who arrests a person for OWI may not take possession of a person's operator's license. The bill also allows a person who is otherwise eligible to obtain an occupational license to do so without surrendering his or her revoked operator's license.

Under current law, if a court suspends a person's operating privilege for certain violations and at the time of the suspension the person does not have a valid operator's license, the period of operating privilege suspension does not begin until the person is eligible and applies for an operator's license or until a specified period of time elapses, whichever occurs first.

Under this bill, a person need not apply for issuance, renewal, or reinstatement of an operator's license to trigger the commencement of the period of operating privilege suspension. The period of operating privilege suspension begins when the person first becomes eligible for issuance, renewal, or reinstatement of an operator's license.

Various provisions of current law control the issuance of an operator's license, or the reinstatement of an operating privilege, after suspension or revocation. This bill eliminates, as a condition of issuing an operator's license to a person moving to this state whose operating privilege was previously suspended or revoked in another state, the following requirements: that the person's operating privilege has been reinstated by another state if the person is eligible for reinstatement in the other state; that the period of suspension or revocation that would be required under the laws of this state had the offense been committed in this state has expired; and that the person submit proof of financial responsibility to DOT. This bill also eliminates the requirement that a nonresident whose operating privilege is revoked in this state obtain a valid operator's license issued by his or her resident state as a condition of reinstatement by DOT of the nonresident's operating privilege. This bill eliminates

**ASSEMBLY BILL 818**

further any requirement that nonresidents provide proof of financial responsibility with respect to reinstatement of an operating privilege or registration suspended in this state as a result of failure to demonstrate financial responsibility after a motor vehicle accident or judgement arising from an accident.

Current law provides in most cases for automatic reinstatement of a person's suspended operating privilege after the period of operating privilege suspension has terminated and the person has paid the reinstatement fee. However, after revocation of a person's operating privilege, disqualification of a person's authorization to operate a commercial motor vehicle, or cancellation of a person's operator's license, in most cases reinstatement requires DOT to issue a new operator's license. Reinstated licenses expire two years from the person's next birthday.

This bill provides for automatic reinstatement of a person's revoked operating privilege if the applicable period of revocation has expired and the person has applied for reinstatement and paid to DOT the applicable fee. The bill also provides for automatic reinstatement of a person's canceled operator's license or identification card if the cancellation occurred for specified reasons, the person has paid to DOT the applicable fee, and the reasons for the cancellation have been rectified.

The bill clarifies the general requirements for reinstatement of a person's authorization to operate a commercial motor vehicle. Under the bill, upon a person's application for reinstatement, DOT may reinstate the person's authorization to operate a commercial motor vehicle and issue a commercial driver license to the person if the person has paid the required fees and taken any examination required by DOT; however, DOT may not do so during any period of disqualification under state or federal law, under the law of another jurisdiction disqualifying the person from operating a commercial motor vehicle under circumstances similar to those specified in state or federal law, or under a federal agency determination that the person is no longer qualified to operate a commercial motor vehicle. The bill also provides for automatic reinstatement if the disqualification results from the issuance of a 24-hour out-of-service order. The bill eliminates the two-year expiration period for reinstated licenses if the license is canceled on a basis for which automatic reinstatement applies.

Under current law, a court must revoke a person's operating privilege for specified OWI violations and for the improper refusal to take a test to determine the amount of alcohol in the person's blood or breath. The period of operating-privilege revocation for an OWI conviction must be reduced by any period of revocation previously served for a test refusal, and vice versa, and the periods of revocation remaining must run concurrently, if the revocation for the OWI violation and the revocation for the test refusal arise out of the same incident or occurrence.

Under this bill, a court may order a period of revocation resulting from an OWI violation or a test refusal, or a period of suspension resulting from an excessive chemical test result, to run concurrently with any period of time remaining on any other revocation or suspension regardless of whether it arises out of the same incident or occurrence.

Under current law, a court may suspend a person's operating privilege for any period not exceeding six months upon the person's conviction for operating after

**ASSEMBLY BILL 818**

revocation (OAR) or operating while suspended (OWS) or operating a commercial motor vehicle during a period in which the person is disqualified (OWD). However, a court must revoke a person's operating privilege, for a period of six months or less, upon the person's conviction for OAR, OWS, or OWD if the person has been convicted of three or more prior violations of OAR, OWS, or OWD within the preceding five-year period. In addition, DOT must administratively revoke a person's operating privilege, for a period of six months unless the court has ordered a revocation for a lesser period, upon receiving a record of conviction showing that the person has been convicted of OAR, OWS, or OWD if the person has been convicted of three or more prior violations of OAR, OWS, or OWD within the preceding five-year period.

This bill makes court-ordered operating privilege revocation for a fourth offense OAR, OWS, or OWD permissive rather than mandatory and eliminates the requirement that DOT administratively revoke a person's operating privilege for a fourth offense OAR, OWS, or OWD.

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.** 118.163 (2) (a) of the statutes is amended to read:

2           118.163 **(2)** (a) Suspension of the person's operating privilege for not less than  
3           30 days nor more than one year. The court ~~shall immediately~~ may take possession  
4           of any suspended license ~~and forward it.~~ If the court takes possession of a license,  
5           it shall destroy the license. The court shall forward to the department of  
6           transportation ~~together with~~ a notice stating the reason for and the duration of the  
7           suspension.

8           **SECTION 2.** 118.163 (2m) (a) of the statutes is amended to read:

9           118.163 **(2m)** (a) A county, city, village or town may enact an ordinance  
10          permitting a court to suspend the operating privilege of a person who is at least 16  
11          years of age but less than 18 years of age and is a dropout. The ordinance shall  
12          provide that the court may suspend the person's operating privilege until the person  
13          reaches the age of 18. The court ~~shall immediately~~ may take possession of any

**ASSEMBLY BILL 818**

1       suspended license ~~and forward it.~~ If the court takes possession of a license, it shall  
2       destroy the license. The court shall forward to the department of transportation  
3       ~~together with~~ a notice stating the reason for and the duration of the suspension.

4               **SECTION 3.** 343.03 (1) (b) of the statutes is amended to read:

5               343.03 (1) (b) The department shall issue operator's licenses in conformity with  
6       the classified driver license system to each licensee upon renewal, ~~reinstatement or~~  
7       initial application, or cancellation under s. 343.26 (1).

