



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0003/13 1

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DOA Budget

D-Note

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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 (2) (a)
5 (intro.), 343.10 (7) (b), 343.10 (7) (d), 343.10 (7) (f), 343.14 (2) (a) and (br), 343.14
6 (2) (f), 343.14 (3), 343.14 (4m), 343.16 (3) (a), 343.17 (1), 343.17 (2), 343.17 (3)
7 (a) 1. and 5., 343.17 (5), 343.19 (1), 343.20 (1) (a), 343.20 (1) (f), 343.20 (1m),
8 343.20 (2) (a), 343.22 (2) (intro.) and (a), 343.22 (2m), 343.22 (3), 343.23 (2) (a)
9 (intro.), 343.23 (2) (b), 343.23 (5), 343.26, 343.43 (1) (g), 343.50 (2), 343.50 (3),
10 343.50 (4), 343.50 (6), 343.50 (8) and 343.50 (10) (intro.) and (a); and *to create*
11 110.09, 343.03 (3m), 343.14 (2) (es) 1. and 4., 343.14 (2r), 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
2 of Transportation and granting rule-making authority.

head →

TRANSPORTATION

subhead →

DRIVERS AND MOTOR VEHICLES

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 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 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.

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 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, a legend identifying the license as temporary. 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 legend identifying the license or card as temporary must expire on the date that the person's legal presence in the United States 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 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. 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.

The bill 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 (FBI), 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.

DOT must also 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. The employer must certify the results of the background investigation and, based upon these results, DOT may deny or restrict access to DMV information. DOT must promulgate rules governing these background investigations and the confidentiality of background information obtained by employers or by DOT.

Under current law, to renew most operator's licenses, DOT must administer an examination of the applicant's eyesight and make provisions for giving eyesight examinations at examining stations in each county. Under this bill, DOT eyesight examinations at examining stations are not required to be provided in each county.

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

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 persons. (1) (a)**

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

12 (b) Notwithstanding ss. 111.321, 111.322, and 111.335, at least once every 5
13 years the department of transportation shall conduct a background investigation, in
14 the manner specified in par. (a), of any person employed by the department within
15 the division of motor vehicles.

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

18 **(2)** Notwithstanding ss. 111.321, 111.322, and 111.335, the department shall
19 require, as a precondition to allowing access to any information maintained by the
20 division of motor vehicles, that any person to whom the information will be made
21 available submit to a background investigation as provided in this subsection.

1 Notwithstanding ss. 111.321, 111.322, and 111.335, the department shall require the
2 employer, including any state agency, of any person to whom the information will be
3 made available to conduct the background investigation in a manner prescribed by
4 the department. The department may require, as part of this background
5 investigation, that the person be fingerprinted in the manner described in sub. (1)
6 (a) and that these fingerprints be provided to the department of justice for
7 submission to the federal bureau of investigation for the purposes of verifying the
8 identity of the person fingerprinted and obtaining records of his or her criminal
9 arrests and convictions. Notwithstanding ss. 111.321, 111.322, and 111.335, the
10 department shall require that the employer certify the results of the background
11 investigation and, based upon these results, may deny or restrict access to any
12 information requested. In addition to the initial background investigation required
13 under this subsection, the department may require on a periodic basis subsequent
14 background investigations consistent with this subsection for persons with ongoing
15 access to information. Any cost associated with the requirements under this
16 subsection is the responsibility of the employer. The department shall promulgate
17 rules governing background investigations, and confidentiality of information
18 obtained, under this subsection.

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

20 343.01 (2) (d) "Photograph" means an unretouched image recorded by a camera
21 and reproduced on a photosensitive surface, or a digitized digital image.

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

23 343.03 (3) LICENSE VARIANTS. (intro.) Except for restricted licenses under s.
24 343.08 or temporary licenses under s. 343.10, 343.11 (1) or (3), 343.16 (6) (b), or
25 343.305 (8) (a), each operator's license issued by the department shall be in one of the

1 following categories with a descriptive legend displayed on the top front side of the
2 license document:

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

4 343.03 (3m) NONCITIZEN TEMPORARY LICENSE. If the issuance of any license
5 described under sub. (3) requires the license applicant to present any documentary
6 proof specified in s. 343.14 (2) (es) 4. to 7., the license shall display on the front side
7 of the license, in addition to any legend or label described in sub. (3), a legend
8 identifying the license as temporary. This noncitizen temporary license may not be
9 renewed except as provided in s. 343.165 (4) (c).

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

11 343.03 (6) (a) The Notwithstanding ss. 343.027, 343.14 (2j), and 343.237 (2),
12 the department shall, upon request, provide to the commercial driver license
13 information system and the driver licensing agencies of other states jurisdictions any
14 applicant or driver record information maintained by the department of
15 transportation, including providing electronic access to any record or file under s.
16 343.23 (1) or (2).

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

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

20 343.06 (1) (L) To any person who does not provide ~~the documentary proof~~
21 ~~described in s. 343.14 (2) (er)~~ satisfy the requirements under s. 343.165.

22 **SECTION 8.** 343.10 (2) (a) (intro.) of the statutes is amended to read:

23 343.10 (2) (a) (intro.) Except as provided in pars. (b) to (e), and subject to s.
24 343.165 (5), a person is eligible for an occupational license if the following conditions
25 are satisfied:

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

2 343.10 (7) (b) The Subject to s. 343.165 (5), the department shall issue an
3 occupational license as soon as practicable upon receipt of an application to the
4 department under sub. (1) or an order from a court under sub. (4) or s. 351.07 for such
5 a license, if the department determines that the applicant is eligible under sub. (2).

