



State of Wisconsin
2007 - 2008 LEGISLATURE

Wanted
by 11/9

LRB-0003/P1 P2
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 AN ACT *to repeal* 343.06 (1) (j), 343.14 (2j) (a), 343.17 (3) (a) 14. and 343.22 (1);
2 *to renumber* 343.14 (2j) (b); *to renumber and amend* 343.50 (1) and 343.50
3 (5); *to consolidate, renumber and amend* 343.14 (2) (er) 1. and 2.; *to amend*
4 343.01 (2) (d), 343.03 (3) (intro.), 343.03 (6) (a), 343.06 (1) (L), 343.10 (1) (b),
5 343.10 (2) (a) (intro.), 343.10 (7) (b), 343.10 (7) (d), 343.10 (7) (f), 343.14 (2) (a)
6 and (br), 343.14 (2) (f), 343.14 (3), 343.14 (4m), 343.16 (3) (a), 343.17 (1), 343.17
7 (2), 343.17 (3) (a) 1. and 5., 343.17 (5), 343.19 (1), 343.20 (1) (a), 343.20 (1) (f),
8 343.20 (1m), 343.20 (2) (a), 343.22 (2) (intro.) and (a), 343.22 (2m), 343.22 (3),
9 343.23 (2) (a) (intro.), 343.23 (2) (b), 343.23 (5), 343.26, 343.43 (1) (g), 343.50 (2),
10 343.50 (3), 343.50 (4), 343.50 (6), 343.50 (8) and 343.50 (10) (intro.) and (a); and
11 *to create* 110.09, 343.03 (3m), 343.14 (2) (es) 1. and 4., 343.165, 343.50 (1) (b)
12 and (c), 343.50 (8) (c) and 343.50 (10) (c) of the statutes; **relating to:** motor

1 vehicle operator's licenses and identification cards issued by the Department
of Transportation and granting rule-making authority

2

Analysis by the Legislative Reference Bureau

On May 11, 2005, the federal REAL ID Act of 2005 (the act) was signed into law. Beginning three years after the date of enactment, a federal agency may not accept, for any "official purpose," a motor vehicle operator's license or identification card issued by a state to any person unless the state satisfies requirements contained in the act. Under the act, an "official purpose" includes accessing federal facilities, boarding federally regulated commercial aircraft, and any other purpose identified by the federal Department of Homeland Security (DHS). State compliance with requirements under the act must be certified by the state to DHS. This bill incorporates into state law the requirements contained in the act necessary for federal agencies to recognize for an "official purpose" operator's licenses and identification cards issued by this state.

Under current law, an applicant for an operator's license or identification card issued by the Department of Transportation (DOT) must provide certain information, including the person's full name, residence address, date of birth, sex, physically descriptive information, and social security number or a statement that the person does not have a social security number. DOT must also take a photograph of each applicant for an identification card and, with certain exceptions, of each applicant for an operator's license. In addition, as a result of 2005 Act 126, an applicant for an operator's license or identification card must present documentary proof that the person is either a United States citizen or legally present in the United States. DOT may not issue an operator's license to an applicant who has not provided this documentary proof of citizenship or legal presence, who is not a resident of this state, or who has not provided satisfactory proof of his or her name and date of birth. Each operator's license and identification card issued by DOT must contain, on the front side, the person's full name, date of birth, residence address, a color photograph of the person (unless an exception applies), a physical description of the person (including sex), the license or card number, a facsimile of the person's signature or a space to immediately write the signature, the date of issuance, and the expiration date.

Under current law, DOT may issue a receipt to any applicant for an operator's license, which receipt constitutes a temporary license to operate a motor vehicle while the license application is being processed. This temporary license is not valid for more than 30 days.

Under this bill, DOT may not complete the processing of an application for initial issuance or renewal of an operator's license or identification card received by DOT after May 10, 2008, and no such license or identification card may be issued or renewed, unless the applicant presents or provides, and DOT verifies, all of the following information:

1. An identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth.
2. Documentation showing the applicant's date of birth, which may be the identification document in item 1.
3. Proof of the applicant's social security number or verification that the applicant is not eligible for a social security number.
4. Documentation showing the applicant's name and address of principal residence.
5. Valid documentary proof that the individual is a citizen or national of the United States or an alien lawfully admitted for permanent or temporary residence in the United States or has any of other specified forms of legal status or authorization.

DOT must, in processing ^{the} such an application for an operator's license or identification card, capture a digital image of each document presented or provided. These digital images must be retained, in electronic storage and in a transferable format, in the applicant's file or record for at least ten years. DOT must verify each document required to be presented or provided to DOT in the manner and to the extent required under federal law. DOT must record in the applicant's file or record the date on which verification is completed. DOT may issue a receipt effective as a temporary operator's license or identification card for the period during which DOT processes an application.

The bill does not require that DOT follow this procedure for processing an application for initial issuance or renewal of an operator's license or identification card received by DOT after May 10, 2008, if in connection with a prior application after May 10, 2008, the applicant previously presented or provided, and DOT verified, all of this information and DOT recorded the date on which the verification procedures were completed in DOT's file or record of the applicant. However, DOT must establish an effective procedure to confirm or verify such an applicant's renewal information.

The bill ~~also~~ requires that, for certain ^{noncitizen} applicants who present or provide specified forms of status or authorization of legal presence in the United States, DOT issue operator's licenses or identification cards displaying, on the front of the license or card, ~~the~~ ^a legend "Noncitizen Temporary License" or "Noncitizen Temporary Identification Card." An operator's license or identification card displaying such a legend may not be renewed unless the applicant presents or provides valid documentary proof showing that DHS extended the status by which the applicant qualified for the license or identification card.

Under current law, as a result of 2005 Act 126, an operator's license or identification card issued to a noncitizen must expire on the date that the person's legal presence in the United States is no longer authorized unless the documentary proof provided to show authorized legal presence does not state an end date for the person's authorized legal presence.

Under this bill, an operator's license or identification card ^{issued to a noncitizen} displaying a "Noncitizen Temporary License" or "Noncitizen Temporary Identification Card" legend must expire on the date that the person's legal presence in the United States

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identifying
the license
as temporary

identifying the license or card as temporary

is no longer authorized or, if the documentary proof provided to show authorized legal presence does not state an end date for the person's authorized legal presence, one year after the date of license or identification card issuance. The bill also specifies that DOT must cancel an operator's license or identification card upon receiving information from a local, state, or federal government agency that the applicant no longer satisfies the legal presence requirements for issuance of a license or identification card.

Under current law, most operator's licenses issued by DOT must be renewed every eight years, and identification cards must be renewed every four years. To renew most operator's licenses, DOT must administer an examination of the applicant's eyesight and take the applicant's photograph.

Under this bill, for any license renewal at other than an eight-year interval based upon a license expiration related to the period of the person's authorized legal presence, DOT may determine whether to take the applicant's photograph or to examine the applicant, or both, at the time of the renewal, so long as the applicant's photograph is taken, and the applicant is examined, with a license renewal at least once every eight years and the applicant's license at all times includes a photograph. For any identification card renewal at other than a four-year interval based upon a license expiration related to the period of the person's authorized legal presence, DOT may determine whether to take the applicant's photograph at the time of the renewal, so long as the applicant's photograph is taken with a card renewal at least once every four years and the applicant's card at all times includes a photograph.