8               **SECTION 4.** 343.05 (1) (a) of the statutes is amended to read:

9               343.05 (1) (a) Except as provided in this subsection, no person may at any time  
10       have more than one operator's license. This prohibition includes, without limitation,  
11       having licenses from more than one state, having licenses under more than one name  
12       or birthdate, ~~having an occupational license without having surrendered the revoked~~  
13       ~~or suspended license document,~~ and having more than one license issued for the  
14       operation of different types or classes of vehicles. This paragraph does not apply to  
15       any person who has only operator's licenses issued by this state and by a country,  
16       province, or subdivision that is a party to an agreement under s. 343.16 (1) (d).

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

18               343.06 (2) The department shall not issue a commercial driver license,  
19       including a renewal or reinstated license, to any person, or reinstate a person's  
20       authorization to operate a commercial motor vehicle, during any period of  
21       disqualification under s. 343.315 or 49 CFR 383.51 ~~or, under~~ the law of another  
22       jurisdiction ~~in substantial conformity therewith, as the result of one or more~~  
23       ~~disqualifying offenses committed on or after July 1, 1987,~~ disqualifying a person  
24       from operating a commercial motor vehicle under circumstances similar to those  
25       specified in s. 343.315 or 49 CFR 383.51, or under a determination by the federal

**ASSEMBLY BILL 818**

1 motor carrier safety administration that the person is no longer qualified to operate  
2 a commercial motor vehicle under 49 CFR 391, or to any person whose operating  
3 privilege is revoked, suspended, or canceled. Any person who is known to the  
4 department to be subject to disqualification as described in s. 343.44 (1) (d) shall be  
5 disqualified by the department as provided in s. 343.315.

6 **SECTION 6.** 343.10 (2) (a) 3. of the statutes is repealed.

7 **SECTION 7.** 343.20 (1) (a) of the statutes is amended to read:

8 343.20 (1) (a) Except as otherwise expressly provided in this chapter,  
9 ~~reinstated licenses, probationary licenses issued under s. 343.085, licenses issued~~  
10 after cancellation under s. 343.26 (1), and original licenses other than instruction  
11 permits shall expire 2 years from the date of the applicant's next birthday. Subject  
12 to s. 343.125 (3), all other licenses and license endorsements shall expire 8 years after  
13 the date of issuance. The department may institute any system of initial license  
14 issuance which it deems advisable for the purpose of gaining a uniform rate of  
15 renewals. In order to put such a system into operation, the department may issue  
16 licenses which are valid for any period less than the ordinary effective period of such  
17 license. If the department issues a license that is valid for less than the ordinary  
18 effective period as authorized by this paragraph, the fees due under s. 343.21 (1) (a),  
19 (b) and (d) shall be prorated accordingly.

20 **SECTION 8.** 343.26 of the statutes, as affected by 2007 Wisconsin Act 20, section  
21 3290, is renumbered 343.26 (1) and amended to read:

22 343.26 (1) Any Except as provided in sub. (2), any person whose license has  
23 been canceled, whether the license has been canceled by the secretary or stands  
24 canceled as a matter of law, may apply for a new license at any time. Upon receipt  
25 of the application and all required fees, the department shall issue or refuse issuance

**ASSEMBLY BILL 818**

1 of the license as upon an original application. The department may, but need not,  
2 require the applicant to submit to an examination as provided in s. 343.16.

3 **SECTION 9.** 343.26 (2) of the statutes is created to read:

4 343.26 (2) If a person's license has been canceled under s. 343.25 (2) or (3), or  
5 canceled because of the person's nonpayment of a fee, the person's license may be  
6 reinstated as provided in s. 343.38 (3g).

7 **SECTION 10.** 343.28 (2) of the statutes is amended to read:

8 343.28 (2) Whenever a person is convicted of any offense for which s. 343.31  
9 makes mandatory the revocation by the secretary of such person's operating  
10 privilege, the court in which the conviction occurred ~~shall~~ may require the surrender  
11 to it of any license then held by such person. If the court requires surrender of a  
12 license, the court shall destroy the license. The clerk of the court, or the justice, judge  
13 or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the  
14 department the record of conviction and ~~any surrendered licenses.~~ ~~The record of~~  
15 ~~conviction forwarded to the department, which~~ shall state whether the offender was  
16 involved in an accident at the time of the offense, whether the offender was operating  
17 a commercial motor vehicle at the time of the offense and, if so, whether the offender  
18 was transporting hazardous materials requiring placarding or any quantity of a  
19 material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle  
20 designed to carry, or actually carrying, 16 or more passengers, including the driver.

21 **SECTION 11.** 343.30 (1g) (b) of the statutes is amended to read:

22 343.30 (1g) (b) A court ~~shall~~ may revoke a person's operating privilege upon the  
23 person's conviction for violating s. 343.44 (1) (a), (b),<sub>1</sub> or (d) or a local ordinance in  
24 conformity therewith if the person has been convicted of 3 or more prior violations  
25 of s. 343.44 (1) (a), (b),<sub>1</sub> or (d), or similar violations under s. 343.44 (1), 1997 stats., or

**ASSEMBLY BILL 818****SECTION 11**

1 a local ordinance in conformity therewith, within the 5-year period preceding the  
2 violation. ~~The Any revocation under this paragraph~~ shall be for a period of 6 months,  
3 unless the court orders a period of revocation of less than 6 months and places its  
4 reasons for ordering the lesser period of revocation on the record.

5 **SECTION 12.** 343.30 (1q) (h) of the statutes is amended to read:

6 343.30 **(1q)** (h) The court or department shall provide that the period of  
7 suspension or revocation imposed under this subsection shall be reduced by any  
8 period of suspension or revocation previously served under s. 343.305 if the  
9 suspension or revocation under s. 343.305 and the conviction for violation of s. 346.63  
10 (1) or (2m) or a local ordinance in conformity therewith arise out of the same incident  
11 or occurrence. The court or department shall order that the period of suspension or  
12 revocation imposed under this subsection run concurrently with any period of time  
13 remaining on a suspension or revocation imposed under s. 343.305 arising out of the  
14 same incident or occurrence. The court or department may order that the period of  
15 suspension or revocation imposed under this subsection run concurrently with any  
16 period of time remaining on any other suspension or revocation regardless of  
17 whether it arises out of the same incident or occurrence. The court may modify an  
18 occupational license authorized under s. 343.305 (8) (d) in accordance with this  
19 subsection.

20 **SECTION 13.** 343.30 (4) of the statutes is amended to read:

21 343.30 **(4)** Whenever a court ~~or judge~~ suspends or revokes an operating  
22 privilege under this section, the court ~~or judge shall immediately~~ may take  
23 possession of any suspended or revoked license ~~and.~~ If the court takes possession of  
24 a license, it shall destroy the license. The court shall forward it, as provided in s.  
25 345.48, to the department ~~together with~~ the record of conviction and notice of



**ASSEMBLY BILL 818**

1 suspension or revocation. Whenever a court ~~or judge~~ restricts the operating privilege  
2 of a person, the court ~~or judge~~ shall forward notice of the restriction to the  
3 department.

