

1 **SECTION 85.** 343.36 (3) of the statutes is renumbered 343.36 (3) (a) and
2 amended to read:

3 343.36 (3) (a) Upon Subject to s. 343.03 (7) (b) and (c), upon receiving a record
4 of conviction showing that a nonresident operator of a motor vehicle has been
5 convicted in this state of an offense which is grounds for revocation, suspension, or
6 disqualification under the laws of this state, or upon otherwise receiving any order
7 of a court in this state suspending or revoking a nonresident's operating privilege or
8 disqualifying a nonresident, the department shall forward, within 30 days of
9 receiving the record of conviction or order, a certified copy of such record or order to
10 the motor vehicle administrator in the state wherein the person so convicted is a
11 resident driver licensing agency of the person's home jurisdiction. If the department
12 subsequently receives any notice under s. 343.325 (1) or (6) related to the conviction
13 or order, the department shall forward a certified copy of the notice to the same driver
14 licensing agency.

15 **SECTION 86.** 343.36 (3) (b), (c) and (d) of the statutes are created to read:

16 343.36 (3) (b) Subject to s. 343.03 (7) (b), upon receiving any of the following
17 information with respect to a nonresident, the department shall forward, within 30
18 days of receiving the information, notice of the information to the driver licensing
19 agency of the person's home jurisdiction:

20 1. A report of positive test results under s. 343.305 (7) (a). Notice forwarded
21 by the department shall include notice of the administrative suspension under s.
22 343.305 (7) (a).

23 2. A report of positive test results and issuance of an out-of-service order under
24 s. 343.305 (7) (b).

1 3. A report of the results of any hearing conducted by the department related
2 to positive test results described in subd. 1. or 2.

3 (c) Subject to s. 343.03 (7) (b) and (c), upon receiving a record of conviction
4 showing that a nonresident operator of a motor vehicle has been convicted in this
5 state of an offense that is identified in the rules under s. 343.02 (3) (b) but which is
6 not grounds for revocation, suspension, or disqualification under the laws of this
7 state, the department shall forward, within 30 days of receiving the record of
8 conviction, a certified copy of such record to the driver licensing agency of the person's
9 home jurisdiction. If the department subsequently receives any notice under s.
10 343.325 (1) or (6) related to the conviction, the department shall forward a certified
11 copy of the notice to the same driver licensing agency.

12 (d) If a nonresident operator of a motor vehicle commits an offense in this state
13 that is grounds for suspension of a person's operating privilege under ch. 344, the
14 department shall forward notice of the offense to the driver licensing agency of the
15 person's home jurisdiction, which notice shall include notice of any suspension by the
16 department as provided under s. 344.08 (1m), 344.14 (1r), or 344.25 (7).

17 **SECTION 87.** 343.38 (1) (c) 2. c. of the statutes is amended to read:

18 343.38 (1) (c) 2. c. Reinstatement of an operating privilege revoked under s.
19 343.30 (1q) (b) 2. or (d), 343.305 (10) (d) or 343.31 (3) (b) or (bm) 2.

20 **SECTION 88.** 343.38 (2) of the statutes, as affected by 2007 Wisconsin Act ...

21 (this act), is amended to read:

22 343.38 (2) REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER
23 REVOCATION BY WISCONSIN. A nonresident's operating privilege revoked under the
24 laws of this state is reinstated as a matter of law when the period of revocation has
25 expired and such the nonresident obtains a valid operator's license issued by the

1 jurisdiction of the nonresident's residence and pays the ~~fees~~ ^{fee} specified in s. 343.21 (1)
2 (j) and (n).

****NOTE: This is reconciled s. 343.38 (2). This SECTION has been affected by drafts with the following LRB numbers: LRB-0011 and LRB-0973.

3 SECTION 89. 343.38 (4) (intro.) of the statutes is amended to read:
4 343.38 (4) FIRST ISSUANCE OF LICENSE IN WISCONSIN AFTER SUSPENSION OR
5 REVOCATION BY ANOTHER STATE. (intro.) The department may issue an operator's
6 license to a person moving to this state whose operating ~~privileges have~~ privilege has
7 been previously suspended or revoked in another state jurisdiction when their the
8 person's operating privilege has been reinstated or the person is eligible for
9 reinstatement in that state the other jurisdiction and the following conditions have
10 been met:

11 SECTION 90. 343.38 (4) (a) of the statutes is repealed.

12 SECTION 91. 343.38 (4) (b) of the statutes is repealed.

13 SECTION 92. 343.39 (1) (a) of the statutes, as affected by 2007 Wisconsin Act
14 (this act), is amended to read:

15 343.39 (1) (a) When, in the case of a suspended operating privilege, the period
16 of suspension has terminated, the ~~fees~~ ^{reinstatement fee} specified in s. 343.21 (1) (j) ~~and (n)~~ ^{has} been
17 paid to the department and, for reinstatement of ~~an~~ ^{plain} ~~the~~ operating privilege ~~of a~~
18 ~~resident~~ ^{delete strike} suspended under ch. 344, the person files with the department proof of
19 financial responsibility, if required, in the amount, form and manner specified under
20 ch. 344.

****NOTE: This is reconciled s. 343.39 (1) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0011 and LRB-0973.

21 SECTION 93. 343.39 (2) of the statutes is amended to read:

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

11 **SECTION 94.** 343.44 (1) (a) of the statutes is amended to read:

12 343.44 (1) (a) *Operating while suspended.* No person whose operating privilege
13 has been duly suspended under the laws of this state or, if the person is not a resident,
14 under the laws of the person's home jurisdiction, may operate a motor vehicle upon
15 any highway in this state during the period of suspension or in violation of any
16 restriction on an occupational license issued to the person during the period of
17 suspension. A person's knowledge that his or her operating privilege is suspended
18 is not an element of the offense under this paragraph. In this paragraph, "restriction
19 on an occupational license" means restrictions imposed under s. 343.10 (5) (a) as to
20 hours of the day, area, routes or purpose of travel, vehicles allowed to be operated,
21 use of an ignition interlock device, sobriety or use of alcohol, controlled substances
22 or controlled substance analogs.

23 **SECTION 95.** 343.44 (1) (b) of the statutes is amended to read:

24 343.44 (1) (b) *Operating while revoked.* No person whose operating privilege
25 has been duly revoked under the laws of this state or, if the person is not a resident,

1 under the laws of the person's home jurisdiction, may knowingly operate a motor
2 vehicle upon any highway in this state during the period of revocation or in violation
3 of any restriction on an occupational license issued to the person during the period
4 of revocation. In this paragraph, "restriction on an occupational license" means
5 restrictions imposed under s. 343.10 (5) (a) as to hours of the day, area, routes or
6 purpose of travel, vehicles allowed to be operated, use of an ignition interlock device,
7 sobriety or use of alcohol, controlled substances or controlled substance analogs.

8 **SECTION 96.** 343.44 (1) (c) of the statutes is amended to read:

9 343.44 (1) (c) *Operating while ordered out-of-service.* No person may operate
10 a commercial motor vehicle while the person or the commercial motor vehicle is
11 ordered out-of-service under the law of this state or another jurisdiction or under
12 federal law.

13 **SECTION 97.** 343.44 (2) (am) of the statutes is amended to read:

14 343.44 (2) (am) Any person who violates sub. (1) (b) before May 1, 2002, may
15 be required to forfeit not more than \$600, except that, if the person has been
16 convicted of a previous violation of sub. (1) (b), ~~or of operating a motor vehicle in~~
17 ~~violation of s. 343.44 (1), 1997 stats., with an operating privilege that is revoked,~~
18 within the preceding 5-year period, the penalty under par. (b) shall apply.

19 **SECTION 98.** 343.44 (2r) of the statutes is amended to read:

20 343.44 (2r) PRIOR CONVICTIONS. For purposes of determining prior convictions
21 under this section, the 5-year period shall be measured from the dates of the
22 violations that resulted in the convictions and each conviction under sub. (2) shall
23 be counted. Convictions of s. 343.44 (1), 1997 stats., ~~other than for operating a~~
24 ~~commercial motor vehicle while ordered out-of-service~~ under the law of another

1 jurisdiction for offenses therein which, if committed in this state, would have been
2 violations of this section shall be counted under this section as prior convictions.

