

State of Wisconsin
2007 - 2008 LEGISLATURE

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LRB-3225/EA 1

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Today please

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 AN ACT **to repeal** 343.10 (2) (a) 3., 343.38 (4) (a), 343.38 (4) (b), 344.32 and 345.48
 2 (3); and **to amend** 118.163 (2) (a), 118.163 (2m) (a), 343.05 (1) (a), 343.28 (2),
 3 343.30 (1g) (b), 343.30 (1q) (h), 343.30 (4), 343.30 (6) (d), 343.305 (7) (a), 343.305
 4 (7) (b), 343.305 (9) (a) (intro.), 343.305 (9) (am) (intro.), 343.305 (10) (g), 343.32
 5 (1m) (d), 343.38 (2), 343.38 (4) (intro.), 343.39 (2), 344.18 (1m) (a), 344.18 (3m)
 6 (a), 344.24, 344.26 (1), 344.27 (2), 344.29, 344.30 (1), 344.33 (1), 344.34, 344.42,
 7 345.47 (1) (c), 345.48 (2), 345.48 (4), 631.37 (4) (e), 800.09 (1) (c), 938.17 (2) (d)
 8 2., 938.34 (8), 938.34 (8d) (d), 938.34 (14m), 938.34 (14r) (a), 938.34 (14r) (c),
 9 938.342 (1g) (a), 938.343 (2), 938.344 (2e) (b), 938.344 (2e) (c), 938.355 (6) (d) 2.,
 10 938.355 (6m) (a) 1m., 961.50 (1) (intro.) and 961.50 (3) of the statutes; **relating**
 11 **to:** motor vehicle operating privileges and seizures by courts or law
 12 enforcement officers of operator's licenses.

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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 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.

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

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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 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 OWL if the person has been convicted of three or more prior violations of OAR, OWS, or OWL 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 OWL if the person has been convicted of three or more prior violations of OAR, OWS, or OWL within the preceding five-year period.

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

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:

1 118.163 (2m) (a) A county, city, village or town may enact an ordinance
 2 permitting a court to suspend the operating privilege of a person who is at least 16
 3 years of age but less than 18 years of age and is a dropout. The ordinance shall
 4 provide that the court may suspend the person's operating privilege until the person
 5 reaches the age of 18. The court ~~shall immediately~~ may take possession of any
 6 suspended license ~~and forward it.~~ If the court takes possession of a license, it shall
 7 destroy the license. The court shall forward to the department of transportation
 8 together with a notice stating the reason for and the duration of the suspension.

9 **SECTION 3.** 343.05 (1) (a) of the statutes is amended to read:

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

18 **SECTION 4.** 343.10 (2) (a) 3. of the statutes is repealed.

19 **SECTION 5.** 343.28 (2) of the statutes is amended to read:

20 343.28 (2) Whenever a person is convicted of any offense for which s. 343.31
 21 makes mandatory the revocation by the secretary of such person's operating
 22 privilege, the court in which the conviction occurred ~~shall~~ may require the surrender
 23 to it of any license then held by such person. If the court requires surrender of a
 24 license, the court shall destroy the license. The clerk of the court, or the justice, judge
 25 or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the

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1 department the record of conviction and any surrendered licenses. The record of
2 conviction forwarded to the department, which shall state whether the offender was
3 involved in an accident at the time of the offense, whether the offender was operating
4 a commercial motor vehicle at the time of the offense and, if so, whether the offender
5 was transporting hazardous materials requiring placarding or any quantity of a
6 material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle
7 designed to carry, or actually carrying, 16 or more passengers, including the driver.

8 **SECTION 6.** 343.30 (1g) (b) of the statutes is amended to read:

9 343.30 (1g) (b) A court shall may revoke a person's operating privilege upon the
10 person's conviction for violating s. 343.44 (1) (a), (b), or (d) or a local ordinance in
11 conformity therewith if the person has been convicted of 3 or more prior violations
12 of s. 343.44 (1) (a), (b), or (d), or similar violations under s. 343.44 (1), 1997 stats., or
13 a local ordinance in conformity therewith, within the 5-year period preceding the
14 violation. The Any revocation under this paragraph shall be for a period of 6 months,
15 unless the court orders a period of revocation of less than 6 months and places its
16 reasons for ordering the lesser period of revocation on the record.

17 **SECTION 7.** 343.30 (1q) (h) of the statutes is amended to read:

18 343.30 (1q) (h) The court or department shall provide that the period of
19 suspension or revocation imposed under this subsection shall be reduced by any
20 period of suspension or revocation previously served under s. 343.305 if the
21 suspension or revocation under s. 343.305 and the conviction for violation of s. 346.63
22 (1) or (2m) or a local ordinance in conformity therewith arise out of the same incident
23 or occurrence. The court or department shall order that the period of suspension or
24 revocation imposed under this subsection run concurrently with any period of time
25 remaining on a suspension or revocation imposed under s. 343.305 arising out of the

1 same incident or occurrence. The court or department may order that the period of
2 suspension or revocation imposed under this subsection run concurrently with any
3 period of time remaining on any other suspension or revocation regardless of
4 whether it arises out of the same incident or occurrence. The court may modify an
5 occupational license authorized under s. 343.305 (8) (d) in accordance with this
6 subsection.