The bill specifies that each operator's license or identification card must include the applicant's full legal name, principal residence address, and signature. Every operator's license and identification card must also include a digital color photograph of the applicant, including facial image capture. The bill also specifies that an applicant who does not provide a social security number must provide the basis for his or her ineligibility for a social security number. The bill retains the requirement under current law that the operator's license expiration date appear on the license, which usually will coincide with the date of expiration of a noncitizen's authorized legal presence. However, where the date of expiration of a noncitizen's authorized legal presence is later than the date of expiration of the operator's license, the bill eliminates any requirement created under 2005 Act 126 that the date of expiration of the person's authorized legal presence appear on the license in addition to the date of expiration of the license.

Under current law, each operator's license must be, to the maximum extent practicable, tamper proof. This bill requires that each operator's license and identification card contain physical security features consistent with any requirement under federal law.

Under current law, DOT may not issue an operator's license to a person previously licensed in another state unless the person surrenders to DOT any valid operator's license issued to the person by another state. This bill prohibits DOT from issuing an identification card to a person previously licensed in another state unless the person surrenders to DOT any valid operator's license issued to the person by another state.

Under current law, DOT must, upon request, provide to the commercial driver license information system and the driver licensing agencies of other states any applicant or driver record information maintained by DOT. This bill specifies that DOT must, upon request, provide to any driver licensing agency of another state, the District of Columbia, any province of Canada, or any U.S. commonwealth, territory, or possession, and to the Department of Health and Family Services (DHFS), electronic access to any record or file of an operator's license or identification card applicant, including any photograph, signature, or social security number appearing in such a record or file.

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The bill ~~also~~ requires that DOT record in each licensee's operating record, and in each identification card holder's record, the information in all data fields printed on the person's license or card. DOT must also record in each person's operating record any demerit points assessed to the person.

The bill requires DOT to implement certain security procedures with regard to the issuance of operator's licenses and identification cards. The bill requires DOT to perform background investigations, using fingerprint analyses by the Federal Bureau of Investigation, on persons hired to fill positions in the Division of Motor Vehicles (DMV). The bill also requires a background investigation on current DMV employees at least once every five years. The background investigations are for the purpose of verifying identity and obtaining criminal histories.

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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:

1 SECTION 1. 110.09 of the statutes is created to read:

2 **110.09 Background investigations of certain ~~employees~~ (1)** (a)

(B) persons

3 Notwithstanding ss. 111.321, 111.322, and 111.335, the department of
4 transportation, with the assistance of the department of justice, shall conduct a
5 background investigation of any person who has been selected to fill a position within
6 the division of motor vehicles. The department of transportation shall require the
7 person to be fingerprinted on 2 fingerprint cards each bearing a complete set of the
8 person's fingerprints, or by other technologies approved by law enforcement
9 agencies. The department of justice shall submit the fingerprint cards to the federal

1 bureau of investigation for the purposes of verifying the identity of the person
2 fingerprinted and obtaining records of his or her criminal arrests and convictions.

3 (2) (b) (Notwithstanding ss. 111.321, 111.322, and 111.335, at least once every 5
4 years the department of transportation shall conduct a background investigation, in
5 the manner specified in sub. (1), of any person employed by the department within
6 the division of motor vehicles.

****NOTE: I have removed what was created s. 110.09 (2) in 2005 LRB-4307/P1. These provisions simply contained directives for DOT to adopt procedures and practices that it is already authorized to do even without including specific statutory provisions in this bill.

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7 SECTION 2. 343.01 (2) (d) of the statutes is amended to read:

8 343.01 (2) (d) "Photograph" means an unretouched image recorded by a camera
9 and reproduced on a photosensitive surface, or a digitized digital image.

10 SECTION 3. 343.03 (3) (intro.) of the statutes is amended to read:

11 343.03 (3) LICENSE VARIANTS. (intro.) Except for restricted licenses under s.
12 343.08 or temporary licenses under s. 343.10, 343.11 (1) or (3), 343.16 (6) (b), or
13 343.305 (8) (a), each operator's license issued by the department shall be in one of the
14 following categories with a descriptive legend displayed on the top front side of the
15 license document:

16 SECTION 4. 343.03 (3m) of the statutes is created to read:

17 343.03 (3m) NONCITIZEN TEMPORARY LICENSE. If the issuance of any license
18 described under sub. (3) requires the license applicant to present any documentary
19 proof specified in s. 343.14 (2) (es) 4. to 7., the license shall display on the top front

20 side of the license the legend "Noncitizen Temporary License," in addition to any

21 legend or label described in sub. (3). The license may not be renewed except as
22 provided in s. 343.165 (4) (c).

This noncitizen temporary

^ a legend identifying the license as temporary

****NOTE: Section 343.17 (3) (a) does not refer to the legends currently required under s. 343.03 (3) to be on the front side of the license, so I don't believe it is necessary to treat s. 343.17 (3) (a) to add reference to the "temp" legend required under created s. 343.03 (3m) to be on the front side of the license.

1 **SECTION 5.** 343.03 (6) (a) of the statutes is amended to read:

2 343.03 (6) (a) The Notwithstanding ss. 343.027, 343.14 (2j) (b), and 343.237 (2),

3 the department shall, upon request, provide to the commercial driver license

4 information system and the driver licensing agencies of other states jurisdictions,

5 and the department of health and family services any applicant or driver record

6 information maintained by the department of transportation, including providing

7 electronic access to any record or file under s. 343.23 (1) or (2).

****NOTE: I have changed this provision from the LRB-4307/P1 draft to include DHFS. This change would create a broad disclosure exception with respect to DHFS, broader than that applicable with respect to DWD and DOR. Is this OK? Also, the same change is made for ID cards in created s. 343.50 (8) (c) of this draft.

8 **SECTION 6.** 343.06 (1) (j) of the statutes is repealed.

9 **SECTION 7.** 343.06 (1) (L) of the statutes, as created by 2005 Wisconsin Act 126,
10 is amended to read:

11 343.06 (1) (L) To any person who does not ~~provide the documentary proof~~
12 described in s. 343.14 (2) (er) satisfy the requirements under s. 343.165.

13 **SECTION 8.** 343.10 (1) (b) of the statutes is amended to read:

14 343.10 (1) (b) The Subject to s. 343.165, the application shall be in a form
15 established by the department and shall identify the specific motor vehicle that the
16 applicant seeks authorization to operate, including the vehicle classification and any
17 required endorsements. The application shall include an explanation of why
18 operating the motor vehicle is essential to the person's livelihood and identify the
19 person's occupation or trade. The application shall identify the applicant's employer,
20 and include proof of financial responsibility as specified in s. 343.38 (1) (c) covering

1 the vehicle or vehicles that the applicant requests authorization to operate. The
 2 application shall identify the hours of operation and routes of travel being requested
 3 by the applicant in accord with the restrictions of sub. (5).

****NOTE: I have not made any changes to what were bill SECTIONS 10 to 12 of
 LRB-4307/P1. If DOT determines that the issuance requirements of the REAL ID Act
 won't apply to issuance of occupational licenses, these provisions will need to be revised.