3 **SECTION 99.** 343.44 (2s) of the statutes is amended to read:

4 343.44 (2s) CITATIONS. Within 30 days after receipt by the department of a
5 report from a law enforcement officer under s. 343.305 (7) or a court order under s.
6 343.28 of a violation committed by a person operating a commercial motor vehicle
7 while subject to an out-of-service order under s. 343.305 (7) (b) or (9) (am), a traffic
8 officer employed under s. 110.07 may prepare a uniform traffic citation under s.
9 345.11 for a violation of sub. (1) (c) or (d) and serve it on the person. The citation may
10 be served anywhere in this state and shall be served by delivering a copy to the
11 person personally or by leaving a copy at the person's usual place of abode with a
12 person of discretion residing therein or by mailing a copy to the person's last-known
13 residence address, including, if the person is not a resident, an address in another
14 jurisdiction. The venue for prosecution may be the county where the alleged offense
15 occurred or, if the person is a resident, in the person's county of residence.

16 **SECTION 100.** 343.44 (4r) of the statutes is amended to read:

17 343.44 (4r) VIOLATION OF OUT-OF-SERVICE ORDER. In addition to other penalties
18 for violation of this section, if a person has violated this section after ~~he or she~~ the
19 person or the commercial motor vehicle operated by the person was ordered
20 out-of-service under the law of this state or another jurisdiction or under federal
21 law, the violation shall result in disqualification under s. 343.315 (2) (h) or (i).

22 **SECTION 101.** 343.50 (8) (b) of the statutes, as affected by 2007 Wisconsin Act
23 (this act), section XXX, is amended to read:

24 343.50 (8) (b) The department may not disclose any record or other information
25 concerning or relating to an applicant or identification card holder to any person

1 other than a court, district attorney, county corporation counsel, city, village, or town
2 attorney, law enforcement agency, driver licensing agency of another jurisdiction, the
3 applicant or identification card holder or, if the applicant or identification card holder
4 is under 18 years of age, his or her parent or guardian. Except for photographs
5 disclosed to a law enforcement agency for which disclosure is authorized under s.
6 343.237, persons entitled to receive any record or other information under this
7 paragraph shall not disclose the record or other information to other persons or
8 agencies. This paragraph does not prohibit disclosure under par. (c) or the disclosure
9 of a person's name or address, of the name or address of a person's employer or of
10 financial information that relates to a person when requested under s. 49.22 (2m) by
11 the department of children and families or a county child support agency under s.
12 59.53 (5).

****NOTE: This is reconciled s. 343.50 (8) (b). This SECTION has been affected by drafts with the following LRB numbers: LRB-0003, LRB-0011, and LRB-1261. "XXX" in the bill section heading indicates a cross-reference that must be provided in the compiled budget to the bill section in LRB-1261 that also treats s. 343.50 (8) (b).

13 **SECTION 102.** 344.02 (3) of the statutes is amended to read:

14 344.02 (3) Upon completion of the hearing, the department shall make findings
15 of fact, conclusions of law, and a decision, and shall, as provided in this chapter, either
16 proceed to order suspension of the person's operating privilege, or registrations, or
17 both, and may also order the impoundment of the person's motor vehicle, in
18 accordance with s. 344.14, or upon good cause appearing therefor, shall terminate the
19 proceedings.

20 **SECTION 103.** 344.08 (1m) of the statutes is created to read:

21 344.08 (1m) Notwithstanding sub. (1), the secretary may only suspend the
22 operating privilege of a nonresident for an offense specified in sub. (1) if the

1 nonresident is licensed by or resides in another jurisdiction that is not a member
2 jurisdiction or if the offense is not identified in the rules under s. 343.02 (3) (b).

3 **SECTION 104.** 344.13 (2) of the statutes is amended to read:

4 344.13 (2) The secretary shall determine the amount of security required to be
5 deposited by each person on the basis of the accident reports or other information
6 submitted. In addition to the accident reports required by law, the secretary may
7 request from any of the persons, including passengers and pedestrians, involved in
8 such accident such further information, sworn statements or other evidence relating
9 to property damage, personal injury or death in motor vehicle accidents as deemed
10 necessary to aid in determining the amount to be deposited as security under s.
11 344.14. Failure Subject to s. 344.14 (1r), failure of a person to comply with such
12 request is grounds for suspending such person's operating privilege but no
13 suspension shall be made on such grounds until one follow-up request has been
14 made and at least 20 days have elapsed since the mailing of the first request.

15 **SECTION 105.** 344.14 (1r) of the statutes is created to read:

16 344.14 (1r) Notwithstanding sub. (1), the secretary may only suspend under
17 sub. (1) or under s. 344.13 (2) the operating privilege of a nonresident for,
18 respectively, an offense specified in sub. (1) or s. 344.13 (2) if the nonresident is
19 licensed by or resides in another jurisdiction that is not a member jurisdiction or if
20 the offense is not identified in the rules under s. 343.02 (3) (b).

21 **SECTION 106.** 344.18 (1m) (a) of the statutes is amended to read:

22 344.18 (1m) (a) Unless 3 years have elapsed since the date that a requirement
23 under sub. (1) (a), (b), (c) or (d) has been met or unless the person is a nonresident,
24 the person whose operating privilege or registration was suspended or revoked

1 under s. 344.14 shall file with the department and maintain in effect proof of
2 financial responsibility in the amount, form and manner specified in this chapter.

3 **SECTION 107.** 344.18 (3m) (a) of the statutes is amended to read:

4 344.18 (3m) (a) Unless 3 years have elapsed since the date that a requirement
5 under sub. (3) (a) or (b) has been met or unless the person is a nonresident, the person
6 whose operating privilege or registration was suspended or revoked under sub. (3)
7 shall file with the department and maintain in effect proof of financial responsibility
8 in the amount, form and manner specified in this chapter.

9 **SECTION 108.** 344.19 (1) of the statutes is amended to read:

10 344.19 (1) If the operator or the owner of a motor vehicle involved in an accident
11 within this state has no license or registration, whether because the operator or
12 owner is a nonresident or because the operator or owner is a resident who has failed
13 or neglected to obtain a license or registration in this state, the operator or owner
14 shall not be allowed a license or registration until the operator or owner has complied
15 with the requirements of this chapter to the same extent as would be necessary if,
16 at the time of the accident, the operator or owner had held a license and registration
17 in this state. Nothing in this subsection requires the department to maintain an
18 operator's record with respect to a nonresident except as provided in s. 343.23 (2m).

19 **SECTION 109.** 344.19 (2) of the statutes is renumbered 344.19 (2) (intro.) and
20 amended to read:

21 344.19 (2) (intro.) If the operating privilege or registration of a nonresident is
22 suspended under s. 344.14, the secretary shall transmit a certified copy of the record
23 of such action as follows:

24 (b) With respect to the registration suspension, to the administrator of the
25 division of motor vehicles or equivalent official of the state in which that person

1 resides if the law of the state in which that person resides provides for similar action
2 by the administrator or equivalent official of that state in the event that a resident
3 of this state has a nonresident's ~~operating privilege or~~ registration in that state
4 suspended or revoked for failure to comply with the safety responsibility law of that
5 state.

6 **SECTION 110.** 344.19 (2) (a) of the statutes is created to read:

7 344.19 (2) (a) With respect to the operating privilege suspension, as provided
8 in s. 343.36 (3).