7 **SECTION 8.** 343.30 (4) of the statutes is amended to read:

8 343.30 (4) Whenever a court ~~or judge~~ suspends or revokes an operating
9 privilege under this section, the court ~~or judge~~ shall immediately may take
10 possession of any suspended or revoked license ~~and. If the court takes possession of~~
11 a license, it shall destroy the license. The court shall forward it, as provided in s.
12 345.48, to the department ~~together with~~ the record of conviction and notice of
13 suspension or revocation. Whenever a court ~~or judge~~ restricts the operating privilege
14 of a person, the court ~~or judge~~ shall forward notice of the restriction to the
15 department.

16 **SECTION 9.** 343.30 (6) (d) of the statutes is amended to read:

17 343.30 (6) (d) If the person subject to suspension under this subsection does not
18 hold a valid license under this chapter other than a license under s. 343.07 or 343.08
19 on the date of disposition, the suspension under par. (b) shall commence on the date
20 ~~that such a license would otherwise be reinstated or issued after the person applies~~
21 ~~and qualifies for issuance or 2 years from the date of disposition, whichever occurs~~
22 first on which the person is first eligible for issuance, renewal, or reinstatement of
23 an operator's license under this chapter.

24 **SECTION 10.** 343.305 (7) (a) of the statutes is amended to read:

1 343.305 (7) (a) If a person submits to chemical testing administered in
2 accordance with this section and any test results indicate the presence of a detectable
3 amount of a restricted controlled substance in the person's blood or a prohibited
4 alcohol concentration, the law enforcement officer shall report the results to the
5 department and take possession of the person's license and forward it to the
6 department. The person's operating privilege is administratively suspended for 6
7 months.

8 **SECTION 11.** 343.305 (7) (b) of the statutes is amended to read:

9 343.305 (7) (b) If a person who was driving or operating or on duty time with
10 respect to a commercial motor vehicle submits to chemical testing administered in
11 accordance with this section and any test results indicate an alcohol concentration
12 above 0.0, the law enforcement officer may take possession of the person's license and
13 retain the license for 24 hours. The person may reclaim a seized license in person
14 or request return of the license by mail. The law enforcement officer shall issue a
15 citation for violation of s. 346.63 (7) (a) 1., issue citations for such other violations as
16 may apply and issue an out-of-service order to the person for the 24 hours after the
17 testing, and report both the out-of-service order and the test results to the
18 department in the manner prescribed by the department. If the person is a
19 nonresident, the department shall report issuance of the out-of-service order to the
20 driver licensing agency in the person's home jurisdiction.

21 **SECTION 12.** 343.305 (9) (a) (intro.) of the statutes is amended to read:

22 343.305 (9) (a) (intro.) If a person refuses to take a test under sub. (3) (a), the
23 law enforcement officer shall immediately take possession of the person's license and
24 prepare a notice of intent to revoke, by court order under sub. (10), the person's
25 operating privilege. If the person was driving or operating a commercial motor

1 vehicle, the officer shall issue an out-of-service order to the person for the 24 hours
2 after the refusal and notify the department in the manner prescribed by the
3 department. The officer shall issue a copy of the notice of intent to revoke the
4 privilege to the person and submit or mail a copy ~~with the person's license~~ to the
5 circuit court for the county in which the arrest under sub. (3) (a) was made or to the
6 municipal court in the municipality in which the arrest was made if the arrest was
7 for a violation of a municipal ordinance under sub. (3) (a) and the municipality has
8 a municipal court. The officer shall also mail a copy of the notice of intent to revoke
9 to the attorney for that municipality or to the district attorney for that county, as
10 appropriate, and to the department. Neither party is entitled to pretrial discovery
11 in any refusal hearing, except that, if the defendant moves within 30 days after the
12 initial appearance in person or by an attorney and shows cause therefor, the court
13 may order that the defendant be allowed to inspect documents, including lists of
14 names and addresses of witnesses, if available, and to test under s. 804.09, under
15 such conditions as the court prescribes, any devices used by the plaintiff to determine
16 whether a violation has been committed. The notice of intent to revoke the person's
17 operating privilege shall contain substantially all of the following information:

18 **SECTION 13.** 343.305 (9) (am) (intro.) of the statutes is amended to read:

19 343.305 (9) (am) (intro.) If a person driving or operating or on duty time with
20 respect to a commercial motor vehicle refuses a test under sub. (3) (am), the law
21 enforcement officer shall immediately ~~take possession of the person's license~~, issue
22 an out-of-service order to the person for the 24 hours after the refusal and notify the
23 department in the manner prescribed by the department, and prepare a notice of
24 intent to revoke, by court order under sub. (10), the person's operating privilege. The
25 officer shall issue a copy of the notice of intent to revoke the privilege to the person

