

2007 DRAFTING REQUEST

Bill

Received: 12/20/2007

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Lena Taylor (608) 266-5810

By/Representing: Eric Peterson

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - driver licenses

Extra Copies: BAB

Submit via email: YES

Requester's email: Sen.Taylor@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Occupational licenses for compliance with physical placement orders

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|--------------------|------------------------|----------------|-----------------------|------------------------|-----------------|
| /? | agary 01/08/2008 | jdye 01/08/2008 | | _____ | | | State |
| /1 | | | pgreensl 01/08/2008 | _____ | lparisi 01/08/2008 | sbasford 01/09/2008 | |

FE Sent For:

get intro

<END>

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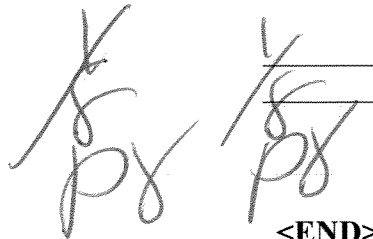
See Attached

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| /? | agary | | | | | | |
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FE Sent For:

Handwritten signatures and initials, including 'agary' and 'ER', with a checkmark above the 'Typed' column in the drafting history table.

<END>

Gary, Aaron

From: Peterson, Eric
Sent: Thursday, December 20, 2007 3:11 PM
To: Gary, Aaron
Subject: Drafting

Aaron,

Please draft LRB 3042/1 as a draft for Senator Taylor. It is a JLC bill that will be introduced in the Assembly, and Senator Taylor would like the Senate Companion, given the shortness of available floorperiods.

Eric

Eric M. Peterson
Office of Senator Lena C. Taylor
608-266-5810

Gary, Aaron

From: Grosz, Scott
Sent: Thursday, December 20, 2007 3:53 PM
To: Gary, Aaron
Subject: RE: LRB-3042

Yes.

Scott Grosz
Staff Attorney
Wisconsin Legislative Council
ph. (608) 266-1307

From: Gary, Aaron
Sent: Thursday, December 20, 2007 3:44 PM
To: Grosz, Scott
Subject: LRB-3042

Hi Scott,

I've received an inquiry about LRB-3042, for which you requested the draft. Do I have permission to release this draft to a legislator?

Thanks. Aaron

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

Soon

3721/1
LRB-3042/1 stays
ARG/jld/pg

in 1/8

RMNR

2007 BILL

SA ✓
X-ref ✓

Regen

1 AN ACT *to amend* 343.10 (1) (a) and (b), 343.10 (4) (b), 343.10 (5) (a) 1. and 343.10
2 (7) (e) of the statutes; **relating to:** motor vehicle occupational licenses issued
3 by the Department of Transportation. ✓

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Strengthening Wisconsin Families. Under current law, certain persons whose operating privilege has been suspended or revoked may be eligible for an occupational license under s. 343.10, stats. Generally, an applicant must describe their occupational motor vehicle needs in order to be granted an occupational license. For purposes of occupational licenses, an "occupation" includes homemaking and full-time or part-time study. Certain restrictions accompany the issuance of an occupational license.

An occupational license must contain definite restrictions as to hours of the day, hours per week, and areas or routes of travel which are permitted under the license. An occupational license may not permit more than 12 hours of operation per day. An

Insert ANAL ✓

BILL

occupational license may not permit more than 60 hours of operation per week. An occupational license may permit travel to and from church and travel necessary to comply with a driver safety plan during specified hours of travel if the travel does not exceed the restrictions as to hours of the day and hours per week. Additional limitations of the occupational license relate to restrictions on the use of alcohol and controlled substances.

The bill authorizes the issuance of an occupational license that may permit travel necessary for a parent to comply with a physical placement order if the travel does not exceed the restrictions as to the hours of the day and hours per week. Additionally, the bill changes the hours per week restriction to allow not more than 12 hours per week in addition to the maximum of 60 hours per week if the additional hours are necessary to comply with a physical placement order. The bill also states that an occupational license may permit travel to and from a place of religious worship in addition to a church.

SECTION 1. 343.10 (1) (a) and (b) of the statutes are amended to read:

343.10 (1) (a) If a person's license or operating privilege is revoked or suspended under this chapter or s. 767.73, 938.34 (14q), 943.21 (3m), or 961.50 and if the person is engaged in an occupation, including homemaking or full-time or part-time study, or ~~a trade making~~ or is required to travel to comply with a physical placement order under ch. 767 so that it is essential that he or she operate a motor vehicle, the person, after payment of the fee provided in sub. (6), may file an application with the department setting forth in detail the need for operating a motor vehicle. No person may file more than one application with respect to each revocation or suspension of the person's license or operating privilege under this chapter or s. 767.73, 938.34 (14q), 943.21 (3m), or 961.50, except that this limitation does not apply to an application to amend an occupational license restriction.