4 **SECTION 9.** 343.10 (2) (a) (intro.) of the statutes is amended to read:

5 343.10 (2) (a) (intro.) Except as provided in pars. (b) to (e), and subject to s.
 6 343.165, a person is eligible for an occupational license if the following conditions are
 7 satisfied:

8 **SECTION 10.** 343.10 (7) (b) of the statutes is amended to read:

9 343.10 (7) (b) The Subject to s. 343.165, the department shall issue an
 10 occupational license as soon as practicable upon receipt of an application to the
 11 department under sub. (1) or an order from a court under sub. (4) or s. 351.07 for such
 12 a license, if the department determines that the applicant is eligible under sub. (2).

13 **SECTION 11.** 343.10 (7) (d) of the statutes is amended to read:

14 343.10 (7) (d) An occupational license issued by the department under this
 15 subsection shall be in the form of a ~~photo~~ license that includes a photograph
 16 described in s. 343.14 (3) and any special restrictions cards under s. 343.17 (4). The
 17 license shall clearly indicate that restrictions on a special restrictions card apply and
 18 that the special restrictions card is part of the person's license.

19 **SECTION 12.** 343.10 (7) (f) of the statutes is amended to read:

20 343.10 (7) (f) The expiration date of the occupational license is the 2nd working
 21 day after the date of termination of the period of revocation or suspension as provided
 22 by law, or the expiration date determined under s. 343.20 (1m), whichever is earlier.

23 The occupational license may be revoked, suspended or canceled before termination

1 of that period. An occupational license is not renewable when it expires. If an
2 occupational license expires and is not revoked, suspended or canceled, the licensee
3 may obtain a new license upon that expiration but only if he or she complies with the
4 conditions specified in ^{plain text} s. ss. 343.165 and 343.38. Revocation, suspension or
5 cancellation of an occupational license has the same effect as revocation, suspension
6 or cancellation of any other license.

7 **SECTION 13.** 343.14 (2) (a) and (br) of the statutes are amended to read:

8 343.14 (2) (a) The full legal name and principal residence address of the
9 applicant;

10 (br) If the applicant does not have a social security number, a statement made
11 or subscribed under oath or affirmation that the applicant does not have a social
12 security number and is not eligible for a social security number. The statement shall
13 provide the basis or reason that the applicant is not eligible for a social security
14 number, as well as any information requested by the department that may be needed
15 by the department for purposes of verification under s. 343.165 (1) (c). The form of
16 the statement shall be prescribed by the department, with the assistance of the
17 department of workforce development. A license that is issued or renewed under s.
18 343.17 in reliance on a statement submitted under this paragraph is invalid if the
19 statement is false.

****NOTE: As requested in the redraft instructions, this draft requires DOT, rather than DWD, to prescribe the statement related to not having a social security number. Do you want ss. 343.61 (2) (a) 1m. and 343.62 (2) (am) also amended so that DOT prescribes the similar form related to driver schools? Also, I have not treated s. 343.305 (6) (e) 2. am. because that the responsibility under that provision falls on DHFS, not DOT.

20 **SECTION 14.** 343.14 (2) (er) 1. and 2. of the statutes, as created by 2005
21 Wisconsin Act 126, are consolidated, renumbered 343.14 (2) (es) (intro.) and
22 amended to read:

1 343.14 (2) (es) (intro.) ~~Documentary~~ Subject to sub. (2g) (a) 2. d. and s. 343.125
2 (2) (a) and (b), valid documentary proof that the individual is a citizen or national of
3 the United States or documentary proof that the individual is legally present an alien
4 lawfully admitted for permanent or temporary residence in the United States. 2. If
5 the individual is not a citizen of the United States, he or she shall provide
6 documentary proof of his or her status as a legal permanent resident or conditional
7 resident, ~~a~~ or has any of the following:

8 2. A valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry
9 into the United States, ~~a~~ pending or.

10 3. An approved application for asylum in the United States, ~~valid entry or has~~
11 entered into the United States in refugee status, ~~a~~.

12 5. A pending or approved application for temporary protected status in the
13 United States, ~~approved.~~

14 6. Approved deferred action status, ~~or a~~.

15 7. A pending application for adjustment of status to legal that of an alien
16 lawfully admitted for permanent resident status residence in the United States or
17 conditional permanent resident status in the United States.

18 **SECTION 15.** 343.14 (2) (es) 1. and 4. of the statutes are created to read:

19 343.14 (2) (es) 1. Conditional permanent resident status in the United States.

20 4. A pending application for asylum in the United States.

21 **SECTION 16.** 343.14 (2) (f) of the statutes is amended to read:

22 343.14 (2) (f) ~~Such~~ Subject to s. 343.165 (1), such further information as the
23 department considers appropriate to identify the applicant, including biometric
24 data, and such information as the department may reasonably require to enable it
25 to determine whether the applicant is by law entitled to the license applied for;

1 **SECTION 17.** 343.14 (2j) (a) of the statutes is repealed.

2 **SECTION 18.** 343.14 (2j) (b) of the statutes is renumbered 343.14 (2j).

3 **SECTION 19.** 343.14 (3) of the statutes is amended to read:

4 343.14 (3) The department shall, as part of the application process, take a
5 digital photograph including facial image capture of the applicant to comply with s.
6 343.17 (3) (a) 2. ~~Except where specifically exempted by statute or by rule of the~~
7 ~~department, no~~ No application may be processed without the photograph being
8 taken. ~~In~~ Except as provided in s. 343.165 (4) (d), in the case of renewal licenses, the
9 photograph shall be taken once every 8 years, and shall coincide with the appearance
10 for examination which is required under s. 343.16 (3). ~~The department may make~~
11 ~~provision for issuance of a license without a photograph if the applicant is stationed~~
12 ~~outside the state in military service and in specific situations where the department~~
13 ~~deems such action appropriate.~~

14 **SECTION 20.** 343.14 (4m) of the statutes is amended to read:

15 343.14 (4m) The Subject to s. 343.17 (2), the department shall develop designs
16 for licenses and identification cards which are resistant to tampering and forgery ~~no~~
17 ~~later than January 1, 1989.~~ Licenses and licenses and identification cards issued on
18 or after January 1, 1989, shall incorporate the designs required under this
19 subsection.

20 **SECTION 21.** 343.16 (3) (a) of the statutes is amended to read:

21 343.16 (3) (a) The Except as provided in s. 343.165 (4) (d), the department shall
22 examine every applicant for the renewal of an operator's license once every 8 years.
23 The department may institute a method of selecting the date of renewal so that such
24 examination shall be required for each applicant for renewal of a license to gain a
25 uniform rate of examinations. The examination shall consist of a test of eyesight.

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1 The department shall make provisions for giving such examinations at examining
 2 stations in each county to all applicants for an operator's license. The person to be
 3 examined shall appear at the examining station nearest the person's place of
 4 residence or at such time and place as the department designates in answer to an
 5 applicant's request. In lieu of examination, the applicant may present or mail to the
 6 department a report of examination of the applicant's eyesight by an
 7 ophthalmologist, optometrist or physician licensed to practice medicine. The report
 8 shall be based on an examination made not more than 3 months prior to the date it
 9 is submitted. The report shall be on a form furnished and in the form required by
 10 the department. The department shall decide whether, in each case, the eyesight
 11 reported is sufficient to meet the current eyesight standards.