1 and submit or mail a copy with the person's license to the circuit court for the county
2 in which the refusal is made or to the municipal court in the municipality in which
3 the refusal is made if the person's refusal was in violation of a municipal ordinance
4 and the municipality has a municipal court. The officer shall also mail a copy of the
5 notice of intent to revoke to the attorney for that municipality or to the district
6 attorney for that county, as appropriate, and to the department. Neither party is
7 entitled to pretrial discovery in any refusal hearing, except that, if the defendant
8 moves within 30 days after the initial appearance in person or by an attorney and
9 shows cause therefor, the court may order that the defendant be allowed to inspect
10 documents, including lists of names and addresses of witnesses, if available, and to
11 test under s. 804.09, under such conditions as the court prescribes, any devices used
12 by the plaintiff to determine whether a violation has been committed. The notice of
13 intent to revoke the person's operating privilege shall contain substantially all of the
14 following information:

15 **SECTION 14.** 343.305 (10) (g) of the statutes is amended to read:

16 343.305 (10) (g) The court or department shall provide that the period of
17 suspension or revocation imposed under this subsection or under sub. (7) shall be
18 reduced by any period of suspension or revocation previously served under s. 343.30
19 (1p) or (1q) if both suspensions or revocations arose out of the same incident or
20 occurrence. The court or department shall order that the period of suspension or
21 revocation imposed under this subsection or sub. (7) run concurrently with any time
22 remaining on a suspension or revocation imposed under s. 343.30 (1p) or (1q) arising
23 out of the same incident or occurrence. The court or department may order that the
24 period of suspension or revocation imposed under this subsection or sub. (7) run

SECTION #. 343.31 (1) (hm) of the statutes is repealed

1 concurrently with any period of time remaining on any other suspension or
2 revocation regardless of whether it arises out of the same incident or occurrence.

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

4 343.32 (1m) (d) If the person's license or operating privilege is currently
5 suspended or revoked or the person does not currently possess a valid operator's
6 license issued under this chapter, the suspension or revocation under this subsection
7 is effective on the date on which the person is first eligible and applies for issuance,
8 renewal, or reinstatement of an operator's license under this chapter.

9 **SECTION 16.** 343.38 (2) of the statutes is amended to read:

10 343.38 (2) REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER
11 REVOCATION BY WISCONSIN. A nonresident's operating privilege revoked under the
12 laws of this state is reinstated as a matter of law when the period of revocation has
13 expired and such the nonresident obtains a valid operator's license issued by the
14 jurisdiction of the nonresident's residence and pays the fee specified in s. 343.21 (1)
15 (j).

16 **SECTION 17.** 343.38 (4) (intro.) of the statutes is amended to read:

17 343.38 (4) FIRST ISSUANCE OF LICENSE IN WISCONSIN AFTER SUSPENSION OR
18 REVOCATION BY ANOTHER STATE. (intro.) The department may issue an operator's
19 license to a person moving to this state whose operating privileges have privilege has
20 been previously suspended or revoked in another state jurisdiction when their the
21 person's operating privilege has been reinstated or the person is eligible for
22 reinstatement in that state the other jurisdiction and the following conditions have
23 been met:

24 **SECTION 18.** 343.38 (4) (a) of the statutes is repealed.

25 **SECTION 19.** 343.38 (4) (b) of the statutes is repealed.

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1 SECTION 20. 343.39 (2) of the statutes is amended to read:

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

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

13 344.18 (1m) (a) Unless 3 years have elapsed since the date that a requirement
 14 under sub. (1) (a), (b), (c) or (d) has been met or unless the person is a nonresident,
 15 the person whose operating privilege or registration was suspended or revoked
 16 under s. 344.14 shall file with the department and maintain in effect proof of
 17 financial responsibility in the amount, form and manner specified in this chapter.

18 SECTION 22. 344.18 (3m) (a) of the statutes is amended to read:

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

24 SECTION 23. 344.24 of the statutes is amended to read:

1 **344.24 Applicability of sections relating to proof of financial**
2 **responsibility for the future.** Sections 344.29 to 344.41 are applicable in all cases
3 in which a person is required to deposit proof of financial responsibility for the future,
4 including those cases in which a person is required to deposit proof of financial
5 responsibility for the future under ss. 344.25 to 344.27, those cases in which the
6 deposit of proof of financial responsibility for the future is a condition precedent to
7 reinstatement of an operating privilege or registration suspended or revoked under
8 s. 344.14, 344.18 (3) or 344.19 (3) and those cases in which the deposit of proof of
9 financial responsibility for the future is a condition precedent to issuance of an
10 operator's license under s. 343.38 (4) or reinstatement of an operating privilege
11 revoked under ch. 343.

12 **SECTION 24.** 344.26 (1) of the statutes is amended to read:

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

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

22 **344.27 (2)** The secretary shall not suspend the operating privilege or
23 registration and shall restore any operating privilege or registration suspended
24 following nonpayment of a judgment when the judgment debtor obtains such order
25 permitting the payment of the judgment in installments and, unless 3 years have

1 elapsed since the date on which the order permitting the payment of the judgment
2 in installments is filed with the secretary or unless the judgment debtor is a
3 nonresident, furnishes and maintains proof of financial responsibility for the future.