4 **SECTION 14.** 343.30 (6) (d) of the statutes is amended to read:

5 343.30 **(6)** (d) If the person subject to suspension under this subsection does not  
6 hold a valid license under this chapter other than a license under s. 343.07 or 343.08  
7 on the date of disposition, the suspension under par. (b) shall commence on the date  
8 ~~that such a license would otherwise be reinstated or issued after the person applies~~  
9 ~~and qualifies for issuance or 2 years from the date of disposition, whichever occurs~~  
10 first on which the person is first eligible for issuance, renewal, or reinstatement of  
11 an operator's license under this chapter.

12 **SECTION 15.** 343.305 (7) (a) of the statutes is amended to read:

13 343.305 **(7)** (a) If a person submits to chemical testing administered in  
14 accordance with this section and any test results indicate the presence of a detectable  
15 amount of a restricted controlled substance in the person's blood or a prohibited  
16 alcohol concentration, the law enforcement officer shall report the results to the  
17 department ~~and take possession of the person's license and forward it to the~~  
18 ~~department.~~ The person's operating privilege is administratively suspended for 6  
19 months.

20 **SECTION 16.** 343.305 (7) (b) of the statutes is amended to read:

21 343.305 **(7)** (b) If a person who was driving or operating or on duty time with  
22 respect to a commercial motor vehicle submits to chemical testing administered in  
23 accordance with this section and any test results indicate an alcohol concentration  
24 above 0.0, the law enforcement officer ~~may take possession of the person's license and~~  
25 ~~retain the license for 24 hours.~~ ~~The person may reclaim a seized license in person~~

**ASSEMBLY BILL 818****SECTION 16**

1 ~~or request return of the license by mail.~~ The law enforcement officer shall issue a  
2 citation for violation of s. 346.63 (7) (a) 1., issue citations for such other violations as  
3 may apply and issue an out-of-service order to the person for the 24 hours after the  
4 testing, and report both the out-of-service order and the test results to the  
5 department in the manner prescribed by the department. If the person is a  
6 nonresident, the department shall report issuance of the out-of-service order to the  
7 driver licensing agency in the person's home jurisdiction.

8 **SECTION 17.** 343.305 (9) (a) (intro.) of the statutes is amended to read:

9 343.305 **(9)** (a) (intro.) If a person refuses to take a test under sub. (3) (a), the  
10 law enforcement officer shall immediately ~~take possession of the person's license and~~  
11 prepare a notice of intent to revoke, by court order under sub. (10), the person's  
12 operating privilege. If the person was driving or operating a commercial motor  
13 vehicle, the officer shall issue an out-of-service order to the person for the 24 hours  
14 after the refusal and notify the department in the manner prescribed by the  
15 department. The officer shall issue a copy of the notice of intent to revoke the  
16 privilege to the person and submit or mail a copy ~~with the person's license to the~~  
17 circuit court for the county in which the arrest under sub. (3) (a) was made or to the  
18 municipal court in the municipality in which the arrest was made if the arrest was  
19 for a violation of a municipal ordinance under sub. (3) (a) and the municipality has  
20 a municipal court. The officer shall also mail a copy of the notice of intent to revoke  
21 to the attorney for that municipality or to the district attorney for that county, as  
22 appropriate, and to the department. Neither party is entitled to pretrial discovery  
23 in any refusal hearing, except that, if the defendant moves within 30 days after the  
24 initial appearance in person or by an attorney and shows cause therefor, the court  
25 may order that the defendant be allowed to inspect documents, including lists of

**ASSEMBLY BILL 818**

1 names and addresses of witnesses, if available, and to test under s. 804.09, under  
2 such conditions as the court prescribes, any devices used by the plaintiff to determine  
3 whether a violation has been committed. The notice of intent to revoke the person's  
4 operating privilege shall contain substantially all of the following information:

5 **SECTION 18.** 343.305 (9) (am) (intro.) of the statutes is amended to read:

6 343.305 (9) (am) (intro.) If a person driving or operating or on duty time with  
7 respect to a commercial motor vehicle refuses a test under sub. (3) (am), the law  
8 enforcement officer shall immediately ~~take possession of the person's license,~~ issue  
9 an out-of-service order to the person for the 24 hours after the refusal and notify the  
10 department in the manner prescribed by the department, and prepare a notice of  
11 intent to revoke, by court order under sub. (10), the person's operating privilege. The  
12 officer shall issue a copy of the notice of intent to revoke the privilege to the person  
13 and submit or mail a copy ~~with the person's license~~ to the circuit court for the county  
14 in which the refusal is made or to the municipal court in the municipality in which  
15 the refusal is made if the person's refusal was in violation of a municipal ordinance  
16 and the municipality has a municipal court. The officer shall also mail a copy of the  
17 notice of intent to revoke to the attorney for that municipality or to the district  
18 attorney for that county, as appropriate, and to the department. Neither party is  
19 entitled to pretrial discovery in any refusal hearing, except that, if the defendant  
20 moves within 30 days after the initial appearance in person or by an attorney and  
21 shows cause therefor, the court may order that the defendant be allowed to inspect  
22 documents, including lists of names and addresses of witnesses, if available, and to  
23 test under s. 804.09, under such conditions as the court prescribes, any devices used  
24 by the plaintiff to determine whether a violation has been committed. The notice of

**ASSEMBLY BILL 818****SECTION 18**

1 intent to revoke the person's operating privilege shall contain substantially all of the  
2 following information:

3 **SECTION 19.** 343.305 (10) (g) of the statutes is amended to read:

4 343.305 (10) (g) The court or department shall provide that the period of  
5 suspension or revocation imposed under this subsection or under sub. (7) shall be  
6 reduced by any period of suspension or revocation previously served under s. 343.30  
7 (1p) or (1q) if both suspensions or revocations arose out of the same incident or  
8 occurrence. The court or department shall order that the period of suspension or  
9 revocation imposed under this subsection or sub. (7) run concurrently with any time  
10 remaining on a suspension or revocation imposed under s. 343.30 (1p) or (1q) arising  
11 out of the same incident or occurrence. The court or department may order that the  
12 period of suspension or revocation imposed under this subsection or sub. (7) run  
13 concurrently with any period of time remaining on any other suspension or  
14 revocation regardless of whether it arises out of the same incident or occurrence.

15 **SECTION 20.** 343.31 (1) (hm) of the statutes is repealed.