12 SECTION 22. 343.165 of the statutes is created to read:

13 **343.165 Processing license and identification card applications. (1)**

14 The department may not complete the processing of an application for initial
 15 issuance, ^{or} renewal, or reinstatement of an operator's license or identification card,
 16 including an occupational license, or for a reissued or duplicate operator's license,
 17 received by the department after May 10, 2008, and no such license or identification
 18 card may be issued, ^{or} renewed, reinstated, or reissued unless the applicant presents
 19 or provides, and the department verifies under sub. (3), all of the following
 20 information:

****NOTE: In response to the redraft comments, I have not changed s. 343.165 (1) (intro.); I can't really do so until I know which transactions will fall outside the new REAL ID requirements. (See comment earlier under s. 343.10 about occupational license issuance maybe not being included in these requirements.)

21 (a) An identification document that includes either the applicant's photograph
 22 or both the applicant's full legal name and date of birth.

1 (b) Documentation showing the applicant's date of birth, which may be the
2 identification document under par. (a).

3 (c) Proof of the applicant's social security number or, except as provided in s.
4 343.14 (2g) (a) 4., verification that the applicant is not eligible for a social security
5 number.

6 (d) Documentation showing the applicant's name and address of principal
7 residence.

8 (e) Subject to ss. 343.125 (2) (a) and (b) and 343.14 (2g) (a) 2. d., the
9 documentary proof described in s. 343.14 (2) (es).

10 **(2)** (a) The department shall, in processing any application for an operator's
11 license or identification card under sub. (1), capture a digital image of each document
12 presented or provided to the department by an applicant. Images captured under
13 this paragraph shall be maintained, in electronic storage and in a transferable
14 format, in the applicant's file or record as provided under ss. 343.23 (2) (a) and 343.50
15 (8) (a).

****NOTE: It's my understanding that DOT will only maintain the digital images.
DOT might keep a paper copy for a few days if equipment is down, but will eventually
maintain only the electronic version. Accordingly, I have eliminated the reference to the
paper copy.

16 (b) The department shall record in the applicant's file under s. 343.23 (2) (a) or
17 record under s. 343.50 (8) (a) the date on which verification under subs. (1) and (3)
18 is completed.

19 **(3)** (a) Except as provided in pars. (b) and (c), the department shall verify, in
20 the manner and to the extent required under federal law, each document presented
21 or provided, and required to be presented or provided, to the department by an
22 applicant under sub. (1).

****NOTE: I have substantially revised created s. 343.165 (3) in an effort to account for the uncertainty of DHS rule making and of what will ultimately be required of DOT. To this end, I have made the statutory provision related to verification more general. The details of verification may be established by rule. Under s. 343.02 (1), DOT already has authority to promulgate rules to administer the chapter. (DOT is also required to promulgate rules related to license design and specifications. See s. 343.17 (6).)

1 (b) The department may not accept any foreign document, other than an official
2 passport, to satisfy a requirement under sub. (1).

3 (c) For purposes of par. (a) and sub. (1) (c), if an applicant presents a social
4 security number that is already registered to or associated with another person, the
5 department shall direct the applicant to investigate and take appropriate action to
6 resolve the discrepancy and shall not issue any operator's license or identification
7 card until the discrepancy is resolved. The department shall adopt procedures for
8 purposes of verifying that an applicant is not eligible for a social security number.

9 (4) (a) Subsection (1) does not apply to an application for renewal of an
10 operator's license or identification card, initial issuance of an occupational license,
11 reinstatement of an operator's license as provided under s. 343.38 (3) or 343.39,
12 issuance of a duplicate license, or reissuance of an operator's license, received by the
13 department after May 10, 2008, if in connection with a prior application after May
14 10, 2008, the applicant previously presented or provided, and the department
15 verified, the information specified in sub. (1) and the department recorded the date
16 on which the verification procedures were completed as described in sub. (2) (b).

17 (b) The department shall establish an effective procedure to confirm or verify
18 an applicant's information for purposes of any application described in par. (a). The
19 procedure shall include verification of the applicant's social security number or
20 ineligibility for a social security number.

****NOTE: As stated in the note under created s. 343.165 (1) (intro.), and as noted in DOT's redraft instructions, this provision will need to be changed if some of these transactions fall outside the REAL ID requirements.

1 (c) Notwithstanding pars. (a) and (b), no operator's license displaying the
2 legend Noncitizen Temporary License under s. 343.03 (3m) or identification card
3 displaying the legend Noncitizen Temporary Identification Card under s. 343.50 (3)
4 may be renewed unless the applicant presents or provides valid documentary proof
5 under sub. (1) (e) and this proof shows that the status by which the applicant
6 qualified for the license or identification card has been extended by the secretary of
7 the federal department of homeland security.

8 (d) With any license renewal following a license expiration established under
9 s. 343.20 (1m) at other than an 8-year interval, the department may determine
10 whether the applicant's photograph is to be taken, or the applicant is to be examined,
11 or both, at the time of such renewal, so long as the applicant's photograph is taken,
12 and the applicant is examined, with a license renewal at least once every 8 years and
13 the applicant's license at all times includes a photograph. With any identification
14 card renewal following an identification card expiration established under s. 353.50
15 (5) (c) at other than a 4-year interval, the department may determine whether the
16 applicant's photograph is to be taken at the time of such renewal, so long as the
17 applicant's photograph is taken with a card renewal at least once every 4 years and
18 the applicant's identification card at all times includes a photograph.

19 (5) During the period in which the department processes an application under
20 this section, the department may issue a receipt under s. 343.11 (3) or 343.50 (1) (c).

21 **SECTION 23.** 343.17 (1) of the statutes is amended to read:

22 343.17 (1) LICENSE ISSUANCE. The Subject to s. 343.165, the department shall
23 issue an operator's license and endorsements, as applied for, to every qualifying
24 applicant who has paid the required fees.

25 **SECTION 24.** 343.17 (2) of the statutes is amended to read:

insert
15-18 →

1 343.17 (2) LICENSE DOCUMENT. The license shall be a single document, in
2 ~~one-part~~ one part, consisting of 2 sides, except as otherwise provided in sub. (4) and
3 s. 343.10 (7) (d). The document shall be, to the maximum extent practicable, tamper
4 proof and shall contain physical security features consistent with any requirement
5 under federal law.

6 **SECTION 25.** 343.17 (3) (a) 1. and 5. of the statutes are amended to read:

7 343.17 (3) (a) 1. The full legal name, date of birth, and principal residence
8 address of the person.

9 5. ~~A facsimile of the~~ The person's signature, or a space upon which the licensee
10 ~~shall immediately write his or her usual signature with a pen and ink on receipt of~~
11 ~~the license, without which the license is not valid.~~

****NOTE: Per DOT's redraft instructions, I think this statutory change would
adequately allow for a procedure whereby the applicant signs his or her name on an
electronic signature pad at the DMV counter and the digitized signature is then printed
on the license.