4 **SECTION 26.** 344.29 of the statutes is amended to read:

5 **344.29 Proof of financial responsibility for the future required.** Proof
6 of financial responsibility for the future shall be furnished by any person required
7 to give such proof under ss. 344.25 to 344.27, those cases in which the deposit of proof
8 of financial responsibility for the future is a condition precedent to reinstatement of
9 an operating privilege or registration suspended or revoked under s. 344.14, 344.18
10 (3) or 344.19 (3) and in those cases in which the deposit of proof of financial
11 responsibility for the future is a condition precedent to ~~issuance of an operator's~~
12 ~~license under s. 343.38 (4) or reinstatement of an operating privilege revoked under~~
13 ~~ch. 343.~~

14 **SECTION 27.** 344.30 (1) of the statutes is amended to read:

15 344.30 (1) Certification of insurance as provided in s. 344.31 ~~or 344.32~~; or

16 **SECTION 28.** 344.32 of the statutes is repealed.

17 **SECTION 29.** 344.33 (1) of the statutes is amended to read:

18 344.33 (1) CERTIFICATION. In this chapter, "motor vehicle liability policy" means
19 a motor vehicle policy of liability insurance, certified as provided in s. 344.31 ~~or~~
20 ~~344.32~~ as proof of financial responsibility for the future, and issued, ~~except as~~
21 ~~otherwise provided in s. 344.32~~, by an insurer authorized to do an automobile
22 liability business in this state to or for the benefit of the person named in the policy
23 as the insured.

24 **SECTION 30.** 344.34 of the statutes is amended to read:

1 **344.34 Notice of cancellation or termination of certified policy.** When
 2 an insurer has certified a motor vehicle liability policy under s. 344.31, ~~a policy under~~
 3 ~~s. 344.32~~ or a bond under s. 344.36, the insurance so certified shall not be canceled
 4 or terminated until at least 10 days after a notice of cancellation or termination of
 5 the insurance so certified has been filed in the office of the secretary. No insurance
 6 so certified may be canceled or terminated by the insurer prior to the expiration of
 7 90 days from the effective date of the certification on the grounds of failure to pay a
 8 premium when due. Such a certified policy or bond subsequently procured shall, on
 9 the effective date of its certification, terminate the insurance previously certified.
 10 Any certification or recertification filed by the same insurer following cancellation
 11 shall be accompanied by a fee of \$3 payable by the insurer.

12 **SECTION 31.** 344.42 of the statutes is amended to read:

13 **344.42 Submission of certifications and recertifications by insurers.**

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

↑ as affected by 2007 Wisconsin Act 201

20 **SECTION 32.** 345.47 (1) (c) of the statutes is amended to read:

21 345.47 (1) (c) If a court ~~or judge~~ suspends an operating privilege under this
 22 section, the court ~~or judge shall immediately~~ may take possession of the suspended
 23 license ~~and. If the court takes possession of a license, it shall destroy the license. The~~
 24 court shall forward it to the department ~~together with the notice of suspension,~~
 25 which shall clearly state that the suspension was for failure to pay a forfeiture, plus

1 costs, fees, and surcharges imposed under ch. 814. The notice of suspension and the
2 suspended license, if it is available, shall be forwarded to the department within 48
3 hours after the order of suspension. If the forfeiture, plus costs, fees, and surcharges
4 imposed under ch. 814, are paid during a period of suspension, the court or judge
5 shall immediately notify the department. Upon receipt of the notice and payment
6 of the ~~reinstatement fee~~ ^{fees} ~~under s. 343.21 (1) (j),~~ ^{← strike →} ~~the department shall return the~~ ^{and (A)}
7 surrendered license.

8 **SECTION 33.** 345.48 (2) of the statutes is amended to read:

9 345.48 (2) If the defendant is found guilty of a traffic violation for which
10 revocation of his or her operating privilege is mandatory under s. 343.31, or for which
11 the court revokes or suspends his or her operating privilege under s. 343.30, the court
12 shall immediately may take possession of the suspended or revoked license. If the
13 court takes possession of a license, it shall destroy the license. The revocation or
14 suspension is effective immediately. The court ordered suspension or revocation
15 shall be included as part of the report of conviction under sub. (1m).

16 **SECTION 34.** 345.48 (3) of the statutes is repealed.

17 **SECTION 35.** 345.48 (4) of the statutes is amended to read:

18 345.48 (4) If notice of appeal is filed the court shall, within 5 working days after
19 it is filed, forward to the department a certificate stating that a notice of appeal has
20 been filed and ~~shall return any surrendered license.~~ Thereafter, the court shall
21 notify the department as required under s. 343.325 (1) (b) and (c).

22 **SECTION 36.** 631.37 (4) (e) of the statutes is amended to read:

23 631.37 (4) (e) *Motor vehicle liability policy.* Section 344.34 applies to motor
24 vehicle liability policies certified under s. 344.31 and to policies certified under s.
25 344.32.

1 **SECTION 37.** 800.09 (1) (c) of the statutes is amended to read:

2 800.09 (1) (c) The court may suspend the defendant's operating privilege, as
3 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
4 and costs are paid, if the defendant has not done so within 60 days after the date the
5 restitution or payments or both are to be made under par. (a) and has not notified the
6 court that he or she is unable to comply with the judgment, as provided under s.
7 800.095 (4) (a), except that the suspension period may not exceed 2 years. The court
8 shall may take possession of the suspended license ~~and shall~~. If the court takes
9 possession of a license, it shall destroy the license. The court shall forward the
10 license, along with a notice of the suspension clearly stating that the suspension is
11 for failure to comply with a judgment of the court, to the department of
12 transportation. This paragraph does not apply if the forfeiture is assessed for
13 violation of an ordinance that is unrelated to the violator's operation of a motor
14 vehicle.