16 **SECTION 21.** 343.315 (3) (a) of the statutes is amended to read:

17 343.315 (3) (a) ~~Notwithstanding s. 343.39, if~~ If a person's license or operating  
18 privilege is revoked or suspended as the result of an offense committed after  
19 March 31, 1992, which results in disqualification under sub. (2), the department  
20 shall immediately disqualify the person from operating a commercial motor vehicle  
21 for the period required under sub. (2). The Notwithstanding s. 343.38 (3r), the  
22 person's authorization to operate a commercial motor vehicle shall not be reinstated  
23 upon expiration of the period of revocation or suspension unless the period of  
24 disqualification has also expired. During any period of disqualification in which the  
25 person's license or operating privilege is not revoked or suspended, the department

**ASSEMBLY BILL 818**

1 may issue an operator's license to the person for the operation of vehicles other than  
2 commercial motor vehicles.

3 **SECTION 22.** 343.315 (3) (b) of the statutes, as affected by 2007 Wisconsin Act  
4 20, is amended to read:

5 343.315 (3) (b) If a person's license or operating privilege is not otherwise  
6 revoked or suspended as the result of an offense committed after March 31, 1992,  
7 which results in disqualification under sub. (2) (a) to (f), (h), (i), or (j), the department  
8 shall immediately disqualify the person from operating a commercial motor vehicle  
9 for the period required under sub. (2) (a) to (f), (h), (i), or (j). Upon proper application  
10 by the person and payment of the fees specified in s. 343.21 (1) (L) and (n), the  
11 department may issue a separate license authorizing only the operation of vehicles  
12 other than commercial motor vehicles. ~~Upon expiration of the period of~~  
13 ~~disqualification, the person may apply for authorization to operate commercial~~  
14 ~~motor vehicles under s. 343.26.~~

15 **SECTION 23.** 343.32 (1m) (d) of the statutes is amended to read:

16 343.32 (1m) (d) If the person's license or operating privilege is currently  
17 suspended or revoked or the person does not currently possess a valid operator's  
18 license issued under this chapter, the suspension or revocation under this subsection  
19 is effective on the date on which the person is first eligible and applies for issuance,  
20 renewal, or reinstatement of an operator's license under this chapter.

21 **SECTION 24.** 343.38 (title) of the statutes is amended to read:

22 **343.38 (title) License Reinstatement after revocation or, suspension;**  
23 **reinstatement of nonresident's operating privilege, cancellation, or**  
24 **disqualification.**

25 **SECTION 25.** 343.38 (1) (intro.) of the statutes is amended to read:

**ASSEMBLY BILL 818****SECTION 25**

1           **343.38 (1) LICENSE REINSTATEMENT** AFTER REVOCATION. (intro.) Except as  
2 provided in ss. 343.10, 343.39, and 351.07, the department shall not issue a license  
3 to reinstate the operating privilege of a person whose operating privilege has been  
4 duly revoked unless the period of revocation has expired and such the person:

5           **SECTION 26.** 343.38 (1) (a) of the statutes, as affected by 2007 Wisconsin Act 20,  
6 is amended to read:

7           **343.38 (1) (a)** Files with Pays to the department an application for license  
8 together with all required fees; and

9           **SECTION 27.** 343.38 (2) of the statutes, as affected by 2007 Wisconsin Act 20,  
10 is amended to read:

11           **343.38 (2)** REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER  
12 ~~REVOCATION BY WISCONSIN.~~ A nonresident's operating privilege revoked or suspended  
13 under the laws of this state is reinstated as a matter of law when the period of  
14 revocation or suspension has expired and such the nonresident obtains a valid  
15 operator's license issued by the jurisdiction of the nonresident's residence and pays  
16 the fees specified in s. 343.21 (1) (j) and (n).

17           **SECTION 28.** 343.38 (3) of the statutes is amended to read:

18           **343.38 (3)** REINSTATEMENT AFTER SUSPENSION. Except as provided in sub. (2) and  
19 s. 343.10, the department shall not issue a license to reinstate the operating privilege  
20 of a person whose operating privilege has been duly suspended while the suspension  
21 remains in effect. Upon the expiration of the period of suspension, the person's  
22 operating privilege is reinstated as provided in s. 343.39 upon receipt by the  
23 department of the fees specified in s. 343.21 (1) (j) and (n) and, for reinstatement of  
24 an operating privilege suspended under ch. 344, the filing with the department of

**ASSEMBLY BILL 818**

1 proof of financial responsibility, if required, in the amount, form, and manner  
2 specified under ch. 344.

3 **SECTION 29.** 343.38 (3g) and (3r) of the statutes are created to read:

4 **343.38 (3g) REINSTATEMENT AFTER CERTAIN CANCELLATIONS.** (a) The department  
5 may reinstate the operator's license of a person whose operator's license has been  
6 duly canceled under s. 343.25 (2) or (3) if the person pays the fees specified in s. 343.21  
7 (1) (m) and (n) and either the person is at least 18 years of age or the requirements  
8 specified in s. 343.15 are satisfied.

9 (b) The department may reinstate the operator's license or identification card  
10 of a person whose operator's license or identification card has been duly canceled  
11 because of the person's nonpayment of a fee if the person pays that fee, pays any fee  
12 required by the department under s. 20.905 (2), and pays the fees specified in s.  
13 343.21 (1) (m) and (n).

14 **(3r) REINSTATEMENT OF COMMERCIAL DRIVING PRIVILEGES FOLLOWING**  
15 **DISQUALIFICATION.** (a) Except as provided in pars. (b) and (c), upon application for  
16 reinstatement after a person's disqualification by the department, the department  
17 may issue a commercial driver license to the person if the person has paid the fees  
18 required under s. 343.21 (1) (jm) and (n), taken any examination required by the  
19 department under s. 343.16, and satisfied any other requirement under this chapter  
20 for reinstatement.

21 (b) Any disqualification under s. 343.315 (2) (g) terminates at the beginning of  
22 the 25th hour following issuance of the citation specified in s. 343.315 (2) (g). If a  
23 person has been disqualified solely on the basis of s. 343.315 (2) (g), the person's  
24 authorization to operate a commercial motor vehicle is automatically reinstated

**ASSEMBLY BILL 818****SECTION 29**

1 upon termination of the disqualification, as provided in this paragraph, and no  
2 application or fee is required for reinstatement.

3 (c) If a person is authorized to operate a commercial motor vehicle under s.  
4 343.055, the person's authorization to operate a commercial motor vehicle may be  
5 reinstated without issuance of a commercial driver license to the person.