(b) The application shall be in a form established by the department and shall identify the specific motor vehicle that the applicant seeks authorization to operate, including the vehicle classification and any required endorsements. The application shall include an explanation of why operating the motor vehicle is essential to the person's livelihood or to compliance with a physical placement order under ch. 767 and identify the person's occupation or trade or the relevant terms of the placement order. The application shall identify the applicant's employer or the court issuing the

BILL

1 placement order, and include proof of financial responsibility as specified in s. 343.38
2 (1) (c) covering the vehicle or vehicles that the applicant requests authorization to
3 operate. The application shall identify the hours of operation and routes of travel
4 being requested by the applicant in accord with the restrictions of sub. (5).

5 **SECTION 2.** 343.10 (4) (b) of the statutes is amended to read:

6 343.10 (4) (b) If the court grants the petition, the court shall issue an order
7 authorizing the issuance of an occupational license to the person. The order for
8 issuance of an occupational license shall include definite restrictions as to hours of
9 the day, hours per week, type of occupation or relevant terms of a placement order,
10 and areas or routes of travel to be permitted under the license as provided in sub. (5).
11 A copy of the order shall be forwarded to the department. Upon receipt of the court
12 order, the petitioner shall be considered an applicant by the department for purposes
13 of this section. The occupational license issued by the department under this
14 paragraph shall contain the restrictions ordered by the court. If the court denies the
15 petition, the clerk of the court shall notify the department of the denial of the petition.

16 **SECTION 3.** 343.10 (5) (a) 1. of the statutes is amended to read:

17 343.10 (5) (a) 1. In addition to any restrictions appearing on the former
18 operator's license of the applicant, the occupational license shall contain definite
19 restrictions as to hours of the day, not to exceed 12, hours per week, not to exceed 60
20 except as provided in this subdivision, type of occupation or relevant terms of a
21 placement order, and areas or routes of travel which are permitted under the license.
22 The occupational license may permit travel to and from church or another place of
23 religious worship during specified hours if the travel does not exceed the restrictions
24 as to hours of the day and hours per week in this subdivision. If a person is required
25 to travel to comply with a physical placement order, the occupational license may

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1 permit such travel for not more than 12 hours per week in addition to the maximum
2 of 60 hours per week otherwise applicable under this subdivision, but such travel
3 may not exceed the restriction as to hours of the day specified in this subdivision.

4 The occupational license may permit travel necessary to comply with a driver safety
5 plan ordered under s. 343.30 (1q) or 343.305 if the travel does not exceed the
6 restrictions as to hours of the day and hours per week in this subdivision. The
7 occupational license may contain restrictions on the use of alcohol and of controlled
8 substances and controlled substance analogs in violation of s. 961.41.

9 **SECTION 4.** 343.10 (7) (e) of the statutes is amended to read:

10 343.10 (7) (e) The occupational license issued by the department shall contain
11 the restrictions required by sub. (5). The occupational license authorizes the licensee
12 to operate a motor vehicle only when that operation is an essential part of the
13 licensee's occupation or trade or is essential to the licensee's compliance with a
14 physical placement order under ch. 767. If the department determines that the
15 applicant is eligible under sub. (2), the department may impose such conditions and
16 limitations upon the authorization to operate motor vehicles as in the secretary's
17 judgment are necessary in the interest of public safety and welfare, including
18 reexamination of the person's qualifications to operate a motor vehicle or a particular
19 type thereof. The department may limit such authorization to include, without
20 limitation, the operation of particular vehicles, particular kinds of operation and
21 particular traffic conditions.

22 **SECTION 5. Initial applicability.**

23 (1) This act first applies to applications for occupational licenses received by
24 the department of transportation on the effective date of this subsection.

25 **SECTION 6. Effective date.**

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1 (1) This act takes effect on the first day of the 3rd month beginning after
2 publication. ✓

3 (END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3721/lins
ARG:.....

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run spell
check please

INSERT ANAL:

Under current law, with certain exceptions and limitations, a person may apply to the Department of Transportation (DOT) for an occupational license if the person's operating privilege is revoked or suspended for various specified offenses and the person is engaged in an occupation or trade, including study or homemaking, making it essential that he or she operate a motor vehicle. The occupational license must contain definite restrictions as to hours of the day, hours per week, type of occupation, and areas or routes of travel which are permitted under the occupational license. These restrictions may not authorize vehicle operation for more than 12 hours per day and 60 hours per week. The occupational license may permit travel to and from church during specified hours and travel necessary to comply with a driver safety plan if the travel does not exceed these daily and weekly time restrictions.

This bill allows DOT to issue a person an occupational license, regardless of occupational need, if the person is required to travel to comply with a physical placement order and it is essential that he or she operate a motor vehicle to do so. The person's application for an occupational license must explain why operating a motor vehicle is essential to the person's compliance with a physical placement order and identify the court issuing the placement order and the relevant terms of the placement order. The occupational license authorizes the licensee to operate a motor vehicle only when that operation is essential to the licensee's compliance with a physical placement order. An occupational license issued to a person required to travel to comply with a physical placement order may permit travel for not more than 72 hours per week. The bill also allows an occupational license to permit travel to and from any place of religious worship, not just a church.

Duerst, Christina

From: Peterson, Eric
Sent: Wednesday, January 09, 2008 2:17 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-3721/1 Topic: Occupational licenses for compliance with physical placement orders

Please Jacket LRB 07-3721/1 for the SENATE.