12 **SECTION 26.** 343.17 (3) (a) 14. of the statutes, as created by 2005 Wisconsin Act
13 126, is repealed.

14 **SECTION 27.** 343.17 (5) of the statutes is amended to read:

15 343.17 (5) NO PHOTOS ON CERTAIN TEMPORARY LICENSES. The temporary licenses
16 issued under ss. 343.10, 343.11 (1) and (3), 343.16 (6) (b) and 343.305 (8) (a) shall be
17 on forms provided by the department and shall contain the information required by
18 sub. (3), except the license is not required to include a photograph of the licensee.
19 This subsection does not apply to a noncitizen temporary license, as described in s.
20 343.03 (3m).

21 **SECTION 28.** 343.19 (1) of the statutes is amended to read:

22 343.19 (1) If a license issued under this chapter or an identification card issued
23 under s. 343.50 is lost or destroyed or the name or address named in the license or

1 identification card is changed or the condition specified in s. 343.17 (3) (a) 12. or 13.
2 no longer applies, the person to whom the license or identification card was issued
3 may obtain a duplicate thereof or substitute therefor upon furnishing proof
4 satisfactory to the department of full legal name and date of birth and that the license
5 or identification card has been lost or destroyed or that application for a duplicate
6 license or identification card is being made for a change of address or name or
7 because the condition specified in s. 343.17 (3) (a) 12. or 13. no longer applies. If the
8 applicant is a male who is at least 18 years of age but less than 26 years of age, the
9 application shall include the information required under s. 343.14 (2) (em). If the
10 original license or identification card is found it shall immediately be transmitted to
11 the department. ~~Duplicates of nonphoto licenses shall be issued as nonphoto~~
12 ~~licenses.~~

****NOTE: The last sentence of this provision could be amended to apply only to temporary licenses not required under s. 343.17 (5) to include a photograph. However, since the provision would have such limited applicability, I think it is better to simply strike the whole sentence. Is that OK?

13 **SECTION 29.** 343.20 (1) (a) of the statutes is amended to read:

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

↑ delete strike = plain

delete strike = plain

1 is valid for less than the ordinary effective period as authorized by this paragraph,

2 the fees due under s. 343.21 (1) (a), (b) and (d) shall be prorated accordingly.

delete strike = plain

3 SECTION 30. 343.20 (1) (f) of the statutes, as created by 2005 Wisconsin Act 126,
4 is amended to read:

5 343.20 (1) (f) The department shall cancel an operator's license, regardless of
6 the license expiration date, if the department is notified by receives information from
7 a local, state, or federal government agency that the operator is no longer a citizen
8 of the United States, a legal permanent resident of the United States, or a conditional
9 resident of the United States, or otherwise not legally present in the United States
10 licensee no longer satisfies the requirements for issuance of a license under ss. 343.14
11 (2) (es) and 343.165 (1) (e).

12 SECTION 31. 343.20 (1m) of the statutes, as created by 2005 Wisconsin Act 126,
13 is amended to read:

14 343.20 (1m) ~~A~~ Notwithstanding sub. (1) (a) and (e), and except as provided
15 in s. 343.165 (4) (c) and as otherwise provided in this subsection, a license that is
16 issued to a person who is not a United States citizen and who provides documentary
17 proof of legal status as provided under s. 343.14 (2) ~~(e)~~ (es) shall expire on the date
18 that the person's legal presence in the United States is no longer authorized or on the
19 expiration date determined under sub. (1), whichever date is earlier. If the
20 documentary proof as provided under s. 343.14 (2) ~~(e)~~ (es) does not state the date
21 that the person's legal presence in the United States is no longer authorized, sub. (1)
22 shall apply except that, if the license was issued or renewed based upon the person's
23 presenting of any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the license
24 shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance or
25 renewal.

1 **SECTION 32.** 343.20 (2) (a) of the statutes is amended to read:

2 343.20 (2) (a) The department shall mail to the last-known address of a
3 licensee at least 30 days prior to the expiration of the license a notice of the date upon
4 which the license must be renewed. If the license was issued or last renewed based
5 upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es)
6 4. to 7., the notice shall inform the licensee of the requirement under s. 343.165 (4)
7 (c).

8 **SECTION 33.** 343.22 (1) of the statutes is repealed.

9 **SECTION 34.** 343.22 (2) (intro.) and (a) of the statutes are amended to read:

10 343.22 (2) (intro.) Whenever any person, after applying for or receiving a
11 license ~~containing a photograph~~ under this chapter, or an identification card under
12 s. 343.50, moves from the address named in the application or in the license or
13 identification card issued to him or her or is notified by the local authorities or by the
14 postal authorities that the address so named has been changed, the person shall,
15 within ~~10~~³⁰ days thereafter, do one of the following:

16 (a) Apply for a duplicate license or identification card showing on the
17 application the correct full legal name and address. The licensee or identification
18 card holder shall return the current license or identification card to the department
19 along with the application for duplicate.

20 **SECTION 35.** 343.22 (2m) of the statutes is amended to read:

21 343.22 (2m) Whenever any person, after applying for or receiving a license
22 ~~containing a photograph~~ under this chapter, or an identification card under s. 343.50,
23 is notified by the local authorities or by the postal authorities that the address named
24 in the application or in the license or identification card issued to him or her has been
25 changed and the person applies for a duplicate license or identification card under

1 sub. (2), no fee shall be charged under s. 343.21 (1) (L) or 343.50 (7) for the duplicate
2 license or identification card.

3 **SECTION 36.** 343.22 (3) of the statutes is amended to read:

4 343.22 (3) When the name of a licensee or identification card holder is changed,
5 such person shall, ^{strike} within ~~10~~³⁰ days thereafter, apply for a duplicate license or
6 identification card showing the correct full legal name and address. The licensee or
7 identification card holder shall return the current license or identification card to the
8 department along with the application for a duplicate. If the licensee holds more
9 than one type of license under this chapter, the licensee shall return all such licenses
10 to the department along with one application and fee for a duplicate license for which
11 the licensee may be issued a duplicate of each such license.

****NOTE: I have not amended s. 343.22(3) to cover both change of name and change of gender/sex. Do you want me to? I have also not included any other language in the draft related to gender/sex change. I would think that if you want such language, it would need to focus on obtaining a new license with new picture and (most likely) new name.