6 **SECTION 30.** 343.38 (4) (intro.) of the statutes is amended to read:

7 343.38 (4) FIRST ISSUANCE OF LICENSE IN WISCONSIN AFTER SUSPENSION OR  
8 REVOCATION BY ANOTHER STATE. (intro.) The department may issue an operator's  
9 license to a person moving to this state whose operating ~~privileges have~~ privilege has  
10 been previously suspended or revoked in another state jurisdiction when ~~their~~ the  
11 person's operating privilege has been reinstated or the person is eligible for  
12 reinstatement in that state the other jurisdiction and the following conditions have  
13 been met:

14 **SECTION 31.** 343.38 (4) (a) of the statutes is repealed.

15 **SECTION 32.** 343.38 (4) (b) of the statutes is repealed.

16 **SECTION 33.** 343.39 (1) (a) of the statutes, as affected by 2007 Wisconsin Act 20,  
17 is repealed.

18 **SECTION 34.** 343.39 (1) (b) of the statutes is amended to read:

19 343.39 (1) (b) When, in the case of a revocation ~~or~~ suspension, or  
20 disqualification based on a conviction, the conviction is reversed, set aside or  
21 vacated. This paragraph applies whether or not the conviction occurred in this state  
22 and whether or not the conviction was cause for revocation ~~or~~ suspension, or  
23 disqualification only when considered in connection with the person's ~~previous~~ entire  
24 operating record.

25 **SECTION 35.** 343.39 (2) of the statutes is amended to read:



**ASSEMBLY BILL 818**

1           343.39 (2) Whenever a person's operating privilege is automatically reinstated,  
2 the department shall forthwith notify such person thereof and shall return any  
3 surrendered and unexpired license in its possession. If the person's license is expired  
4 during the period of revocation or suspension, such, the person may renew the license  
5 at the standard renewal fee at any time within 30 days after the reinstatement of the  
6 person's operating privilege. If the person states to the department that he or she  
7 no longer possesses the license because the license was surrendered to a court, and  
8 the person has satisfied all requirements under sub. (1), including, if applicable,  
9 payment of the reinstatement fee required under sub. (1) (a), the department shall  
10 issue a new license without any additional fee for the license.

11           **SECTION 36.** 343.39 (3) of the statutes is renumbered 343.13 (3) and amended  
12 to read:

13           343.13 (3) If a court has ordered that ~~the~~ a person's operating privilege be  
14 restricted for a period of time after the ~~suspension~~ person's operating privilege  
15 revocation period is completed to operating vehicles equipped with an ignition  
16 interlock device, the license shall include that restriction.

17           **SECTION 37.** 344.18 (1m) (a) of the statutes is amended to read:

18           344.18 (1m) (a) Unless 3 years have elapsed since the date that a requirement  
19 under sub. (1) (a), (b), (c) or (d) has been met or unless the person is a nonresident,  
20 the person whose operating privilege or registration was suspended or revoked  
21 under s. 344.14 shall file with the department and maintain in effect proof of  
22 financial responsibility in the amount, form and manner specified in this chapter.

23           **SECTION 38.** 344.18 (3m) (a) of the statutes is amended to read:

24           344.18 (3m) (a) Unless 3 years have elapsed since the date that a requirement  
25 under sub. (3) (a) or (b) has been met or unless the person is a nonresident, the person

**ASSEMBLY BILL 818****SECTION 38**

1 whose operating privilege or registration was suspended or revoked under sub. (3)  
2 shall file with the department and maintain in effect proof of financial responsibility  
3 in the amount, form and manner specified in this chapter.

4 **SECTION 39.** 344.24 of the statutes is amended to read:

5 **344.24 Applicability of sections relating to proof of financial**  
6 **responsibility for the future.** Sections 344.29 to 344.41 are applicable in all cases  
7 in which a person is required to deposit proof of financial responsibility for the future,  
8 including those cases in which a person is required to deposit proof of financial  
9 responsibility for the future under ss. 344.25 to 344.27, those cases in which the  
10 deposit of proof of financial responsibility for the future is a condition precedent to  
11 reinstatement of an operating privilege or registration suspended or revoked under  
12 s. 344.14, 344.18 (3) or 344.19 (3) and those cases in which the deposit of proof of  
13 financial responsibility for the future is a condition precedent to ~~issuance of an~~  
14 ~~operator's license under s. 343.38 (4) or~~ reinstatement of an operating privilege  
15 revoked under ch. 343.

16 **SECTION 40.** 344.26 (1) of the statutes is amended to read:

17 **344.26 (1)** Subject to the exceptions stated in ss. 344.25 (2) and 344.27 (2), any  
18 operating privilege or registration suspended or revoked under s. 344.25 shall  
19 remain suspended or revoked until every judgment mentioned in s. 344.25 is stayed,  
20 satisfied, or discharged and, unless 3 years have elapsed since the date on which the  
21 judgment was stayed, satisfied, or discharged or unless the person is a nonresident,  
22 until the person whose operating privilege and registration was suspended or  
23 revoked furnishes and maintains in effect proof of financial responsibility for the  
24 future.

25 **SECTION 41.** 344.27 (2) of the statutes is amended to read:

**ASSEMBLY BILL 818**

1           344.27 (2) The secretary shall not suspend the operating privilege or  
2 registration and shall restore any operating privilege or registration suspended  
3 following nonpayment of a judgment when the judgment debtor obtains such order  
4 permitting the payment of the judgment in installments and, unless 3 years have  
5 elapsed since the date on which the order permitting the payment of the judgment  
6 in installments is filed with the secretary or unless the judgment debtor is a  
7 nonresident, furnishes and maintains proof of financial responsibility for the future.

8           **SECTION 42.** 344.29 of the statutes is amended to read:

9           **344.29 Proof of financial responsibility for the future required.** Proof  
10 of financial responsibility for the future shall be furnished by any person required  
11 to give such proof under ss. 344.25 to 344.27, those cases in which the deposit of proof  
12 of financial responsibility for the future is a condition precedent to reinstatement of  
13 an operating privilege or registration suspended or revoked under s. 344.14, 344.18  
14 (3) or 344.19 (3) and in those cases in which the deposit of proof of financial  
15 responsibility for the future is a condition precedent to ~~issuance of an operator's~~  
16 ~~license under s. 343.38 (4) or~~ reinstatement of an operating privilege revoked under  
17 ch. 343.

18           **SECTION 43.** 344.30 (1) of the statutes is amended to read:

19           344.30 (1) Certification of insurance as provided in s. 344.31 ~~or 344.32~~; or

20           **SECTION 44.** 344.32 of the statutes is repealed.