15 **SECTION 38.** 938.17 (2) (d) 2. of the statutes is amended to read:

16 938.17 (2) (d) 2. If a court suspends a license or privilege under subd. 1., the
17 court shall immediately take possession of the applicable license ~~and forward it if~~
18 issued under ch. 29 or, if the license is issued under ch. 343, the court may take
19 possession of, and if possession is taken, shall destroy, the license. The court shall
20 forward to the department that issued the license, ~~together with~~ the notice of
21 suspension stating that the suspension is for failure to pay a forfeiture imposed by
22 the court, together with any license issued under ch. 29 of which the court takes
23 possession. If the forfeiture is paid during the period of suspension, the court shall
24 immediately notify the department, which shall then, if the license is issued under
25 ch. 29, return the license to the person.

1 **SECTION 39.** 938.34 (8) of the statutes is amended to read:

2 938.34 (8) Impose a forfeiture based upon a determination that this disposition
3 is in the best interest of the juvenile and the juvenile's rehabilitation. The maximum
4 forfeiture that the court may impose under this subsection for a violation by a
5 juvenile is the maximum amount of the fine that may be imposed on an adult for
6 committing that violation or, if the violation is applicable only to a person under 18
7 years of age, \$100. The order shall include a finding that the juvenile alone is
8 financially able to pay the forfeiture and shall allow up to 12 months for payment.
9 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
10 other alternatives under this section; or the court may suspend any license issued
11 under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's
12 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. If the court
13 suspends any license under this subsection, the clerk of the court shall immediately
14 take possession of the suspended license and forward it if issued under ch. 29 or, if
15 the license is issued under ch. 343, the court may take possession of, and if possession
16 is taken, shall destroy, the license. The court shall forward to the department which
17 issued the license, ~~together with~~ a notice of suspension stating that the suspension
18 is for failure to pay a forfeiture imposed by the court, together with any license issued
19 under ch. 29 of which the court takes possession. If the forfeiture is paid during the
20 period of suspension, the suspension shall be reduced to the time period which has
21 already elapsed and the court shall immediately notify the department which shall
22 then, if the license is issued under ch. 29, return the license to the juvenile. Any
23 recovery under this subsection shall be reduced by the amount recovered as a
24 forfeiture for the same act under s. 938.45 (1r) (b).

25 **SECTION 40.** 938.34 (8d) (d) of the statutes is amended to read:

1 938.34 (8d) (d) If the juvenile fails to pay the surcharge under par. (a), the court
2 may vacate the surcharge and order other alternatives under this section, in
3 accordance with the conditions specified in this chapter; or the court may suspend
4 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or
5 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less
6 than 30 days nor more than 5 years. If the court suspends any license under this
7 subsection, the clerk of the court shall immediately take possession of the suspended
8 license and forward it if issued under ch. 29 or, if the license is issued under ch. 343,
9 the court may take possession of, and if possession is taken, shall destroy, the license.
10 The court shall forward to the department which issued the license, ~~together with~~
11 a notice of suspension stating that the suspension is for failure to pay a surcharge
12 imposed by the court, together with any license issued under ch. 29 of which the court
13 takes possession. If the surcharge is paid during the period of suspension, the
14 suspension shall be reduced to the time period which has already elapsed and the
15 court shall immediately notify the department which shall then, if the license is
16 issued under ch. 29, return the license to the juvenile.

17 **SECTION 41.** 938.34 (14m) of the statutes is amended to read:

18 938.34 (14m) Restrict or suspend the operating privilege, as defined in s.
19 340.01 (40), of a juvenile who is adjudicated delinquent under a violation of any law
20 in which a motor vehicle is involved. If the court suspends a juvenile's operating
21 privilege under this subsection, the court ~~shall immediately~~ may take possession of
22 the suspended license ~~and forward it.~~ If the court takes possession of a license, it
23 shall destroy the license. The court shall forward to the department of
24 transportation ~~together with~~ a notice stating the reason for and duration of the
25 suspension. If the court limits a juvenile's operating privilege under this subsection,

1 the court shall immediately notify the department of transportation of that
2 limitation.

3 **SECTION 42.** 938.34 (14r) (a) of the statutes is amended to read:

4 938.34 (14r) (a) In addition to any other dispositions imposed under this
5 section, if the juvenile is found to have violated ch. 961, the court shall suspend the
6 juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months
7 nor more than 5 years. The court ~~shall immediately~~ may take possession of any
8 suspended license ~~and forward it. If the court takes possession of a license, it shall~~
9 destroy the license. The court shall forward to the department of transportation
10 ~~together with~~ the notice of suspension stating that the suspension or revocation is
11 for a violation of ch. 961.

12 **SECTION 43.** 938.34 (14r) (c) of the statutes is amended to read:

13 938.34 (14r) (c) If the juvenile's license or operating privilege is currently
14 suspended or revoked or if the juvenile does not currently possess a valid operator's
15 license issued under ch. 343, the suspension under this subsection is effective on the
16 date on which the juvenile is first eligible ~~and applies~~ for issuance or reinstatement
17 of an operator's license under ch. 343.