12 **SECTION 37.** 343.23 (2) (a) (intro.) of the statutes is amended to read:

13 343.23 (2) (a) (intro.) The department shall maintain a file for each licensee or
14 other person containing the application for license, permit or endorsement, a record
15 of reports or abstract of convictions, any demerit points assessed under authority of
16 s. 343.32 (2), the information in all data fields printed on any license issued to the
17 person, any notice received from the federal transportation security administration
18 concerning the person's eligibility for an "H" endorsement specified in s. 343.17 (3)
19 (d) 1m., the status of the person's authorization to operate different vehicle groups,
20 a record of any out-of-service orders issued under s. 343.305 (7) (b) or (9) (am), a
21 record of the date on which any background investigation specified in s. 343.12 (6)
22 (a) or (d) was completed, a record of the date on which any verification specified in
23 s. 343.165 (1) and (3) was completed, all documents required to be maintained under

1 s. 343.165 (2) (a), and a record of any reportable accident in which the person has
2 been involved, including specification of any type of license and endorsements issued
3 under this chapter under which the person was operating at the time of the accident
4 and an indication whether or not the accident occurred in the course of any of the
5 following:

6 **SECTION 38.** 343.23 (2) (b) of the statutes is amended to read:

7 343.23 (2) (b) The information specified in pars. (a) and (am) must be filed by
8 the department so that the complete operator's record is available for the use of the
9 secretary in determining whether operating privileges of such person shall be
10 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest
11 of public safety. The record of suspensions, revocations, and convictions that would
12 be counted under s. 343.307 (2) shall be maintained permanently, except that the
13 department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1)
14 (b) 1., 346.63 (1) (b), or 350.101 (1) (b) after 10 years, if the person who committed the
15 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
16 time of the violation, if the person does not have a commercial driver license, if the
17 violation was not committed by a person operating a commercial motor vehicle, and
18 if the person has no other suspension, revocation, or conviction that would be counted
19 under s. 343.307 during that 10-year period. The record of convictions for
20 disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10
21 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) and
22 (j), and all records specified in par. (am), shall be maintained for at least 3 years. The
23 record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be
24 maintained permanently, except that 5 years after a licensee transfers residency to
25 another state such record may be transferred to another state of licensure of the

1 licensee if that state accepts responsibility for maintaining a permanent record of
2 convictions for disqualifying offenses. Such reports and records may be cumulative
3 beyond the period for which a license is granted, but the secretary, in exercising the
4 power of suspension granted under s. 343.32 (2) may consider only those reports and
5 records entered during the 4-year period immediately preceding the exercise of such
6 power of suspension. The department shall maintain the digital images of
7 documents specified in s. 343.165 (2) (a) for at least 10 years.

8 **SECTION 39.** 343.23 (5) of the statutes is amended to read:

9 343.23 (5) The department shall maintain the files specified in this section in
10 a form that is appropriate to the form of the records constituting those files. Records
11 under sub. (1) and files under sub. (2) shall be maintained in an electronic and
12 transferable format accessible for the purpose specified in s. 343.03 (6) (a).

13 **SECTION 40.** 343.26 of the statutes is amended to read:

14 **343.26 License after cancellation.** Any person whose license has been
15 canceled, whether the license has been canceled by the secretary or stands canceled
16 as a matter of law, may apply for a new license at any time. Upon receipt of the
17 application and the required fee, and after processing the application as provided in
18 s. 343.165, the department shall issue or refuse issuance of the license as upon an
19 original application. The department may, but need not, require the applicant to
20 submit to an examination as provided in s. 343.16.

21 **SECTION 41.** 343.43 (1) (g) of the statutes is amended to read:

22 343.43 (1) (g) Deface or alter a license except to endorse a change of address
23 authorized by s. 343.22 (1) ~~or~~ (2).

24 **SECTION 42.** 343.50 (1) of the statutes is renumbered 343.50 (1) (a) and
25 amended to read:

1 343.50 (1) (a) The Subject to par. (b) and s. 343.165, the department shall issue
2 to every qualified applicant, who has paid the required fee, an identification card as
3 provided in this section.

4 **SECTION 43.** 343.50 (1) (b) and (c) of the statutes are created to read:

5 343.50 (1) (b) The department may not issue an identification card to a person
6 previously issued an operator's license in another jurisdiction unless the person
7 surrenders to the department any valid operator's license possessed by the person
8 issued by another jurisdiction, which surrender operates as a cancellation of the
9 license insofar as the person's privilege to operate a motor vehicle in this state is
10 concerned. Within 30 days following issuance of the identification card under this
11 section, the department shall destroy any operator's license surrendered under this
12 paragraph and report to the jurisdiction that issued the surrendered operator's
13 license that the license has been destroyed and the person has been issued an
14 identification card in this state.

****NOTE: In response to the redraft instruction comment for bill SECTION 45, amending s. 341.11 (1) to include IDs (or amending created s. 343.50 (1) (b) to include IDs as well as DLs) would create a broader provision than that required under the REAL ID Act. See REAL ID Act sec. 202 (d) (6). Since in my opinion the REAL ID Act does not require it, I have not made the change at this time. However, if you think it is a good idea on a policy level, please let me know and I will make the change. Also, the redraft instruction comment for bill SECTION 24 is addressed in the following provision, created s. 343.50 (1) (c).

15 (c) The department may issue a receipt to any applicant for an identification
16 card, which receipt shall constitute a temporary identification card while the
17 application is being processed and shall be valid for a period not to exceed 30 days.

18 **SECTION 44.** 343.50 (2) of the statutes is amended to read:

19 343.50 (2) WHO MAY APPLY. Any resident of this state who does not possess a
20 valid operator's license which contains the resident's photograph issued under this
21 chapter may apply to the department for an identification card pursuant to this

score →

identifying the card as temporary

1 section. The card is not a license for purposes of this chapter and is to be used for
2 identification purposes only.

3 SECTION 45. 343.50 (3) of the statutes is amended to read:

4 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as
5 an operator's license but shall be of a design which is readily distinguishable from
6 the design of an operator's license and bear upon it the words "IDENTIFICATION
7 CARD ONLY". The information on the card shall be the same as specified under
8 s. 343.17 (3). If the issuance of the card requires the applicant to present any
9 documentary proof specified in s. 343.14 (2) (es) 4. to 7., the card shall display, on the

10 top front side of the card, the legend "Noncitizen Temporary Identification Card."

11 The card shall contain physical security features consistent with any requirement
12 under federal law. The card may serve as a document of gift under s. 157.06 (2) (b)
13 and (c) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The
14 card may also serve as a document of refusal to make an anatomical gift under s.
15 157.06 (2) (i). The card shall contain the holder's photograph and, if applicable, shall
16 be of the design specified under s. 343.17 (3) (a) 12.

17 SECTION 46. 343.50 (4) of the statutes, as affected by 2005 Wisconsin Act 126,
18 is amended to read:

19 343.50 (4) APPLICATION. The application for an identification card shall include
20 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em),
21 and ~~(er)~~ (es), and such further information as the department may reasonably
22 require to enable it to determine whether the applicant is entitled by law to an
23 identification card. The Except with respect to renewals described in s. 343.165 (4)
24 (d), the department shall, as part of the application process, take a digital
25 photograph including facial image capture of the applicant to comply with sub. (3).

1 ~~No~~ Except with respect to renewals described in s. 343.165 (4) (d), no application may
2 be processed without the photograph being taken. Misrepresentations in violation
3 of s. 343.14 (5) are punishable as provided in s. 343.14 (9).

4 **SECTION 47.** 343.50 (5) of the statutes, as affected by 2005 Wisconsin Act 126,
5 is renumbered 343.50 (5) (a) and amended to read:

6 343.50 (5) (a) The fee for an original card, for renewal of a card, and for the
7 reinstatement of an identification card after cancellation under sub. (10) shall be \$9.

8 The

9 (b) Except as provided in par. (c) and s. 343.165 (4) (c), an original or reinstated
10 card shall be valid for the succeeding period of 4 years from the applicant's next
11 birthday after the date of issuance, ~~except that a,~~ and a renewed card shall be valid
12 for the succeeding period of 4 years from the card's last expiration date.