21           **SECTION 45.** 344.33 (1) of the statutes is amended to read:

22           344.33 (1) CERTIFICATION. In this chapter, “motor vehicle liability policy” means  
23 a motor vehicle policy of liability insurance, certified as provided in s. 344.31 ~~or~~  
24 ~~344.32~~ as proof of financial responsibility for the future, and issued, ~~except as~~  
25 ~~otherwise provided in s. 344.32~~, by an insurer authorized to do an automobile

**ASSEMBLY BILL 818****SECTION 45**

1 liability business in this state to or for the benefit of the person named in the policy  
2 as the insured.

3 **SECTION 46.** 344.34 of the statutes is amended to read:

4 **344.34 Notice of cancellation or termination of certified policy.** When  
5 an insurer has certified a motor vehicle liability policy under s. 344.31, ~~a policy under~~  
6 ~~s. 344.32~~ or a bond under s. 344.36, the insurance so certified shall not be canceled  
7 or terminated until at least 10 days after a notice of cancellation or termination of  
8 the insurance so certified has been filed in the office of the secretary. No insurance  
9 so certified may be canceled or terminated by the insurer prior to the expiration of  
10 90 days from the effective date of the certification on the grounds of failure to pay a  
11 premium when due. Such a certified policy or bond subsequently procured shall, on  
12 the effective date of its certification, terminate the insurance previously certified.  
13 Any certification or recertification filed by the same insurer following cancellation  
14 shall be accompanied by a fee of \$3 payable by the insurer.

15 **SECTION 47.** 344.42 of the statutes is amended to read:

16 **344.42 Submission of certifications and recertifications by insurers.**  
17 If the sum of certifications and recertifications under ss. 344.31, ~~344.32~~ and 344.34  
18 that are submitted by an insurer to the department in any year exceeds 1,000, the  
19 insurer shall pay to the department a transaction fee of \$1.50 per certification or  
20 recertification that is not transmitted electronically to the department. The  
21 department shall promulgate rules establishing procedures for the collection of  
22 transaction fees under this section.

23 **SECTION 48.** 345.47 (1) (c) of the statutes, as affected by 2007 Wisconsin Act 20,  
24 is amended to read:

**ASSEMBLY BILL 818**

1           345.47 (1) (c) If a court ~~or judge~~ suspends an operating privilege under this  
2 section, the court ~~or judge shall immediately~~ may take possession of the suspended  
3 license ~~and. If the court takes possession of a license, it shall destroy the license. The~~  
4 court shall forward it to the department ~~together with~~ the notice of suspension,  
5 which shall clearly state that the suspension was for failure to pay a forfeiture, plus  
6 costs, fees, and surcharges imposed under ch. 814. The notice of suspension ~~and the~~  
7 ~~suspended license, if it is available,~~ shall be forwarded to the department within 48  
8 hours after the order of suspension. If the forfeiture, plus costs, fees, and surcharges  
9 imposed under ch. 814, are paid during a period of suspension, the court ~~or judge~~  
10 shall immediately notify the department. ~~Upon receipt of the notice and payment~~  
11 ~~of the fees under s. 343.21 (1) (j) and (n), the department shall return the surrendered~~  
12 ~~license.~~

13           **SECTION 49.** 345.48 (2) of the statutes is amended to read:

14           345.48 (2) If the defendant is found guilty of a traffic violation for which  
15 revocation of his or her operating privilege is mandatory under s. 343.31, or for which  
16 the court revokes or suspends his or her operating privilege under s. 343.30, the court  
17 ~~shall immediately~~ may take possession of the suspended or revoked license. If the  
18 court takes possession of a license, it shall destroy the license. The revocation or  
19 suspension is effective immediately. The court ordered suspension or revocation  
20 shall be included as part of the report of conviction under sub. (1m).

21           **SECTION 50.** 345.48 (3) of the statutes is repealed.

22           **SECTION 51.** 345.48 (4) of the statutes is amended to read:

23           345.48 (4) If notice of appeal is filed the court shall, within 5 working days after  
24 it is filed, forward to the department a certificate stating that a notice of appeal has

**ASSEMBLY BILL 818****SECTION 51**

1 been filed and shall return any surrendered license. Thereafter, the court shall  
2 notify the department as required under s. 343.325 (1) (b) and (c).

3 **SECTION 52.** 631.37 (4) (e) of the statutes is amended to read:

4 631.37 (4) (e) *Motor vehicle liability policy.* Section 344.34 applies to motor  
5 vehicle liability policies certified under s. 344.31 and to policies certified under s.  
6 344.32.

7 **SECTION 53.** 800.09 (1) (c) of the statutes is amended to read:

8 800.09 (1) (c) The court may suspend the defendant's operating privilege, as  
9 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments  
10 and costs are paid, if the defendant has not done so within 60 days after the date the  
11 restitution or payments or both are to be made under par. (a) and has not notified the  
12 court that he or she is unable to comply with the judgment, as provided under s.  
13 800.095 (4) (a), except that the suspension period may not exceed 2 years. The court  
14 shall may take possession of the suspended license and shall. If the court takes  
15 possession of a license, it shall destroy the license. The court shall forward the  
16 license, along with a notice of the suspension clearly stating that the suspension is  
17 for failure to comply with a judgment of the court, to the department of  
18 transportation. This paragraph does not apply if the forfeiture is assessed for  
19 violation of an ordinance that is unrelated to the violator's operation of a motor  
20 vehicle.

21 **SECTION 54.** 938.17 (2) (d) 2. of the statutes is amended to read:

22 938.17 (2) (d) 2. If a court suspends a license or privilege under subd. 1., the  
23 court shall immediately take possession of the applicable license and forward it if  
24 issued under ch. 29 or, if the license is issued under ch. 343, the court may take  
25 possession of, and if possession is taken, shall destroy, the license. The court shall

**ASSEMBLY BILL 818**

1 forward to the department that issued the license, ~~together with~~ the notice of  
2 suspension stating that the suspension is for failure to pay a forfeiture imposed by  
3 the court, together with any license issued under ch. 29 of which the court takes  
4 possession. If the forfeiture is paid during the period of suspension, the court shall  
5 immediately notify the department, which shall then, if the license is issued under  
6 ch. 29, return the license to the person.