9 **SECTION 111.** 344.19 (3) of the statutes, as affected by 2007 Wisconsin Act
10 (this act), is amended to read:

11 344.19 (3) Upon receipt of such certification from another state to the effect
12 that the operating privilege or registration of a resident of this state has been
13 suspended or revoked in such other state under a law providing for its suspension
14 or revocation for failure to deposit security for payment of judgments arising out of
15 a motor vehicle accident, under circumstances which would require the secretary to
16 suspend a ~~nonresident's person's~~ operating privilege or registration had the accident
17 occurred in this state, or, upon notice of circumstances occurring in another
18 jurisdiction substantially similar to those described in s. 344.14 if suspension of an
19 operating privilege under circumstances substantially similar to those described in
20 s. 344.14 is an offense identified in the rules under s. 343.02 (3) (b), the secretary shall
21 suspend the operating privilege of such resident if he or she was the operator and all
22 of his or her registrations if he or she was the owner of a motor vehicle involved in
23 such accident. The department may accept a certification which is in the form of a
24 combined notice of required security and suspension order, but shall not suspend a
25 resident's operating privilege or registration on the basis of such order until at least

1 30 days have elapsed since the time for depositing security in the other state expired.
2 A suspension or revocation of operating privilege under this section shall continue
3 until such resident furnishes evidence of his or her compliance with the law of the
4 other state relating to the deposit of security, pays the fees required under s. 343.21
5 (1) (j) and (n) and complies with the applicable provisions of s. 343.38. A suspension
6 or revocation of registration under this section shall continue until such resident
7 furnishes evidence of his or her compliance with the law of the other state relating
8 to the deposit of security, pays the fee required under s. 341.36 (1m) and satisfies the
9 requirements of sub. (3m). The secretary may not suspend an operating privilege
10 under this subsection if the period of suspension or revocation in the state from which
11 the certification is received has expired or if, at the time of the circumstances
12 occurring in the other jurisdiction, the person was licensed in or resided in another
13 jurisdiction.

****NOTE: This is reconciled s. 344.19 (3). This SECTION has been affected by drafts with the following LRB numbers: LRB-0011 and LRB-0973.

14 **SECTION 112.** 344.24 of the statutes is amended to read:

15 **344.24 Applicability of sections relating to proof of financial**
16 **responsibility for the future.** Sections 344.29 to 344.41 are applicable in all cases
17 in which a person is required to deposit proof of financial responsibility for the future,
18 including those cases in which a person is required to deposit proof of financial
19 responsibility for the future under ss. 344.25 to 344.27, those cases in which the
20 deposit of proof of financial responsibility for the future is a condition precedent to
21 reinstatement of an operating privilege or registration suspended or revoked under
22 s. 344.14, 344.18 (3) or 344.19 (3) and those cases in which the deposit of proof of
23 financial responsibility for the future is a condition precedent to issuance of an

1 operator's license under s. 343.38 (4) or reinstatement of an operating privilege
2 revoked under ch. 343.

3 **SECTION 113.** 344.25 (7) of the statutes is created to read:

4 344.25 (7) Notwithstanding sub. (5), the secretary shall only suspend the
5 operating privilege of a nonresident if the nonresident is licensed by or resides in
6 another jurisdiction that is not a member jurisdiction or if operating privilege
7 suspension under circumstances substantially similar to those described in this
8 subchapter is not identified in the rules under s. 343.02 (3) (b).

9 **SECTION 114.** 344.26 (1) of the statutes is amended to read:

10 344.26 (1) Subject to the exceptions stated in ss. 344.25 (2) and 344.27 (2), any
11 operating privilege or registration suspended or revoked under s. 344.25 shall
12 remain suspended or revoked until every judgment mentioned in s. 344.25 is stayed,
13 satisfied, or discharged and, unless 3 years have elapsed since the date on which the
14 judgment was stayed, satisfied, or discharged or unless the person is a nonresident,
15 until the person whose operating privilege and registration was suspended or
16 revoked furnishes and maintains in effect proof of financial responsibility for the
17 future.

18 **SECTION 115.** 344.27 (2) of the statutes is amended to read:

19 344.27 (2) The secretary shall not suspend the operating privilege or
20 registration and shall restore any operating privilege or registration suspended
21 following nonpayment of a judgment when the judgment debtor obtains such order
22 permitting the payment of the judgment in installments and, unless 3 years have
23 elapsed since the date on which the order permitting the payment of the judgment
24 in installments is filed with the secretary or unless the judgment debtor is a
25 nonresident, furnishes and maintains proof of financial responsibility for the future.

1 **SECTION 116.** 344.27 (3) of the statutes is amended to read:

2 344.27 (3) If the judgment debtor fails to pay any installment as specified by
3 such order, the secretary, upon notice of such default, shall immediately suspend the
4 operating privilege, ~~if permitted under this subchapter,~~ and registrations of the
5 judgment debtor until such judgment is satisfied as provided in s. 344.26.

6 **SECTION 117.** 344.29 of the statutes is amended to read:

7 **344.29 Proof of financial responsibility for the future required.** Proof
8 of financial responsibility for the future shall be furnished by any person required
9 to give such proof under ss. 344.25 to 344.27, those cases in which the deposit of proof
10 of financial responsibility for the future is a condition precedent to reinstatement of
11 an operating privilege or registration suspended or revoked under s. 344.14, 344.18
12 (3) or 344.19 (3) and in those cases in which the deposit of proof of financial
13 responsibility for the future is a condition precedent to ~~issuance of an operator's~~
14 ~~license under s. 343.38 (4) or reinstatement of an operating privilege revoked under~~
15 ~~ch. 343.~~

16 **SECTION 118.** 344.30 (1) of the statutes is amended to read:

17 344.30 (1) Certification of insurance as provided in s. 344.31 ~~or 344.32;~~ or

18 **SECTION 119.** 344.32 of the statutes is repealed.

19 **SECTION 120.** 344.33 (1) of the statutes is amended to read:

20 344.33 (1) CERTIFICATION. In this chapter, "motor vehicle liability policy" means
21 a motor vehicle policy of liability insurance, certified as provided in s. 344.31 ~~or~~
22 ~~344.32~~ as proof of financial responsibility for the future, and issued, ~~except as~~
23 ~~otherwise provided in s. 344.32,~~ by an insurer authorized to do an automobile
24 liability business in this state to or for the benefit of the person named in the policy
25 as the insured.

1 **SECTION 121.** 344.34 of the statutes is amended to read:

2 **344.34 Notice of cancellation or termination of certified policy.** When
3 an insurer has certified a motor vehicle liability policy under s. 344.31, a policy under
4 s. 344.32 or a bond under s. 344.36, the insurance so certified shall not be canceled
5 or terminated until at least 10 days after a notice of cancellation or termination of
6 the insurance so certified has been filed in the office of the secretary. No insurance
7 so certified may be canceled or terminated by the insurer prior to the expiration of
8 90 days from the effective date of the certification on the grounds of failure to pay a
9 premium when due. Such a certified policy or bond subsequently procured shall, on
10 the effective date of its certification, terminate the insurance previously certified.
11 Any certification or recertification filed by the same insurer following cancellation
12 shall be accompanied by a fee of \$3 payable by the insurer.

13 **SECTION 122.** 344.42 of the statutes is amended to read:

14 **344.42 Submission of certifications and recertifications by insurers.**

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

21 **SECTION 123.** 345.23 (2) (c) of the statutes is amended to read:

22 345.23 (2) (c) Deposits the person's valid Wisconsin operator's license with the
23 officer. If the license is deposited with the officer, the officer shall issue to the licensee
24 a receipt which shall be valid as a driver's license through the date specified on the
25 receipt, which shall be the same as the court appearance date, and the officer shall,

1 at the earliest possible time prior to the court appearance date, deposit the license
2 with the court.

3 **SECTION 124.** 345.28 (5) (b) 1. of the statutes is amended to read:

4 345.28 (5) (b) 1. If a person fails to respond to the notices under par. (a) within
5 the time specified in the notice, a warrant that substantially complies with the
6 mandatory provisions under s. 968.04 (3) (a) may be issued for the person, except that
7 the warrant shall direct the officer to accept the person's deposit of money or his or
8 her valid Wisconsin operator's license, as provided under subd. 2. a., in lieu of serving
9 the warrant and arresting the person.

10 **SECTION 125.** 345.28 (5) (b) 2. a. of the statutes is amended to read:

11 345.28 (5) (b) 2. a. The officer shall accept a deposit of money or a deposit of the
12 person's valid Wisconsin operator's license in lieu of serving the warrant and
13 arresting the person. If the license is deposited with the officer, the officer shall issue
14 to the licensee a receipt, on a form provided by the department, which is valid as an
15 operator's license through a date specified on the receipt, not to exceed 30 days from
16 the date of contact, which shall be the same as the court appearance date and the
17 officer shall at the earliest possible time prior to the court appearance date deposit
18 the license with the court. If a deposit of money is made, s. 345.26 (1) (a) and (2) to
19 (5) applies. The officer shall notify the person who deposits money or his or her
20 license, in writing, of the specific actions which the authority and the courts are
21 authorized to take under this section if the person fails to appear in court at the time
22 specified by the officer, not to exceed 30 days from the date of contact, or at any
23 subsequent court appearance for the nonmoving traffic violation citation. If the
24 person makes a deposit of money or deposits his or her valid Wisconsin operator's

1 license, the officer shall return the warrant to the court or judge who issued the
2 warrant and the court or judge shall vacate the warrant.