13 (c) Except as provided in s. 343.165 (4) (c) and as otherwise provided in this
14 paragraph, an identification card that is issued to a person who is not a United States
15 citizen and who provides documentary proof of legal status as provided under s.
16 343.14 (2) ~~(er)~~ (es) shall expire on the date that the person's legal presence in the
17 United States is no longer authorized or on the expiration date determined under
18 par. (b), whichever date is earlier. If the documentary proof as provided under s.
19 343.14 (2) ~~(er)~~ (es) does not state the date that the person's legal presence in the
20 United States is no longer authorized, then the card shall be valid for the ~~succeeding~~
21 ~~period of 4 years from the applicant's next birthday after the date of issuance~~
22 specified in par. (b) except that, if the card was issued or renewed based upon the
23 person's presenting of any documentary proof specified in s. 343.14 (2) (es) 4. to 7.,
24 the card shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance
25 or renewal.

1 **SECTION 48.** 343.50 (6) of the statutes, as affected by 2005 Wisconsin Act 126,
2 is amended to read:

3 343.50 (6) **RENEWAL NOTICE.** At least 30 days prior to the expiration of the an
4 identification card, the department shall mail a renewal application to the
5 last-known address of each identification the card holder. If the card was issued or
6 last renewed based upon the person's presenting of any documentary proof specified
7 in s. 343.14 (2) (es) 4. to 7., the notice shall inform the card holder of the requirement
8 under s. 343.165 (4) (c). The department shall include with the application
9 information, as developed by all organ procurement organizations in cooperation
10 with the department, that promotes anatomical donations and which relates to the
11 anatomical donation opportunity available under s. 343.175. The fee for a renewal
12 identification card shall be \$9, which card shall be valid for 4 years, except that a card
13 that is issued to a person who is not a United States citizen and who provides
14 documentary proof of legal status as provided under s. 343.14 (2) (er) shall expire on
15 the date that the person's legal presence in the United States is no longer authorized.
16 If the documentary proof as provided under s. 343.14 (2) (er) does not state the date
17 that the person's legal presence in the United States is no longer authorized, then
18 the card shall be valid for 4 years.

19 **SECTION 49.** 343.50 (8) of the statutes is amended to read:

20 343.50 (8) **RECORDS AND OTHER INFORMATION.** (a) The department shall
21 maintain current records of all identification card holders under this section in the
22 same manner as required under s. 343.23 for operator's licenses. For each
23 identification card applicant, the record shall include any application for an
24 identification card received by the department, any reinstatement or cancellation of
25 an identification card by the department, the information in all data fields printed

1 on any identification card issued to the applicant, a record of the date on which any
2 verification specified in s. 343.165 (1) and (3) was completed, and all documents
3 required to be maintained under s. 343.165 (2) (a). The department shall maintain
4 the digital images of documents specified in s. 343.165 (2) (a) for at least 10 years.
5 Records under this paragraph shall be maintained in an electronic and transferable
6 format accessible for the purpose specified in par. (c).

7 (b) The department may not disclose any record or other information
8 concerning or relating to an applicant or identification card holder to any person
9 other than a court, district attorney, county corporation counsel, city, village or town
10 attorney, law enforcement agency, the applicant or identification card holder or, if the
11 applicant or identification card holder is under 18 years of age, his or her parent or
12 guardian. Except for photographs disclosed to a law enforcement agency under s.
13 343.237, persons entitled to receive any record or other information under this
14 paragraph shall not disclose the record or other information to other persons or
15 agencies. This paragraph does not prohibit disclosure under par. (c) or the disclosure
16 of a person's name or address, of the name or address of a person's employer or of
17 financial information that relates to a person when requested under s. 49.22 (2m) by
18 the department of workforce development or a county child support agency under s.
19 59.53 (5).

20 **SECTION 50.** 343.50 (8) (c) of the statutes is created to read:

21 343.50 (8) (c) (Notwithstanding par. (b) and ss. 343.027, 343.14 (2j) (b), and
22 343.237 (2), the department shall, upon request, provide to the driver licensing
23 agencies of other jurisdictions and to the department of health and family services
24 any record maintained by the department of transportation under this subsection,
25 including providing electronic access to any such record.

insert
27-25 →

1 SECTION 51. 343.50 (10) (intro.) and (a) of the statutes are amended to read:

2 343.50 (10) CANCELLATION. (intro.) The department shall cancel an
3 identification card under any of the following circumstances:

4 (a) Whenever the department determines that the card was issued upon an
5 application which contains a false statement as to any material matter; ~~or,~~

6 SECTION 52. 343.50 (10) (c) of the statutes is created to read:

7 343.50 (10) (c) Whenever the department receives information from a local,
8 state, or federal government agency that the card holder no longer satisfies the
9 requirements for issuance of a card under ss. 343.14 (2) (es) and 343.165 (1) (e). A
10 card cancelled under this paragraph may not be reinstated under sub. (5) until these
11 requirements are again satisfied.

****NOTE: I have not changed what were bill SECTIONS 53 and 54 of LRB-4307/P1. After much discussion at our meeting as to whether these bill SECTIONS are necessary, we decided to leave these provisions "as is" for now. Please let me know if you want created s. 343.50 (10) (c) omitted from the draft. We also discussed whether the similar provision for driver licenses should be included in the draft. That provision, however, is current law, so a repeal would be called for rather than simply deleting a newly created provision. If you want to repeal s. 343.20 (1) (f), created in 2005 Act 126 and amended in this draft, please let me know. I believe s. 343.25 (4) was the primary authority suggesting s. 343.20 (1) (f) might not be necessary.

12 SECTION 53. Initial applicability.

13 (1) The treatment of section 110.09 (1) of the statutes first applies to persons
14 selected to fill positions on the effective date of this subsection.

****NOTE: I have not included any other initial applicability provision because I believe the in-text initial applicability provision in s. 343.165 is sufficient.

15 SECTION 54. Effective dates. This act takes effect on the day after publication,

16 except as follows:

17 (1) The treatment of section 110.09 (1) of the statutes and SECTION 53 of this act
18 takes effect on January 1, 2008.

****NOTE: I have not changed the effective date of most of the provisions of this draft. I am aware of not reasonably workable method of providing for a contingent

Insert 28-14

Insert 28-16
EFF DATE
No B

May 11, 2008

AR X (1) AR X 2

(a) ✓

~~effective date should the REAL ID Act's implementation date be delayed. However, such a contingency could easily be addressed through an amendment during the budget process if there is a political will to do so.~~

1

(END)

D Note ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0003/P2dn

ARG:f:....

WJ

ATTN: Erin Egan

Please review the attached draft carefully to ensure that the changes are consistent with your intent. If you would like to see a marked-up copy identifying the precise changes, I can provide that.

I have made changes to created ss. 343.03 (3m) ✓ and 343.165 (4) (c) ✓ and amended s. 343.50 (3) ✓ with regard to the noncitizen temporary license/ID card brand. I eliminated the specific language and changed "top front" to "front." I believe these changes conform to the requirements of the REAL ID Act. See sec. 202 (c) (2) (C) (iii) (requiring the license or ID card to "clearly indicate that it is temporary").