7 **SECTION 55.** 938.34 (8) of the statutes is amended to read:

8 938.34 **(8)** Impose a forfeiture based upon a determination that this disposition  
9 is in the best interest of the juvenile and the juvenile's rehabilitation. The maximum  
10 forfeiture that the court may impose under this subsection for a violation by a  
11 juvenile is the maximum amount of the fine that may be imposed on an adult for  
12 committing that violation or, if the violation is applicable only to a person under 18  
13 years of age, \$100. The order shall include a finding that the juvenile alone is  
14 financially able to pay the forfeiture and shall allow up to 12 months for payment.  
15 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
16 other alternatives under this section; or the court may suspend any license issued  
17 under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's  
18 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. If the court  
19 suspends any license under this subsection, the clerk of the court shall immediately  
20 take possession of the suspended license ~~and forward it~~ if issued under ch. 29 or, if  
21 the license is issued under ch. 343, the court may take possession of, and if possession  
22 is taken, shall destroy, the license. The court shall forward to the department which  
23 issued the license, ~~together with~~ a notice of suspension stating that the suspension  
24 is for failure to pay a forfeiture imposed by the court, together with any license issued  
25 under ch. 29 of which the court takes possession. If the forfeiture is paid during the

**ASSEMBLY BILL 818****SECTION 55**

1 period of suspension, the suspension shall be reduced to the time period which has  
2 already elapsed and the court shall immediately notify the department which shall  
3 then, if the license is issued under ch. 29, return the license to the juvenile. Any  
4 recovery under this subsection shall be reduced by the amount recovered as a  
5 forfeiture for the same act under s. 938.45 (1r) (b).

6 **SECTION 56.** 938.34 (8d) (d) of the statutes is amended to read:

7 938.34 **(8d)** (d) If the juvenile fails to pay the surcharge under par. (a), the court  
8 may vacate the surcharge and order other alternatives under this section, in  
9 accordance with the conditions specified in this chapter; or the court may suspend  
10 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or  
11 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less  
12 than 30 days nor more than 5 years. If the court suspends any license under this  
13 subsection, the clerk of the court shall immediately take possession of the suspended  
14 license ~~and forward it~~ if issued under ch. 29 or, if the license is issued under ch. 343,  
15 the court may take possession of, and if possession is taken, shall destroy, the license.  
16 The court shall forward to the department which issued the license, ~~together with~~  
17 a notice of suspension stating that the suspension is for failure to pay a surcharge  
18 imposed by the court, together with any license issued under ch. 29 of which the court  
19 takes possession. If the surcharge is paid during the period of suspension, the  
20 suspension shall be reduced to the time period which has already elapsed and the  
21 court shall immediately notify the department which shall then, if the license is  
22 issued under ch. 29, return the license to the juvenile.

23 **SECTION 57.** 938.34 (14m) of the statutes is amended to read:

24 938.34 **(14m)** Restrict or suspend the operating privilege, as defined in s.  
25 340.01 (40), of a juvenile who is adjudicated delinquent under a violation of any law



**ASSEMBLY BILL 818**

1 in which a motor vehicle is involved. If the court suspends a juvenile's operating  
2 privilege under this subsection, the court shall ~~immediately~~ may take possession of  
3 the suspended license and ~~forward it.~~ If the court takes possession of a license, it  
4 shall destroy the license. The court shall forward to the department of  
5 transportation ~~together with~~ a notice stating the reason for and duration of the  
6 suspension. If the court limits a juvenile's operating privilege under this subsection,  
7 the court shall immediately notify the department of transportation of that  
8 limitation.

9 **SECTION 58.** 938.34 (14r) (a) of the statutes is amended to read:

10 938.34 **(14r)** (a) In addition to any other dispositions imposed under this  
11 section, if the juvenile is found to have violated ch. 961, the court shall suspend the  
12 juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months  
13 nor more than 5 years. The court shall ~~immediately~~ may take possession of any  
14 suspended license and ~~forward it.~~ If the court takes possession of a license, it shall  
15 destroy the license. The court shall forward to the department of transportation  
16 ~~together with~~ the notice of suspension stating that the suspension or revocation is  
17 for a violation of ch. 961.

18 **SECTION 59.** 938.34 (14r) (c) of the statutes is amended to read:

19 938.34 **(14r)** (c) If the juvenile's license or operating privilege is currently  
20 suspended or revoked or if the juvenile does not currently possess a valid operator's  
21 license issued under ch. 343, the suspension under this subsection is effective on the  
22 date on which the juvenile is first eligible and ~~applies~~ for issuance or reinstatement  
23 of an operator's license under ch. 343.

24 **SECTION 60.** 938.342 (1g) (a) of the statutes is amended to read:

**ASSEMBLY BILL 818****SECTION 60**

1           938.342 **(1g)** (a) Suspend the person's operating privilege, as defined in s.  
2           340.01 (40), for not less than 30 days nor more than one year. The court shall  
3           ~~immediately may take possession of the suspended license and forward it. If the~~  
4           ~~court takes possession of a license, it shall destroy the license. The court shall~~  
5           ~~forward to the department of transportation ~~together with~~ a notice stating the reason~~  
6           for and duration of the suspension.

7           **SECTION 61.** 938.343 (2) of the statutes is amended to read:

8           938.343 **(2)** FORFEITURE. Impose a forfeiture not to exceed the maximum  
9           forfeiture that may be imposed on an adult for committing that violation or, if the  
10          violation is only applicable to a person under 18 years of age, \$50. The order shall  
11          include a finding that the juvenile alone is financially able to pay and shall allow up  
12          to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
13          suspend any license issued under ch. 29 or suspend the juvenile's operating privilege,  
14          as defined in s. 340.01 (40), for not more than 2 years. The court shall immediately  
15          take possession of the suspended license ~~and forward it~~ if issued under ch. 29 or, if  
16          the license is issued under ch. 343, the court may take possession of, and if possession  
17          is taken, shall destroy, of the license. The court shall forward to the department  
18          which issued the license, ~~together with~~ the notice of suspension stating that the  
19          suspension is for failure to pay a forfeiture imposed by the court, together with any  
20          license issued under ch. 29 of which the court takes possession. If the forfeiture is  
21          paid during the period of suspension, the court shall immediately notify the  
22          department, which shall, if the license is issued under ch. 29, return the license to  
23          the person. Any recovery under this subsection shall be reduced by the amount  
24          recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

25          **SECTION 62.** 938.344 (2e) (b) of the statutes is amended to read:

**ASSEMBLY BILL 818**

1           938.344 (2e) (b) Whenever a court suspends a juvenile’s operating privilege  
2 under this subsection, the court ~~shall immediately~~ may take possession of any  
3 suspended license ~~and forward it.~~ If the court takes possession of a license, it shall  
4 destroy the license. The court shall forward to the department of transportation,  
5 ~~together with~~ the notice of suspension stating that the suspension is for a violation  
6 under s. 961.573 (2), 961.574 (2), or 961.575 (2), or a local ordinance that strictly  
7 conforms to one of those statutes.