3 SECTION 126. 345.47 (1) (c) of the statutes, as affected by 2007 Wisconsin Act

4 (this act), is amended to read:

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

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***NOTE: This is reconciled s. 345.47 (1) (c). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0011 and LRB-0973.

17 SECTION 127. 345.48 (2) of the statutes is amended to read:

18 345.48 (2) If the defendant is found guilty of a traffic violation for which
19 revocation of his or her operating privilege is mandatory under s. 343.31, or for which
20 the court revokes or suspends his or her operating privilege under s. 343.30, the court
21 shall immediately may take possession of the suspended or revoked license. If the
22 court takes possession of a license, it shall destroy the license. The revocation or

1 suspension is effective immediately. The court ordered suspension or revocation
2 shall be included as part of the report of conviction under sub. (1m).

3 **SECTION 128.** 345.48 (3) of the statutes is repealed.

4 **SECTION 129.** 345.48 (4) of the statutes is amended to read:

5 345.48 (4) If notice of appeal is filed the court shall, within 5 working days after
6 it is filed, forward to the department a certificate stating that a notice of appeal has
7 been filed and shall return any surrendered license. Thereafter, the court shall
8 notify the department as required under s. 343.325 (1) (b) and (c).

9 **SECTION 130.** 346.65 (2c) of the statutes is amended to read:

10 346.65 (2c) In sub. (2) (am) 2., 3., 4., and 5., the time period shall be measured
11 from the dates of the refusals or violations that resulted in the revocation or
12 convictions. If a person has a suspension, revocation, or conviction for any offense
13 under a local ordinance or a state statute of another state jurisdiction that would be
14 counted under s. 343.307 (1), that suspension, revocation, or conviction shall count
15 as a prior suspension, revocation, or conviction under sub. (2) (am) 2., 3., 4., and 5.

16 **SECTION 131.** 346.65 (2e) of the statutes is amended to read:

17 346.65 (2e) If the court determines that a person does not have the ability to
18 pay the costs and fine or forfeiture imposed under sub. (2) (am), (f), or (g), the court
19 may reduce the costs, fine, and forfeiture imposed and order the person to pay, toward
20 the cost of the assessment and driver safety plan imposed under s. 343.30 (1q) (c), if
21 applicable, the difference between the amount of the reduced costs and fine or
22 forfeiture and the amount of costs and fine or forfeiture imposed under sub. (2) (am),
23 (f), or (g).

24 **SECTION 132.** 346.65 (6) (a) 3. of the statutes is amended to read:

1 346.65 (6) (a) 3. The court shall notify the department, in a form and manner
2 prescribed by the department, that an order to seize a motor vehicle has been
3 entered. The If the motor vehicle is registered in this state under ch. 341 and the
4 department has issued a valid certificate of title for the vehicle under ch. 342, the
5 registration records of the department shall reflect that the order has been entered
6 against the vehicle and remains unexecuted. Any law enforcement officer may
7 execute that order, and shall transfer any motor vehicle ordered seized to the law
8 enforcement agency that was originally ordered to seize the vehicle, based on the
9 information provided by the department. The law enforcement agency shall notify
10 the department when an order has been executed under this subdivision and the
11 department shall amend its vehicle registration records to reflect that notification
12 if the motor vehicle is registered in this state under ch. 341 and the department has
13 issued a valid certificate of title for the vehicle under ch. 342.

14 **SECTION 133.** 346.65 (6) (km) of the statutes is amended to read:

15 346.65 (6) (km) If a person purchases a motor vehicle in good faith and without
16 knowledge that the motor vehicle was subject to immobilization or seizure or to
17 equipping with an ignition interlock device under this subsection and the
18 department has no valid reason for not issuing a certificate of title other than the
19 prohibition under par. (k), the department shall issue a new certificate of title in the
20 name of the person requesting the new certificate of title if at the time of the purchase
21 of the motor vehicle the certificate of title did not contain the notation stamped on
22 the certificate of title by the clerk of circuit court under par. (a) 2m. and, if the person
23 submits the affidavit required under s. 342.12 (4) (c) 1. c., and if the department has
24 previously issued a valid certificate of title for the motor vehicle.

25 **SECTION 134.** 350.11 (3) (d) of the statutes is amended to read:

1 350.11 (3) (d) *Alcohol, controlled substances or controlled substance analogs;*
2 *assessment.* In addition to any other penalty or order, a person who violates s.
3 350.101 (1) or (2) or 350.104 (5) or who violates s. 940.09 or 940.25 if the violation
4 involves the operation of a snowmobile, shall be ordered by the court to submit to and
5 comply with an assessment by an approved public treatment facility for an
6 examination of the person's use of alcohol, controlled substances or controlled
7 substance analogs. The assessment order shall comply with s. 343.30 (1q) (c) 1. a.
8 ~~to e.~~ Intentional failure to comply with an assessment ordered under this paragraph
9 constitutes contempt of court, punishable under ch. 785.

10 **SECTION 135.** 351.02 (1) (intro.) of the statutes is amended to read:

11 351.02 (1) (intro.) "Habitual traffic offender" means any person, ~~resident or~~
12 ~~nonresident,~~ whose record, as maintained by the department, shows that the person
13 has accumulated the number of convictions for the separate and distinct offenses,
14 regardless of the class or type of motor vehicle being operated, under par. (a) or (b)
15 committed within a 5-year period as follows:

16 **SECTION 136.** 351.02 (1m) of the statutes is amended to read:

17 351.02 (1m) "Repeat habitual traffic offender" means any person, ~~resident or~~
18 ~~nonresident,~~ whose record, as maintained by the department, shows that the person
19 has been convicted of 2 offenses under sub. (1) (b) committed within one year
20 following issuance of an occupational license to the person pursuant to s. 351.07 or
21 whose record, as maintained by the department, shows that the person has been
22 convicted of one offense under sub. (1) (a) or 4 offenses under sub. (1) (b) committed
23 within 3 years following issuance of an occupational license to the person pursuant
24 to s. 351.07, regardless of the license under which the person was operating a motor
25 vehicle or the classification of the vehicle being operated.

1 **SECTION 137.** 351.025 (1) of the statutes is renumbered 351.025 (1) (a) and
2 amended to read:

3 351.025 (1) (a) The Except as provided in par. (b), the secretary shall revoke
4 a person's, for a period of 5 years, the operating privilege for a period of 5 years of a
5 person who is a licensee under ch. 343 or is a resident to whom another jurisdiction
6 has not issued an operator's license upon receipt of a record of conviction which
7 brings the person within the definition of a habitual traffic offender or repeat
8 habitual traffic offender.

9 **SECTION 138.** 351.025 (1) (b) of the statutes is created to read:

10 351.025 (1) (b) The department may not revoke a person's operating privilege
11 under par. (a) based, in whole or part, upon any conviction for an offense committed
12 in another jurisdiction if at the time of the conviction the person was licensed in or
13 resided in another jurisdiction unless, after the person has become licensed under
14 ch. 343 or transferred residency to this state, the person is convicted of an offense
15 under s. 351.02 (1) (a) or (b) committed in this state.

16 **SECTION 139.** 351.027 (2) of the statutes is amended to read:

17 351.027 (2) If the person denies that he or she is a habitual traffic offender or
18 repeat habitual traffic offender subject to operating privilege revocation under s.
19 351.025 (1), the person may file with the circuit court for the county in which the
20 person resides, or, in the case of a nonresident, with the circuit court for Dane County
21 person who moves from this state after the person's operating privilege is revoked
22 under s. 351.025 (1) the county in which the person resided at the time the operating
23 privilege was revoked, a petition for a hearing and determination by the court that
24 the person is not a habitual traffic offender or repeat habitual traffic offender subject
25 to operating privilege revocation under s. 351.025 (1). The scope of the hearing shall

1 be limited to whether or not the person is the same person named in the record and,
2 whether or not the person was convicted of each offense shown by the record, and
3 whether the provisions of s. 351.025 (1) (b) prohibit revocation. The clerk of the court
4 in which the petition is filed shall forward a copy of the petition to the secretary.