18 **SECTION 44.** 938.342 (1g) (a) of the statutes is amended to read:

19 938.342 (1g) (a) Suspend the person's operating privilege, as defined in s.
20 340.01 (40), for not less than 30 days nor more than one year. The court ~~shall~~
21 immediately may take possession of the suspended license ~~and forward it. If the~~
22 court takes possession of a license, it shall destroy the license. The court shall
23 forward to the department of transportation ~~together with~~ a notice stating the reason
24 for and duration of the suspension.

25 **SECTION 45.** 938.343 (2) of the statutes is amended to read:

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

18 **SECTION 46.** 938.344 (2e) (b) of the statutes is amended to read:

19 938.344 (2e) (b) Whenever a court suspends a juvenile's operating privilege
20 under this subsection, the court shall ~~immediately~~ may take possession of any
21 suspended license and ~~forward it.~~ If the court takes possession of a license, it shall
22 destroy the license. The court shall forward to the department of transportation,
23 ~~together with~~ the notice of suspension stating that the suspension is for a violation
24 under s. 961.573 (2), 961.574 (2), or 961.575 (2), or a local ordinance that strictly
25 conforms to one of those statutes.

1 **SECTION 47.** 938.344 (2e) (c) of the statutes is amended to read:

2 938.344 **(2e)** (c) If the juvenile's license or operating privilege is currently
3 suspended or revoked or the juvenile does not currently possess a valid operator's
4 license under ch. 343, the suspension under this subsection is effective on the date
5 on which the juvenile is first eligible ~~and applies~~ for issuance or reinstatement of an
6 operator's license under ch. 343.

7 **SECTION 48.** 938.355 (6) (d) 2. of the statutes is amended to read:

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

24 **SECTION 49.** 938.355 (6m) (a) 1m. of the statutes is amended to read:

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

17 **SECTION 50.** 961.50 (1) (intro.) of the statutes is amended to read:

18 961.50 (1) (intro.) If a person is convicted of any violation of this chapter, the
19 court shall, in addition to any other penalties that may apply to the crime, suspend
20 the person's operating privilege, as defined in s. 340.01 (40), for not less than 6
21 months nor more than 5 years. The court ~~shall immediately~~ may take possession of
22 any suspended license ~~and forward it.~~ If the court takes possession of a license, it
23 shall destroy the license. The court shall forward to the department of
24 transportation ~~together with~~ the record of conviction and notice of the suspension.
25 The person is eligible for an occupational license under s. 343.10 as follows:

1 **SECTION 51.** 961.50 (3) of the statutes is amended to read:

2 961.50 (3) If the person's license or operating privilege is currently suspended
3 or revoked or the person does not currently possess a valid operator's license issued
4 under ch. 343, the suspension or revocation under this section is effective on the date
5 on which the person is first eligible and ~~applies~~ for issuance, renewal, or
6 reinstatement of an operator's license under ch. 343.

7 **SECTION 52. Initial applicability.**

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

16 (2) The treatment of sections 343.38 (2) and (4) (intro.), 343.39 (1) (a), 344.18
17 (1m) (a) and (3m) (a), 344.24, 344.26 (1), 344.27 (2), and 344.29 of the statutes and
18 the repeal of section 343.38 (4) (a) and (b) of the statutes first apply to an issuance
19 of operator's licenses or reinstatement of operating privileges or registrations on the
20 effective date of this subsection.

21 (3) The treatment of sections 344.30 (1), 344.32, 344.33 (1), 344.34, 344.42, and
22 631.37 (4) (e) of the statutes first applies to proof of financial responsibility filed with
23 the secretary of transportation on the effective date of this subsection.

24 **SECTION 53. Effective date.**

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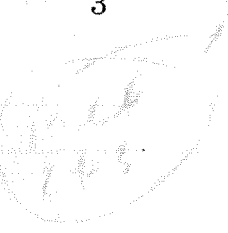
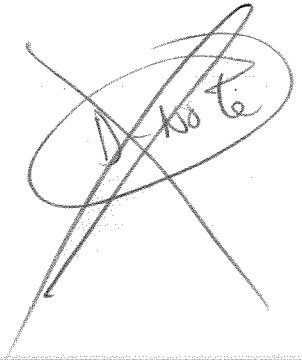
1

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

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(END)



2007 BILL

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1 AN ACT *to repeal* 343.39 (1) (a); *to renumber and amend* 343.26 and 343.39
 2 (3); *to amend* 343.03 (1) (b), 343.06 (2), 343.20 (1) (a), 343.315 (3) (a), 343.315
 3 (3) (b), 343.38 (title), 343.38 (1) (intro.), 343.38 (1) (a), 343.38 (2), 343.38 (3),
 4 343.39 (1) (b) and 343.39 (2); and *to create* 343.26 (2) and 343.38 (3g) and (3r)
 5 of the statutes; **relating to:** reinstatement after revocation, suspension,
 6 disqualification, or cancellation of motor vehicle operating privileges and
 7 licenses and reinstatement of canceled identification cards.