8           **SECTION 63.** 938.344 (2e) (c) of the statutes is amended to read:

9           938.344 (2e) (c) If the juvenile’s license or operating privilege is currently  
10 suspended or revoked or the juvenile does not currently possess a valid operator’s  
11 license under ch. 343, the suspension under this subsection is effective on the date  
12 on which the juvenile is first eligible ~~and applies~~ for issuance or reinstatement of an  
13 operator’s license under ch. 343.

14           **SECTION 64.** 938.355 (6) (d) 2. of the statutes is amended to read:

15           938.355 (6) (d) 2. Suspension of or limitation restriction on the use of the  
16 juvenile’s operating privilege, as defined under s. 340.01 (40), or of any approval  
17 issued under ch. 29 for a period of not more than 3 years. If the juvenile does not hold  
18 a valid operator’s license under ch. 343, other than an instruction permit under s.  
19 343.07 or a restricted license under s. 343.08, on the date of the order issued under  
20 this subdivision, the court may order the suspension to begin on the date ~~that the~~  
21 ~~operator’s license would otherwise be reinstated or issued after the juvenile applies~~  
22 ~~and qualifies for issuance or 2 years after the date of the order issued under this~~  
23 ~~subdivision, whichever occurs first~~ on which the juvenile is first eligible for issuance  
24 or reinstatement of an operator’s license under ch. 343. If the court suspends the  
25 juvenile’s operating privileges or an approval issued under ch. 29, the court shall

**ASSEMBLY BILL 818****SECTION 64**

1 immediately take possession of the suspended license ~~or approval and forward it may~~  
2 ~~take possession of, and if possession is taken, shall destroy, the suspended license.~~  
3 ~~The court shall forward~~ to the department that issued it, ~~together with the license~~  
4 ~~or approval~~ the notice of suspension, ~~together with any approval of which the court~~  
5 ~~takes possession.~~

6 **SECTION 65.** 938.355 (6m) (a) 1m. of the statutes is amended to read:

7 938.355 **(6m)** (a) 1m. Suspension or limitation on the use of the juvenile's  
8 operating privilege, as defined under s. 340.01 (40), or of any approval issued under  
9 ch. 29 for not more than one year. If the juvenile does not hold a valid operator's  
10 license under ch. 343, other than an instruction permit under s. 343.07 or a restricted  
11 license under s. 343.08, on the date of the order issued under this subdivision, the  
12 court may order the suspension or limitation to begin on the date that ~~the operator's~~  
13 ~~license would otherwise be reinstated or issued after the juvenile applies and~~  
14 ~~qualifies for issuance or 2 years after the date of the order issued under this~~  
15 ~~subdivision, whichever occurs first~~ on which the juvenile is first eligible for issuance  
16 or reinstatement of an operator's license under ch. 343. If the court suspends a  
17 juvenile's operating privilege or an approval issued under ch. 29, the court shall  
18 immediately take possession of the suspended license ~~or approval and forward it may~~  
19 ~~take possession of, and if possession is taken, shall destroy, the suspended license.~~  
20 ~~The court shall forward~~ to the department that issued the license or approval with  
21 a notice stating the reason for and the duration of the suspension, ~~together with any~~  
22 ~~approval of which the court takes possession.~~

23 **SECTION 66.** 961.50 (1) (intro.) of the statutes is amended to read:

24 961.50 **(1)** (intro.) If a person is convicted of any violation of this chapter, the  
25 court shall, in addition to any other penalties that may apply to the crime, suspend

**ASSEMBLY BILL 818**

1 the person's operating privilege, as defined in s. 340.01 (40), for not less than 6  
2 months nor more than 5 years. The court shall ~~immediately~~ may take possession of  
3 any suspended license ~~and forward it.~~ If the court takes possession of a license, it  
4 shall destroy the license. The court shall forward to the department of  
5 transportation ~~together with~~ the record of conviction and notice of the suspension.  
6 The person is eligible for an occupational license under s. 343.10 as follows:

7 **SECTION 67.** 961.50 (3) of the statutes is amended to read:

8 961.50 (3) If the person's license or operating privilege is currently suspended  
9 or revoked or the person does not currently possess a valid operator's license issued  
10 under ch. 343, the suspension or revocation under this section is effective on the date  
11 on which the person is first eligible ~~and applies~~ for issuance, renewal, or  
12 reinstatement of an operator's license under ch. 343.

13 **SECTION 68. Initial applicability.**

14 (1) The treatment of sections 343.30 (1g) (b), (1q) (h), and (6) (d), 343.305 (10)  
15 (g), 343.32 (1m) (d), 938.34 (14r) (c), 938.344 (2e) (c), 938.355 (6) (d) 2. and (6m) (a)  
16 1m., and 961.50 (3) of the statutes first applies to convictions, suspensions,  
17 revocations, and refusals occurring on the effective date of this subsection, but does  
18 not preclude the counting of other convictions, suspensions, or revocations as prior  
19 convictions, suspensions, or revocations for purposes of administrative action by the  
20 department of transportation, sentencing by a court, or revocation or suspension of  
21 motor vehicle operating privileges.

22 (2) The treatment of sections 343.38 (2) and (4) (intro.), 343.39 (1) (a), 344.18  
23 (1m) (a) and (3m) (a), 344.24, 344.26 (1), 344.27 (2), and 344.29 of the statutes and  
24 the repeal of section 343.38 (4) (a) and (b) of the statutes first apply to an issuance

**ASSEMBLY BILL 818****SECTION 68**

1 of operator's licenses or reinstatement of operating privileges or registrations on the  
2 effective date of this subsection.

3 (3) The treatment of sections 344.30 (1), 344.32, 344.33 (1), 344.34, 344.42, and  
4 631.37 (4) (e) of the statutes first applies to proof of financial responsibility filed with  
5 the secretary of transportation on the effective date of this subsection.

6 (4) The treatment of sections 343.03 (1) (b), 343.06 (2), 343.20 (1) (a), 343.315  
7 (3) (a) and (b), 343.38 (title), (1) (intro.) and (a), (2), (3), (3g), and (3r), and 343.39 (1)  
8 (a) and (b), (2), and (3) of the statutes, the renumbering and amendment of section  
9 343.26 of the statutes, and the creation of section 343.26 (2) of the statutes first apply  
10 to reinstatements for which reinstatement fees are received by the department of  
11 transportation on the effective date of this subsection.

12 **SECTION 69. Effective date.**

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

15 (END)