Created s. 110.09 is significantly altered in this draft. In this version, s. 110.09 (2) relates to employer background investigations. I am still not completely clear on the intent of this, so please let me know if I have missed the target.

Please let me know if you would like any changes made to the attached draft or if you have any questions.

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

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0003/P2ins
ARG:.....

INSERT ANAL-A:

~~Not~~ The bill also allows DOT to promulgate rules requiring applications for reinstatement of operator's licenses or identification cards, issuance of occupational licenses, reissuance of operator's licenses, or issuance of duplicate licenses to be processed in the same manner.

INSERT ANAL-B:

~~Not~~ The bill also allows DOT to provide to the Department of Health and Family Services (DHFS) certain applicant information for the sole purpose of verification by DHFS of birth certificate information.

INSERT ANAL-C:

~~Not~~ The bill ~~also~~ allows DOT to require, as a precondition to allowing access to any information maintained by DMV, that any person to whom this information will be made available submit to a background investigation conducted by the person's employer. This background investigation may include having the person fingerprinted and having the fingerprints submitted to the FBI for purposes of verifying the person's identity and obtaining records of his or her criminal arrests and convictions. DOT may require that the employer certify the results of the background investigation and, based upon these results, may deny or restrict access to DMV information. DOT must promulgate rules governing these background investigations and ~~governing~~ ^{the governing} confidentiality of background information obtained by employers or by DOT.

* The bill also extends, from ~~ten~~ ¹⁰ days to 30 days, the period ~~in~~ ^{the} ~~which~~ ^{an} applicant or holder of an operator's license or identification card must inform DOT of a change of ~~in~~ address or name. ~~the~~ ^{STET}

INSERT 6-6:

(c) The department shall promulgate rules governing confidentiality of information obtained under this subsection. ✓

(2) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may require, as a precondition to allowing access to any information maintained by the division of motor vehicles, that any person to whom ~~such~~ ^{the} information will be made

available submit to a background investigation as provided in this subsection. Notwithstanding ss. 111.321, 111.322, and 111.335, the department may require the employer, including any state agency, of any person to whom ~~such~~^{the} information will be made available to conduct the background investigation in a manner prescribed by the department, including requiring that any ~~such~~^{such} person be fingerprinted in the manner described in sub. (1) (a) and that these fingerprints be provided to the department of justice for submission to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions. Notwithstanding ss. 111.321, 111.322, and 111.335, the department may require that the employer certify the results of the background investigation and, based upon these results, may deny or restrict access to any information requested. The department may require background investigations under this subsection on a periodic basis. Any cost associated with the requirements under this subsection is the responsibility of the employer. The department shall promulgate rules governing background investigations, and confidentiality of information obtained, under this subsection.

INSERT 11-2:

SECTION ~~1~~ 343.14 (2r) of the statutes is created to read:

343.14 (2r) Notwithstanding sub. (2j), the department may, upon request, provide to the department of health and family services any applicant information maintained by the department of transportation and identified in sub. (2), including providing electronic access to ~~such~~^{the} information, for the sole purpose of verification by the department of health and family services of birth certificate information.

INSERT 15-18:

(5) The department may, by rule, require that applications for reinstatement of operator's licenses or identification cards, issuance of occupational licenses, reissuance of operator's licenses, or issuance of duplicate licenses, received by the department after May 10, 2008, be processed in a manner consistent with the requirements established under this section for applications for initial issuance or renewal of operator's licenses and identification cards.

INSERT 27-25:

2. Notwithstanding par. (b) and s. 343.14 (2j), the department may, upon request, provide to the department of health and family services any applicant information maintained by the department of transportation and identified in s. 343.14 (2), including providing electronic access to ^{the} such information, for the sole purpose of verification by the department of health and family services of birth certificate information.

INSERT 28-14:

AR. XI → (2) The treatment of section 110.09 (2) of the statutes first applies to persons requesting access to information on the effective date of this subsection.

INSERT 28-16:

(1) The treatment of section 110.09 (2) of the statutes and **SECTION 53** (2) of this act takes ~~effect~~ effect on the first day of the 4th month beginning after publication.

AR. XI → **AR. XI**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0003/P2dn
ARG:wlj:jf

November 9, 2006

ATTN: Erin Egan

Please review the attached draft carefully to ensure that the changes are consistent with your intent. If you would like to see a marked-up copy identifying the precise changes, I can provide that.

I have made changes to created ss. 343.03 (3m) and 343.165 (4) (c) and amended s. 343.50 (3) with regard to the noncitizen temporary license/ID card brand. I eliminated the specific language and changed "top front" to "front." I believe these changes conform to the requirements of the REAL ID Act. See sec. 202 (c) (2) (C) (iii) (requiring the license or ID card to "clearly indicate that it is temporary").

Created s. 110.09 is significantly altered in this draft. In this version, s. 110.09 (2) relates to employer background investigations. I am still not completely clear on the intent of this, so please let me know if I have missed the target.

Please let me know if you would like any changes made to the attached draft or if you have any questions.

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

Gary, Aaron

From: Baetsen, Karen
Sent: Tuesday, November 14, 2006 9:39 AM
To: Gary, Aaron
Cc: Egan, Erin; Hammer, Paul; Newman, Kenneth
Subject: RE: Quick review of LRB-0003/P2
Importance: High

Hi Aaron,

I know we talked about this last Friday and we initially said just incorporate the modification to s.110 below in the DOA draft. We've thought about this again and as long as you can still "draft for DOT" (up until DOA calls for the draft), then please work on a REAL ID draft 0003/P3 for us to incorporate the following 2 changes:

- 1) Erin's comments regarding employee background checks to s. 110; noted below.
- 2) Repeal of that portion of section 21 of 0003/P2 , s. 343.16(3)(a) that requires 'giving an eyesight examination in each county' -- lines 15-16 of this section. The DOT biennial budget submittal on 11-10-06 proposed closing remote travel sites across the state which would result in no presence in some counties.

Let me know if this is unclear or if you have any questions. Thanks!!

Karen Baetsen

Department of Transportation
Office of Policy, Budget and Finance
Room 132B Hill Farms
608/ 266-0179
karen.baetsen@dot.state.wi.us

-----Original Message-----

From: Egan, Erin
Sent: Thursday, November 09, 2006 3:28 PM
To: Gary, Aaron
Cc: Baetsen, Karen
Subject: Quick review of LRB-0003/P2

Hi Aaron,

I did a quick review of LRB-0003/P2 - I'm off tomorrow, so today is the last day I can talk to you directly!!

The *only* comment I have is on Section 1, for the background checks. The section you added, starting on page 6, line 17 is almost perfect. The only thing I would tweak is that the background check itself should be mandatory, with the fingerprint based portion of the background check permissive. (In other words, we want all outside entities to conduct the DOJ name-based background check at minimum, and would like the authority to request a fingerprint based background check if needed).

Otherwise, the changes you made to s. 343.165 and the temporary license brand look great. Thank you!!

Erin Egan
Legislative Liaison
Division of Motor Vehicles
(608) 266-1449