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Analysis by the Legislative Reference Bureau

Current law provides in most cases for automatic reinstatement of a person's suspended ~~motor vehicle~~ 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 ~~the Department of Transportation (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

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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. ~~Not~~

The bill eliminates the two-year expiration period for reinstated licenses if the license is canceled on a basis for which automatic reinstatement applies. ~~The bill also eliminates a requirement under current law 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.~~

For further information see the *state* 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:

SECTION ~~1~~ 343.03 (1) (b) of the statutes is amended to read:

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

SECTION ~~2~~ 343.06 (2) of the statutes is amended to read:

343.06 (2) The department shall not issue a commercial driver license, including a renewal or reinstated license, to any person, or reinstate a person's authorization to operate a commercial motor vehicle, during any period of disqualification under s. 343.315 or 49 CFR 383.51 ~~or, under~~ the law of another jurisdiction ~~in substantial conformity therewith, as the result of one or more~~

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1 ~~disqualifying offenses committed on or after July 1, 1987, disqualifying a person~~
2 ~~from operating a commercial motor vehicle under circumstances similar to those~~
3 ~~specified in s. 343.315 or 49 CFR 383.51, or under a determination by the federal~~
4 ~~motor carrier safety administration that the person is no longer qualified to operate~~
5 ~~a commercial motor vehicle under 49 CFR 391, or to any person whose operating~~
6 ~~privilege is revoked, suspended, or canceled. Any person who is known to the~~
7 ~~department to be subject to disqualification as described in s. 343.44 (1) (d) shall be~~
8 ~~disqualified by the department as provided in s. 343.315.~~

9 ~~SECTION 3~~ 343.20 (1) (a) of the statutes is amended to read:

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

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22 ~~SECTION 4~~ 343.26 of the statutes, as affected by 2007 Wisconsin Act 20, section
23 3290, is renumbered 343.26 (1) and amended to read:

24 343.26 (1) ~~Any~~ Except as provided in sub. (2). any person whose license has
25 been canceled, whether the license has been canceled by the secretary or stands

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SECTION 4

1 canceled as a matter of law, may apply for a new license at any time. Upon receipt
 2 of the application and all required fees, the department shall issue or refuse issuance
 3 of the license as upon an original application. The department may, but need not,
 4 require the applicant to submit to an examination as provided in s. 343.16.

5 **SECTION ~~5~~** 343.26 (2) of the statutes is created to read:

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

9 **SECTION ~~6~~** 343.315 (3) (a) of the statutes is amended to read:

10 343.315 (3) (a) ~~Notwithstanding s. 343.39, if~~ If a person's license or operating
 11 privilege is revoked or suspended as the result of an offense committed after
 12 March 31, 1992, which results in disqualification under sub. (2), the department
 13 shall immediately disqualify the person from operating a commercial motor vehicle
 14 for the period required under sub. (2). The Notwithstanding s. 343.38 (3r), the
 15 person's authorization to operate a commercial motor vehicle shall not be reinstated
 16 upon expiration of the period of revocation or suspension unless the period of
 17 disqualification has also expired. During any period of disqualification in which the
 18 person's license or operating privilege is not revoked or suspended, the department
 19 may issue an operator's license to the person for the operation of vehicles other than
 20 commercial motor vehicles.

21 **SECTION ~~7~~** 343.315 (3) (b) of the statutes, as affected by 2007 Wisconsin Act 20,
 22 is amended to read:

23 343.315 (3) (b) If a person's license or operating privilege is not otherwise
 24 revoked or suspended as the result of an offense committed after March 31, 1992,
 25 which results in disqualification under sub. (2) (a) to (f), (h), (i), or (j), the department

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1 shall immediately disqualify the person from operating a commercial motor vehicle
2 for the period required under sub. (2) (a) to (f), (h), (i), or (j). Upon proper application
3 by the person and payment of the fees specified in s. 343.21 (1) (L) and (n), the
4 department may issue a separate license authorizing only the operation of vehicles
5 other than commercial motor vehicles. Upon expiration of the period of
6 disqualification, the person may apply for authorization to operate commercial
7 motor vehicles under s. 343.26.

8 ~~SECTION 8.~~ 343.38 (title) of the statutes is amended to read:

9 **343.38 (title) License Reinstatement after revocation or, suspension;**
10 **reinstatement of nonresident's operating privilege, cancellation, or**
11 **disqualification.**

12 ~~SECTION 9.~~ 343.38 (1) (intro.) of the statutes is amended to read:

13 343.38 (1) LICENSE REINSTATEMENT AFTER REVOCATION. (intro.) Except as
14 provided in ss. 343.10, 343.39, and 351.07, the department shall not issue a license
15 to reinstate the operating privilege of a person whose operating privilege has been
16 duly revoked unless the period of revocation has expired and such the person:

17 ~~SECTION 10.~~ 343.38 (1) (a) of the statutes, as affected by 2007 Wisconsin Act 20,
18 is amended to read:

19 343.38 (1) (a) Files with Pays to the department an application for license
20 together with all required fees; and

21 ~~SECTION 11.~~ 343.38 (2) of the statutes, as affected by 2007 Wisconsin Act 20,
22 is amended to read:

23 343.38 (2) REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER
24 REVOCATION BY WISCONSIN. A nonresident's operating privilege revoked or suspended
25 under the laws of this state is reinstated as a matter of law when the period of

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1 revocation or suspension has expired and ~~such~~ the nonresident obtains a valid
2 operator's license issued by the jurisdiction of the nonresident's residence and pays
3 the fees specified in s. 343.21 (1) (j) and (n).