5 **SECTION 140.** 351.03 of the statutes is amended to read:

6 **351.03 Secretary to certify copy of conviction record.** Upon receipt of the
7 copy of the petition under s. 351.027, the secretary shall certify the record of
8 conviction of any person whose record brings him or her within the definition of a
9 habitual traffic offender or repeat habitual traffic offender subject to operating
10 privilege revocation under s. 351.025 (1) to the court and to the district attorney of
11 the county in which the person resides or to the attorney general if the person is not
12 a resident of this state, if the person moves from this state after the person's
13 operating privilege is revoked under s. 351.025 (1) the county in which the person
14 resided at the time the operating privilege was revoked. The certified record shall
15 be prima facie evidence that the person named therein was duly convicted by the
16 court wherein the conviction or finding was made, of each offense shown by the
17 record. If the person denies any of the facts as stated in the record, he or she shall
18 have the burden of proving that the fact is false.

19 **SECTION 141.** 351.04 of the statutes is amended to read:

20 **351.04 District attorney or attorney general to represent secretary.**

21 The district attorney for the county in which the person resides, or if the person
22 moves from this state after the person's operating privilege is revoked under s.
23 351.025 (1) the county in which the person resided at the time the operating privilege
24 was revoked, who receives the certified copy of record from the secretary under s.

1 351.03 shall represent the secretary at the hearing under s. 351.027. ~~In the case of~~
2 ~~nonresidents, the attorney general shall represent the secretary at the hearing.~~

3 SECTION 142. 351.05 of the statutes is amended to read:

4 **351.05 Habitual traffic offender or repeat habitual traffic offender**
5 **determination by the court.** The court in which the petition under s. 351.027 is
6 filed shall determine whether the person is a habitual traffic offender or repeat
7 habitual traffic offender subject to operating privilege revocation under s. 351.025
8 (1). If the person denies he or she was convicted or found in violation of any offense
9 necessary for a holding that he or she is a habitual traffic offender or repeat habitual
10 traffic offender subject to operating privilege revocation under s. 351.025 (1), and if
11 the court is not able to make the determination on the evidence before it, the court
12 may certify the decision of the issue to the court in which the conviction or finding
13 of violation was made. The court to which the certification was made shall conduct
14 a hearing to determine the issue and send a certified copy of its final order
15 determining the issue to the court in which the petition was filed.

16 SECTION 143. 351.06 of the statutes is amended to read:

17 **351.06 Order of court.** If the court finds that the person before it is not the
18 same person named in the record or that he or she is not a habitual traffic offender
19 or repeat habitual traffic offender subject to operating privilege revocation under s.
20 351.025 (1), the court shall order the secretary to reinstate the person's Wisconsin
21 operating privilege. If the court finds that the person is the same person named in
22 the record and that he or she is a habitual traffic offender or repeat habitual traffic
23 offender subject to operating privilege revocation under s. 351.025 (1), the court shall
24 deny the person's petition for a determination that the person is not a habitual traffic
25 offender or repeat habitual traffic offender subject to operating privilege revocation

1 under s. 351.025 (1). The clerk of the court shall file a copy of the order or denial of
2 the petition with the department which shall become a part of the records of the
3 department.

4 **SECTION 144.** 631.37 (4) (e) of the statutes is amended to read:

5 631.37 (4) (e) *Motor vehicle liability policy.* Section 344.34 applies to motor
6 vehicle liability policies certified under s. 344.31 ~~and to policies certified under s.~~
7 ~~344.32.~~

8 **SECTION 145.** 800.09 (1) (c) of the statutes is amended to read:

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

22 **SECTION 146.** 938.17 (2) (d) 2. of the statutes is amended to read:

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

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

8 **SECTION 147.** 938.34 (8) of the statutes is amended to read:

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

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

7 **SECTION 148.** 938.34 (8d) (d) of the statutes is amended to read:

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

24 **SECTION 149.** 938.34 (14m) of the statutes is amended to read:

1 938.34 (14m) Restrict or suspend the operating privilege, as defined in s.
2 340.01 (40), of a juvenile who is adjudicated delinquent under a violation of any law
3 in which a motor vehicle is involved. If the court suspends a juvenile's operating
4 privilege under this subsection, the court shall ~~immediately~~ may take possession of
5 the suspended license ~~and forward it.~~ If the court takes possession of a license, it
6 shall destroy the license. The court shall ~~forward~~ to the department of
7 transportation ~~together with~~ a notice stating the reason for and duration of the
8 suspension. If the court limits a juvenile's operating privilege under this subsection,
9 the court shall immediately notify the department of transportation of that
10 limitation.

11 **SECTION 150.** 938.34 (14r) (a) of the statutes is amended to read:

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

20 **SECTION 151.** 938.342 (1g) (a) of the statutes is amended to read:

21 938.342 (1g) (a) Suspend the person's operating privilege, as defined in s.
22 340.01 (40), for not less than 30 days nor more than one year. The court shall
23 immediately may take possession of the suspended license ~~and forward it.~~ If the
24 court takes possession of a license, it shall destroy the license. The court shall

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1 forward to the department of transportation ~~together with~~ a notice stating the reason
2 for and duration of the suspension.

3 **SECTION 152.** 938.343 (2) of the statutes is amended to read:

4 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum
5 forfeiture that may be imposed on an adult for committing that violation or, if the
6 violation is only applicable to a person under 18 years of age, \$50. The order shall
7 include a finding that the juvenile alone is financially able to pay and shall allow up
8 to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may
9 suspend any license issued under ch. 29 or suspend the juvenile's operating privilege,
10 as defined in s. 340.01 (40), for not more than 2 years. The court shall immediately
11 take possession of the suspended license and forward it if issued under ch. 29 or, if
12 the license is issued under ch. 343, the court may take possession of, and if possession
13 is taken, shall destroy, of the license. The court shall forward to the department
14 which issued the license, ~~together with~~ the notice of suspension stating that the
15 suspension is for failure to pay a forfeiture imposed by the court, together with any
16 license issued under ch. 29 of which the court takes possession. If the forfeiture is
17 paid during the period of suspension, the court shall immediately notify the
18 department, which shall, if the license is issued under ch. 29, return the license to
19 the person. Any recovery under this subsection shall be reduced by the amount
20 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

21 **SECTION 153.** 938.344 (2e) (b) of the statutes is amended to read:

22 938.344 (2e) (b) Whenever a court suspends a juvenile's operating privilege
23 under this subsection, the court ~~shall immediately~~ may take possession of any
24 suspended license ~~and forward it.~~ If the court takes possession of a license, it shall
25 destroy the license. The court shall forward to the department of transportation,

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together with the notice of suspension stating that the suspension is for a violation under s. 961.573 (2), 961.574 (2) or 961.575 (2), or a local ordinance that strictly conforms to one of those statutes.

SECTION 154. 938.355 (6) (d) 2. of the statutes is amended to read:

938.355 (6) (d) 2. Suspension of or limitation restriction on the use of the juvenile's operating privilege, as defined under s. 340.01 (40), or of any approval issued under ch. 29 for a period of not more than 3 years. If the juvenile does not hold a valid operator's license under ch. 343, other than an instruction permit under s. 343.07 or a restricted license under s. 343.08, on the date of the order issued under this subdivision, the court may order the suspension to begin on the date that the operator's license would otherwise be reinstated or issued after the juvenile applies and qualifies for issuance or 2 years after the date of the order issued under this subdivision, whichever occurs first. If the court suspends the juvenile's operating privileges or an approval issued under ch. 29, the court shall immediately take possession of the suspended license or approval and forward it may take possession of, and if possession is taken, shall destroy, the suspended license. The court shall forward to the department that issued it, together with the license or approval the notice of suspension, together with any approval of which the court takes possession.

