

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1411/P1dn
BAB:kjf:nwn

February 8, 2007

ATTN: Mike Brown

The attached draft has been prepared in preliminary form. Please review the draft carefully to ensure that it is consistent with your intent. Pursuant to your instructions I have redrafted 2005 AB 391 (LRB-2159/1) but with several changes, including incorporating changes made by 2005 Act 250 to s. 194.41 (1) and 2005 Act 455 to ss. 302.46 (1) (a), 757.05 (1) (a), 814.63 (1) (c), 814.63 (2), 814.65 (1), 814.85 (1) (a), and 814.86 (1).

I have also changed s. 344.10 (1) (b) to address violations of par. (a) 2., rather than par. (a) 1., as it is a driver's failure to produce proof of financial responsibility, rather than the failure to obtain adequate financial responsibility, that will be the violation for which a law enforcement officer will issue a citation. Is this acceptable?

I note that the original version of this draft, LRB-2159, does not address s. 165.755 (1) (b) , which imposes a crime laboratories and drug enforcement surcharge for various violations and is similar in substance and form to s. 814.85 (1) (a) and 814.86 (1), amended in this draft. Do you wish for me to give similar treatment to s. 165.755 (1) (b) and amend it to exclude financial responsibility violations under s. 344.10 (1) (a) 2. from those violations subject to the surcharge?

This draft gives DOT nine months after publication to submit a proposed rule regarding the form of proof of financial responsibility and the act takes effect 12 months after publication. Given that it may take more than three months for the administrative rule under this act to be promulgated, that might result in the act taking effect without the necessary proof form being finalized. Would you like to require DOT to submit the rule within six months after publication, which should eliminate that issue?

Brett A. Balinsky
Legislative Attorney
Phone: (608) 267-7380
E-mail: brett.balinsky@legis.wisconsin.gov