4 ~~SECTION 12.~~ 343.38 (3) of the statutes is amended to read:

5 343.38 (3) REINSTATEMENT AFTER SUSPENSION. Except as provided in sub. (2) and
6 s. 343.10, the department shall not issue a license to reinstate the operating privilege
7 of a person whose operating privilege has been duly suspended while the suspension
8 remains in effect. Upon the expiration of the period of suspension, the person's
9 operating privilege is reinstated as provided in s. 343.39 upon receipt by the
10 department of the fees specified in s. 343.21 (1) (j) and (n) and, for reinstatement of
11 an operating privilege suspended under ch. 344, the filing with the department of
12 proof of financial responsibility, if required, in the amount, form, and manner
13 specified under ch. 344.

14 ~~SECTION 13.~~ 343.38 (3g) and (3r) of the statutes are created to read:

15 343.38 (3g) REINSTATEMENT AFTER CERTAIN CANCELLATIONS. (a) The department
16 may reinstate the operator's license of a person whose operator's license has been
17 duly canceled under s. 343.25 (2) or (3) if the person pays the fees specified in s. 343.21
18 (1) (m) and (n) and either the person is at least 18 years of age or the requirements
19 specified in s. 343.15 are satisfied.

20 (b) The department may reinstate the operator's license or identification card
21 of a person whose operator's license or identification card has been duly canceled
22 because of the person's nonpayment of a fee if the person pays that fee, pays any fee
23 required by the department under s. 20.905 (2), and pays the fees specified in s.
24 343.21 (1) (m) and (n).

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

8 (b) Any disqualification under s. 343.315 (2) (g) terminates at the beginning of
 9 the 25th hour following issuance of the citation specified in s. 343.315 (2) (g). If a
 10 person has been disqualified solely on the basis of s. 343.315 (2) (g), the person's
 11 authorization to operate a commercial motor vehicle is automatically reinstated
 12 upon termination of the disqualification, as provided in this paragraph, and no
 13 application or fee is required for reinstatement.

14 (c) If a person is authorized to operate a commercial motor vehicle under s.
 15 343.055, the person's authorization to operate a commercial motor vehicle may be
 16 reinstated without issuance of a commercial driver license to the person.

17 ~~SECTION 14.~~ 343.39 (1) (a) of the statutes, as affected by 2007 Wisconsin Act 20,
 18 is repealed.

19 ~~SECTION 15.~~ 343.39 (1) (b) of the statutes is amended to read:

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

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1 **SECTION 16.** 343.39 (2) of the statutes is amended to read:

2 343.39 (2) Whenever a person's operating privilege is automatically reinstated,
3 the department shall forthwith notify such person thereof and shall return any
4 surrendered and unexpired license in its possession. If the person's license is expired
5 during the period of revocation or suspension, such, the person may renew the license
6 at the standard renewal fee at any time within 30 days after the reinstatement of the
7 person's operating privilege.

8 **SECTION 17.** 343.39 (3) of the statutes is renumbered 343.13 (3) and amended
9 to read:

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10 343.13 (3) If a court has ordered that the a person's operating privilege be
11 restricted for a period of time after the suspension person's operating privilege
12 revocation period is completed to operating vehicles equipped with an ignition
13 interlock device, the license shall include that restriction.

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23-23

SECTION 18. Initial applicability.
(1) ~~This act first applies to reinstatements for which reinstatement fees are received by the department of transportation on the effective date of this subsection.~~
No. 8 (#) 11 This act first applies to reinstatements for which reinstatement fees are received by the department of transportation on the effective date of this subsection.
apply

insert
23-23

SECTION 19. Effective date.
(1) ~~This act takes effect on the first Monday of the 6th month beginning after publication.~~

(END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3225/lins
ARG:.....

INSERT TO INSERT 8-15:

No R The treatment of sections 343.03 (1) (b), 343.06 (2), 343.20 (1) (a), 343.315 (3) (a) and (b), 343.38 (title), (1) (intro.) and (a) ⁽²⁾ and (3), ^(3g) and (3r) ⁽²⁾ and (3) of the statutes, the renumbering and amendment of section 343.26 of the statutes, and the creation of sections ^g 343.26 (2) ^e and ^g 343.38 (3g) and (3r) of the statutes

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

LRB-3225/1dn
ARG:.....

ATTN: Jason Bauknecht

The attached draft incorporates LRB-0045/1 into LRB-3225/P1. These two drafts had different effective dates, which created complications in combining them because each draft treats some of the same provisions. To avoid overcomplicating this draft, I have used a single effective date, midway between the effective dates of LRB-0045/1 and LRB-3225/P1. Please advise if this will not work for you.

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

Barman, Mike

From: Gary, Aaron
Sent: Friday, February 08, 2008 12:17 PM
To: Barman, Mike
Subject: Jacketing LRB-3225

Mike,
Per request of Jason Bauknecht, could you please jacket LRB-3225 for Rep. Petrowski?
Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
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