SECTION 155. 938.355 (6m) (a) 1m. of the statutes is amended to read:

938.355 (6m) (a) 1m. Suspension or limitation on the use of the juvenile's operating privilege, as defined under s. 340.01 (40), or of any approval issued under ch. 29 for not more than one year. If the juvenile does not hold a valid operator's license under ch. 343, other than an instruction permit under s. 343.07 or a restricted license under s. 343.08, on the date of the order issued under this subdivision, the court may order the suspension or limitation to begin on the date that the operator's

1 license would otherwise be reinstated or issued after the juvenile applies and
2 qualifies for issuance or 2 years after the date of the order issued under this
3 subdivision, whichever occurs first. If the court suspends a juvenile's operating
4 privilege or an approval issued under ch. 29, the court shall immediately take
5 possession of the suspended license or approval and forward it may take possession
6 of, and if possession is taken, shall destroy, the suspended license. The court shall
7 forward to the department that issued the license or approval with a notice stating
8 the reason for and the duration of the suspension, together with any approval of
9 which the court takes possession.

10 **SECTION 156.** 938.396 (4) of the statutes is amended to read:

11 938.396 (4) OPERATING PRIVILEGE RECORDS. When a court assigned to exercise
12 jurisdiction under this chapter and ch. 48 or a municipal court exercising jurisdiction
13 under s. 938.17 (2) revokes, suspends, or restricts a juvenile's operating privilege
14 under this chapter, the department of transportation may not disclose information
15 concerning or relating to the revocation, suspension, or restriction to any person
16 other than a court assigned to exercise jurisdiction under this chapter and ch. 48, a
17 municipal court exercising jurisdiction under s. 938.17 (2), a district attorney, county
18 corporation counsel, or city, village, or town attorney, a law enforcement agency, a
19 driver licensing agency of another jurisdiction, the juvenile whose operating
20 privilege is revoked, suspended, or restricted, or the juvenile's parent or guardian.
21 Persons entitled to receive this information may not disclose the information to other
22 persons or agencies.

23 **SECTION 157.** 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

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 158.** 961.50 (2) of the statutes is amended to read:

8 961.50 (2) For purposes of counting the number of convictions under sub. (1),
9 convictions under the law of a federally recognized American Indian tribe or band in
10 this state, federal law or the law of another jurisdiction, as defined in s. 343.32 (1m)
11 (a) 340.01 (41m), for any offense therein which, if the person had committed the
12 offense in this state and been convicted of the offense under the laws of this state,
13 would have required suspension or revocation of such person's operating privilege
14 under this section, shall be counted and given the effect specified under sub. (1). The
15 5-year period under this section shall be measured from the dates of the violations
16 which resulted in the convictions.

17 **SECTION 9148. Nonstatutory provisions; Transportation.**

18 (1) DRIVER LICENSE AGREEMENT.

19 (a) The department of transportation shall submit in proposed form the rules
20 required under section 343.02 (3) (b) of the statutes, as created by this act, to the
21 legislative council staff under section 227.15 (1) of the statutes no later than the first
22 day of the 6th month beginning after the effective date of this paragraph.

23 (b) Using the emergency rules procedure under section 227.24 of the statutes,
24 the department of transportation shall promulgate the rules required under section
25 343.02 (3) (b) of the statutes, as created by this act, for purposes of implementing the

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1 provisions of this act related to joining the Driver License Agreement, for the period
2 before the effective date of the rules submitted under paragraph (a). The department
3 shall promulgate these emergency rules no later than the first day of the 6th month
4 beginning after the effective date of this paragraph. Notwithstanding section 227.24
5 (1) (c) and (2) of the statutes, these emergency rules may remain in effect until July
6 1, 2009, or the date on which permanent rules take effect, whichever is sooner.
7 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not
8 required to provide evidence that promulgating a rule under this paragraph as an
9 emergency rule is necessary for the preservation of the public peace, health, safety,
10 or welfare and is not required to provide a finding of emergency for a rule
11 promulgated under this paragraph.

12 **SECTION 9348. Initial applicability; Transportation.**

13 (1) DRIVER LICENSE AGREEMENT.

14 (a) The treatment of sections 343.44 (1) (a), (b), and (c) and (4r) of the statutes,
15 the repeal of sections 343.30 (1q) (c) 1. b. and 343.305 (10) (c) 1. b. of the statutes, and
16 the consolidation, renumbering, and amendment of sections 343.30 (1q) (c) 1. (intro.),
17 a., and c. and 343.305 (10) (c) 1. (intro.), a., and c. of the statutes first apply to offenses
18 committed on the effective date of this paragraph, but do not preclude the counting
19 of other convictions, suspensions, or revocations as prior convictions, suspensions,
20 or revocations for purposes of administrative action by the department of
21 transportation, sentencing by a court, or revocation or suspension of motor vehicle
22 operating privileges.

23 (b) The treatment of sections 125.07 (4) (cm), 125.085 (3) (bp), 342.12 (4) (a) and
24 (b), 343.06 (2), 343.085 (4), 343.23 (2m), 343.31 (1) (intro.), (2), (2r), and (3) (bm)
25 (intro.), (c), (d) (intro.), (e), (f), (i), and (j), 343.315 (2) (fm), (h), and (j) (intro.) and (3)

1 (bm) and (d), 343.32 (1m) (b) (intro.) and (1s), 343.34 (2), 343.44 (2s), 344.13 (2),
 2 344.19 (3) (by SECTION 111), 346.65 (6) (a) 3. and (km), and 351.02 (1) (intro.) and (1m),
 3 351.027 (2), 351.03, 351.04, 351.05, and 351.06 of the statutes, the repeal of sections
 4 343.31 (1) (hm) and (2m) and 343.32 (1) of the statutes, the renumbering and
 5 amendment of sections 343.36 (3) and 351.025 (1) of the statutes, and the creation
 6 of sections 343.31 (2z) and (3) (bg), 343.32 (1v), 343.36 (3) (b), (c), and (d), 344.08 (1m),
 7 344.14 (1r), 344.25 (7), and 351.025 (1) (b) of the statutes first apply with respect to
 8 offenses or refusals for which records, reports, or notices are received by the
 9 department of transportation on the effective date of this paragraph, but do not
 10 preclude the counting of other convictions, suspensions, or revocations as prior
 11 convictions, suspensions, or revocations for purposes of administrative action by the
 12 department of transportation, sentencing by a court, or revocation or suspension of
 13 motor vehicle operating privileges.

14 (c) The treatment of sections 342.12 (4) (a) and (b) and 343.23 (2) (a) (intro.) (by
 15 SECTION 21) of the statutes and the creation of sections 343.23 (3m) and 343.301 (1)
 16 (e) and (2) (d) of the statutes first apply with respect to notices received by the
 17 department of transportation on the effective date of this paragraph.

18 (d) The treatment of section 343.03 (5) (a) of the statutes first applies to
 19 applications received by the department of transportation on the effective date of this
 20 paragraph.

21 (2) (e) The treatment of sections 343.38 (2) (by SECTION 88) and (4) (intro.), 343.39
 22 (1) (a) (by SECTION 92), 344.18 (1m) (a) and (3m) (a), 344.24, 344.26 (1), 344.27 (2), and
 23 344.29 of the statutes and the repeal of section 343.38 (4) (a) and (b) of the statutes
 24 first apply to an issuance of operator's licenses or reinstatement of operating
 25 privileges or registrations on the effective date of this ^{subsection} paragraph.

Insert
73-20

1 (3) The treatment of sections 344.30 (1), 344.32, 344.33 (1), 344.34, 344.42, and
2 631.37 (4) (e) of the statutes first applies to proof of financial responsibility filed with
3 the secretary of transportation on the effective date of this ^{subsection} paragraph

4 **SECTION 9448. Effective dates; Transportation.**

5 (1) DRIVER LICENSE AGREEMENT.

6 (a) The treatment of sections 23.33 (13) (e), 118.163 (2) (a) and (2m) (a), 125.07
7 (4) (cm), 125.085 (3) (bp), 342.12 (4) (a) and (b), 343.01 (2) (bc) and (bm), 343.02 (3)
8 (a) and (c), 343.027, 343.03 (5) (a), 343.05 (1) (a) and (5) (b) 1., 343.06 (1) (bm) and (2),
9 343.085 (4), 343.10 (2) (a) 3., 343.14 (2j) (by SECTION 18), 343.16 (5) (a), 343.20 (1) (e)
10 1., 343.23 (2) (a) (intro.) (by SECTION 21) and (b) (by SECTION 22), (2m), (3m), and (4)
11 (b), 343.235 (3) (a), 343.237 (2) and (3) (intro.), 343.24 (3) and (4) (c) 1., 343.28 (2),
12 343.30 (1g) (b), (1q) (b) 4., (4), and (5), 343.301 (1) (e) and (2) (d), 343.305 (7) (a) and
13 (b), (9) (a) (intro.) and (am) (intro.), (10) (b) 3. and 4., and (11), 343.31 (1) (intro.) and
14 (hm), (2), (2m), (2r), (2z), and (3) (a), (b), (bg), (bm) (intro.), (c), (d) (intro.), (e), (f), (i),
15 and (j), 343.315 (2) (f) 7., (fm), (h), and (j) (intro.) and (3) (a), (b) (by SECTION 71), (bm),
16 and (d), 343.32 (1), (1m) (a) and (b) (intro.), (1s), (1v), and (2) (a), 343.325 (4), 343.34
17 (1) and (2), 343.345 (by SECTION 83), 343.36 (title), 343.38 (1) (c) 2. c., (2) (by SECTION
18 88), and (4) (intro.), (a), and (b), 343.39 (1) (a) (by SECTION 92) and (2), 343.44 (1) (a),
19 (b), and (c), (2) (am), (2r), (2s), and (4r), 343.50 (8) (b) (by SECTION 101), 344.02 (3),
20 344.08 (1m), 344.13 (2), 344.14 (1r), 344.18 (1m) (a) and (3m) (a), 344.19 (1) and (3)
21 (by SECTION 111), 344.24, 344.25 (7), 344.26 (1), 344.27 (2) and (3), 344.29, 344.30 (1),
22 344.32, 344.33 (1), 344.34, 344.42, 345.23 (2) (c), 345.28 (5) (b) 1. and 2. a., 345.47 (1)
23 (c) (by SECTION 126), 345.48 (2), (3), and (4), 346.65 (2c), (2e), and (6) (a) 3. and (km),
24 350.11 (3) (d), 351.02 (1) (intro.) and (1m), 351.027 (2), 351.03, 351.04, 351.05, 351.06,
25 631.37 (4) (e), 800.09 (1) (c), 938.17 (2) (d) 2., 938.34 (8), (8d) (d), (14m), and (14r) (a),

Handwritten notes: "74-4" with an arrow pointing to line 4.

1 938.342 (1g) (a), 938.343 (2), 938.344 (2e) (b), 938.355 (6) (d) 2. and (6m) (a) 1m.,
2 938.396 (4), and 961.50 (1) (intro.) and (2) of the statutes, the repeal of Sections
3 343.30 (1q) (c) 1. b. and 343.305 (10) (c) 1. b. of the statutes, the renumbering and
4 amendment of sections 343.30 (2j) (a), 343.36 (3), 344.19 (2), and 351.025 (1) of the
5 statutes, the consolidation, renumbering, and amendment of sections 343.30 (1q) (c)
6 1. (intro.), a. and c. and 343.305 (10) (c) 1. (intro.), a. and c. of the statutes, the creation
7 of sections 343.36 (3) (b), (c), and (d), 344.19 (2) (a), and 351.025 (1) (b) of the statutes,
8 and SECTION 9348 (1) of this act take effect on July 1, 2009.

9 (b) The treatment of section 343.02 (3) (b) of the statutes and SECTION 9148 (1)
10 of this act take effect on January 1, 2009.

11 (END)

BILL

INSERT

~~not know, respectively, that he or she did not possess a valid operator's license or that his or her operating privilege was suspended or revoked; or (2) is guilty of a Class H felony if the person knew. A Class H felony is punishable by a maximum fine of \$10,000 or a maximum term of imprisonment of six years or both. If a person who causes great bodily harm or death to another person in the course of an OAR violation has also been convicted of a previous OAR violation within the preceding five-year period, the person is subject to the highest applicable penalty.~~

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 (OAR) or (OWS) or operating a commercial motor vehicle during a period in which the person is disqualified (~~operating while disqualified~~ or 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. In addition, the bill requires a court to revoke a person's operating privilege if the person is convicted of OWL, OWS, or OAR and, in the course of the violation, the person causes great bodily harm or death to another person. The bill also provides that, as with OWS and OAR, DOT may revoke a resident's operating privilege if the resident is convicted in another state for an OWL offense in the course of which the person causes great bodily harm or death to another person.

Under current law, a vehicle operator may not drive on or across a railroad crossing while any traffic officer or railroad employee signals to stop, while any warning device signals to stop, or, if any crossbuck sign is maintained at the crossing, while any train occupies or closely approaches the crossing. A vehicle operator may not drive through or around any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed. A court may revoke a person's operating privilege upon the person's first conviction of any of these violations and must revoke the person's operating privilege upon the person's second or subsequent conviction within a five-year period. The revocation is for six months.

This bill provides for suspension of a person's operating privilege, rather than revocation of the person's operating privilege, for any of these violations.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

IN CL
ANAL-G

operating after revocation

operating while suspended

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

- 1 AN ACT *to amend* 343.30 (6) (d), 343.32 (1m) (d), 938.34 (14r) (c), 938.344 (2e) (c),
- 2 938.355 (6) (d) 2., 938.355 (6m) (a) 1m. and 961.50 (3) of the statutes; **relating**
- 3 **to:** motor vehicle operating privilege suspensions.

Analysis by the Legislative Reference Bureau

Under current law, a person who commits certain underage alcohol beverages violations, who is a juvenile delinquent and has violated a condition of his or her dispositional order, or who is a habitually truant juvenile and has violated a condition of a habitual truancy order may have his or her operating privilege suspended by a court. A person's operating privilege may also be suspended by a court for violating the state's Uniform Controlled Substances Act. If at the time a court suspends a person's operating privilege for such violations, 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.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

and at the time of the suspension

insert ANAL - A

certain

PK

SECTION 1

SECTION ~~4~~ 343.30 (6) (d) of the statutes is amended to read:

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

SECTION ~~2~~ 343.32 (1m) (d) of the statutes is amended to read:

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

SECTION ~~3~~ 938.34 (14r) (c) of the statutes is amended to read:

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

SECTION ~~4~~ 938.344 (2e) (c) of the statutes is amended to read:

938.344 (2e) (c) If the juvenile's license or operating privilege is currently suspended or revoked or the juvenile does not currently possess a valid operator's license under ch. 343, the suspension under this subsection is effective on the date

Insert
23-16

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1 on which the juvenile is first eligible and applies for issuance or reinstatement of an
2 operator's license under ch. 343.

3 **SECTION 5.** 938.355 (6) (d) 2. of the statutes is amended to read:

4 938.355 (6) (d) 2. Suspension of or limitation on the use of the juvenile's
5 operating privilege, as defined under s. 340.01 (40), or of any approval issued under
6 ch. 29 for a period of not more than 3 years. If the juvenile does not hold a valid
7 operator's license under ch. 343, other than an instruction permit under s. 343.07 or
8 a restricted license under s. 343.08, on the date of the order issued under this
9 subdivision, the court may order the suspension to begin on the date that the
10 operator's license would otherwise be reinstated or issued after the juvenile applies
11 and qualifies for issuance or 2 years after the date of the order issued under this
12 subdivision, whichever occurs first on which the juvenile is first eligible for issuance
13 or reinstatement of an operator's license under ch. 343. If the court suspends the
14 juvenile's operating privileges or an approval issued under ch. 29, the court shall
15 immediately take possession of the suspended license or approval and forward it to
16 the department that issued it, together with the notice of suspension.

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

18 938.355 (6m) (a) 1m. Suspension or limitation on the use of the juvenile's
19 operating privilege, as defined under s. 340.01 (40), or of any approval issued under
20 ch. 29 for not more than one year. If the juvenile does not hold a valid operator's
21 license under ch. 343, other than an instruction permit under s. 343.07 or a restricted
22 license under s. 343.08, on the date of the order issued under this subdivision, the
23 court may order the suspension or limitation to begin on the date that the operator's
24 license would otherwise be reinstated or issued after the juvenile applies and
25 qualifies for issuance or 2 years after the date of the order issued under this

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~~subdivision, whichever occurs first on which the juvenile is first eligible for issuance or reinstatement of an operator's license under ch. 343. If the court suspends a juvenile's operating privilege or an approval issued under ch. 29, the court shall immediately take possession of the suspended license or approval and forward it to the department that issued the license or approval with a notice stating the reason for and the duration of the suspension.~~

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

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

SECTION 8. Initial applicability.

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

(END)

71-7

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3225/P1ins
ARG:.....

INSERT 1-1:

(no A) motor vehicle operating privileges and seizures by courts or law enforcement officers of operator's licenses

INSERT ANAL-F:

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.

INSERT 20-14:

SECTION ~~343.30~~ 343.30 (1g) (b) of the statutes is amended to read:

343.30 (1g) (b) A court shall may revoke a person's operating privilege upon the person's conviction for violating s. 343.44 (1) (a), (b), or (d) or a local ordinance in conformity therewith if the person has been convicted of 3 or more prior violations of s. 343.44 (1) (a), (b), or (d), or similar violations under s. 343.44 (1), 1997 stats., or a local ordinance in conformity therewith, within the 5-year period preceding the violation. The Any revocation under this paragraph shall be for a period of 6 months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.

a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80; 2005 a. 277; 2005 a. 443 s. 265; 2005 a. 466.

INSERT 22-16:

~~SECTION 2~~ 343.30 (1q) (h) of the statutes is amended to read:

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

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80; 2005 a. 277; 2005 a. 443 s. 265; 2005 a. 466.

INSERT 29-17:

~~SECTION 3~~ 343.305 (10) (g) of the statutes is amended to read:

343.305 (10) (g) The court or department shall provide that the period of suspension or revocation imposed under this subsection or under sub. (7) shall be reduced by any period of suspension or revocation previously served under s. 343.30

(1p) or (1q) if both suspensions or revocations arose out of the same incident or occurrence. The court or department shall order that the period of suspension or revocation imposed under this subsection or sub. (7) run concurrently with any time remaining on a suspension or revocation imposed under s. 343.30 (1p) or (1q) arising out of the same incident or occurrence. The court or department may order that the period of suspension or revocation imposed under this subsection or sub. (7) run concurrently with any period of time remaining on any other suspension or revocation regardless of whether it arises out of the same incident or occurrence.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413.

INSERT 69-5:

SECTION 4. 938.355 (6) (d) 2. of the statutes is amended to read:

938.355 (6) (d) 2. Suspension of or ~~limitation~~ restriction on the use of the juvenile's operating privilege, as defined under s. 340.01 (40), or of any approval issued under ch. 29 for a period of not more than 3 years. If the juvenile does not hold a valid operator's license under ch. 343, other than an instruction permit under s. 343.07 or a restricted license under s. 343.08, on the date of the order issued under this subdivision, the court may order the suspension to begin on the date ~~that the operator's license would otherwise be reinstated or issued after the juvenile applies and qualifies for issuance or 2 years after the date of the order issued under this subdivision, whichever occurs first on which the juvenile is first eligible for issuance or reinstatement of an operator's license under ch. 343.~~ If the court suspends the juvenile's operating privileges or an approval issued under ch. 29, the court shall immediately take possession of the suspended license or approval and ~~forward it may take possession of, and if possession is taken, shall destroy, the suspended license.~~ The court shall forward to the department that issued it, together with the license

or approval the notice of suspension, together with any approval of which the court takes possession.

SECTION ~~5~~ 938.355 (6m) (a) 1m. of the statutes is amended to read:

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

INSERT 73-20:

SECTION ~~6~~. Initial applicability.

(1) The treatment of sections 343.30 (1g) (b), (1q) (h), and (6) (d), 343.305 (10) (g), 343.32 (1m) (d), 938.34 (14r) (c), 938.344 (2e) (c), 938.355 (6) (d) 2. and (6m) (a) 1m., and 961.50 (3) of the statutes first applies to convictions, suspensions,

revocations, and refusals occurring on the effective date of this subsection, but does not preclude the counting of other convictions, suspensions, or revocations as prior convictions, suspensions, or revocations for purposes of administrative action by the department of transportation, sentencing by a court, or revocation or suspension of motor vehicle operating privileges.

INSERT 74-4:

SECTION ~~7~~ Effective date.

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

Gary, Aaron

From: Gary, Aaron
Sent: Wednesday, November 14, 2007 9:17 AM
To: Mcginnis, Cindy
Subject: LRB-3225/P1

Hi Cindy,

I noticed a mistake I made in this draft. I forgot to include the repeal of s. 343.31 (1) (hm) - so the text doesn't match the analysis. When I redraft it, I will include this inadvertently omitted provision. If others are reviewing the draft, feel free to pass my e-mail along to them.

Thanks. And sorry.

Aaron

Aaron R. Gary
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Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

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LRB

1/28

file Ira Cindy - Grigsby

3225/PI as it relates to

0045/1

6-0645

• update 0045 provisions in 3225

• change requested to Petrowski

Gary, Aaron

From: Gary, Aaron
Sent: Monday, January 28, 2008 12:41 PM
To: McGinnis, Cindy
Subject: LRB-3225

Hi Cindy,

Following up on our conversation, when I looked at this draft, I realized that LRB-3225 never contained as a component any version of LRB-0045. If this issue about LRB-0045 originates from DOT, perhaps DOT was thinking of another draft, not LRB-3225, that might have an early version of LRB-0045 in it. LRB-3225 does have as a component LRB-0048, but that hasn't been reworked like LRB-0045.

I guess the bottom line is whether you/Rep. Petrowski/DOT want LRB-0045 to be added to LRB-3225 or whether it should simply remain a separate bill. I'll be unavailable for much of the afternoon but plan to get back to this tomorrow if you have some guidance for me.

Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

1/28 H/c w/ Cindy

• roll 0045 into 3225

Gary, Aaron

From: Bauknecht, Jason
Sent: Monday, January 28, 2008 11:46 AM
To: Gary, Aaron
Subject: RE: LRB-3225

Hey Aaron,

Thanks for the update. We are indeed working with Rep. Grigsby's office. I appreciate your attention to this draft.

Jason

From: Gary, Aaron
Sent: Monday, January 28, 2008 11:44 AM
To: Bauknecht, Jason
Subject: LRB-3225

Hi Jason,

We had previously discussed LRB-3225. I got a call from Cindy in Rep. Grigsby's office and she advised me that the file would be transferred to Rep. Petrowski. I wanted to confirm with you that this is OK and also let you know that I received the redrafting instructions from DOT/Rep. Grigsby and will get to those shortly.

Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

Gary, Aaron

From: Bauknecht, Jason
Sent: Tuesday, January 29, 2008 9:48 AM
To: Gary, Aaron
Subject: RE: LRB-3225

Aaron, the effective date is fine.

From: Gary, Aaron
Sent: Monday, January 28, 2008 10:59 PM
To: Bauknecht, Jason
Subject: RE: LRB-3225

Jason,
DOT's change was basically rolling another bill (LRB-0045) into LRB-3225, which I've now done. There was one complication in that the other bill had a different delayed effective date (6 months for -0045, 4 months for -3225). To avoid complicating the bill, I used a single effective date, midway between the two - 5 months. Please let me know if this isn't OK.

Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Bauknecht, Jason
Sent: Monday, January 28, 2008 11:46 AM
To: Gary, Aaron
Subject: RE: LRB-3225

Hey Aaron,

Thanks for the update. We are indeed working with Rep. Grigsby's office. I appreciate your attention to this draft.

Jason

From: Gary, Aaron
Sent: Monday, January 28, 2008 11:44 AM
To: Bauknecht, Jason
Subject: LRB-3225

Hi Jason,

We had previously discussed LRB-3225. I got a call from Cindy in Rep. Grigsby's office and she advised me that the file would be transferred to Rep. Petrowski. I wanted to confirm with you that this is OK and also let you know that I received the redrafting instructions from DOT/Rep. Grigsby and will get to those shortly.

Aaron

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