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

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

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

13 343.10 (7) (f) The expiration date of the occupational license is the 2nd working
14 day after the date of termination of the period of revocation or suspension as provided
15 by law, or the expiration date determined under s. 343.20 (1m), whichever is earlier.
16 The occupational license may be revoked, suspended or canceled before termination
17 of that period. An occupational license is not renewable when it expires. If an
18 occupational license expires and is not revoked, suspended or canceled, the licensee
19 may obtain a new license upon that expiration but only if he or she complies with the
20 conditions specified in s. 343.38. Revocation, suspension or cancellation of an
21 occupational license has the same effect as revocation, suspension or cancellation of
22 any other license.

23 **SECTION 12.** 343.14 (2) (a) and (br) of the statutes are amended to read:

24 343.14 (2) (a) The full legal name and principal residence address of the
25 applicant;

1 (br) If the applicant does not have a social security number, a statement made
2 or subscribed under oath or affirmation that the applicant does not have a social
3 security number and is not eligible for a social security number. The statement shall
4 provide the basis or reason that the applicant is not eligible for a social security
5 number, as well as any information requested by the department that may be needed
6 by the department for purposes of verification under s. 343.165 (1) (c). The form of
7 the statement shall be prescribed by the department, with the assistance of the
8 department of workforce development. A license that is issued or renewed under s.
9 343.17 in reliance on a statement submitted under this paragraph is invalid if the
10 statement is false.

11 **SECTION 13.** 343.14 (2) (er) 1. and 2. of the statutes, as created by 2005
12 Wisconsin Act 126, are consolidated, renumbered 343.14 (2) (es) (intro.) and
13 amended to read:

14 343.14 (2) (es) (intro.) Documentary Subject to sub. (2g) (a) 2. d. and s. 343.125
15 (2) (a) and (b), valid documentary proof that the individual is a citizen or national of
16 the United States or documentary proof that the individual is legally present an alien
17 lawfully admitted for permanent or temporary residence in the United States. ~~2. If~~
18 ~~the individual is not a citizen of the United States, he or she shall provide~~
19 ~~documentary proof of his or her status as a legal permanent resident or conditional~~
20 ~~resident, a~~ or has any of the following:

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

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

1 5. A pending or approved application for temporary protected status in the
2 United States, approved.

3 6. Approved deferred action status, or a.

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

7 **SECTION 14.** 343.14 (2) (es) 1. and 4. of the statutes are created to read:

8 343.14 (2) (es) 1. Conditional permanent resident status in the United States.

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

10 **SECTION 15.** 343.14 (2) (f) of the statutes is amended to read:

11 343.14 (2) (f) Such Subject to s. 343.165 (1), such further information as the
12 department considers appropriate to identify the applicant, including biometric
13 data, and such information as the department may reasonably require to enable it
14 to determine whether the applicant is by law entitled to the license applied for;

15 **SECTION 16.** 343.14 (2j) (a) of the statutes is repealed.

16 **SECTION 17.** 343.14 (2j) (b) of the statutes is renumbered 343.14 (2j).

17 **SECTION 18.** 343.14 (2r) of the statutes is created to read:

18 343.14 (2r) Notwithstanding sub. (2j), the department may, upon request,
19 provide to the department of health and family services any applicant information
20 maintained by the department of transportation and identified in sub. (2), including
21 providing electronic access to the information, for the sole purpose of verification by
22 the department of health and family services of birth certificate information.

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

24 343.14 (3) The department shall, as part of the application process, take a
25 digital photograph including facial image capture of the applicant to comply with s.

1 343.17 (3) (a) 2. ~~Except where specifically exempted by statute or by rule of the~~
2 ~~department, no~~ No application may be processed without the photograph being
3 taken. ~~In~~ Except as provided in s. 343.165 (4) (d), in the case of renewal licenses, the
4 photograph shall be taken once every 8 years, and shall coincide with the appearance
5 for examination which is required under s. 343.16 (3). ~~The department may make~~
6 ~~provision for issuance of a license without a photograph if the applicant is stationed~~
7 ~~outside the state in military service and in specific situations where the department~~
8 ~~deems such action appropriate.~~

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

10 343.14 (4m) The Subject to s. 343.17 (2), the department shall develop designs
11 for licenses and identification cards which are resistant to tampering and forgery ~~no~~
12 ~~later than January 1, 1989. Licenses and licenses~~ and identification cards issued on
13 or after January 1, 1989, shall incorporate the designs required under this
14 subsection.

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

16 343.16 (3) (a) The Except as provided in s. 343.165 (4) (d), the department shall
17 examine every applicant for the renewal of an operator's license once every 8 years.
18 The department may institute a method of selecting the date of renewal so that such
19 examination shall be required for each applicant for renewal of a license to gain a
20 uniform rate of examinations. The examination shall consist of a test of eyesight.
21 The department shall make provisions for giving such examinations at examining
22 stations ~~in each county~~ to all applicants for an operator's license. The person to be
23 examined shall appear at the examining station nearest the person's place of
24 residence or at such time and place as the department designates in answer to an
25 applicant's request. In lieu of examination, the applicant may present or mail to the

1 department a report of examination of the applicant's eyesight by an
2 ophthalmologist, optometrist or physician licensed to practice medicine. The report
3 shall be based on an examination made not more than 3 months prior to the date it
4 is submitted. The report shall be on a form furnished and in the form required by
5 the department. The department shall decide whether, in each case, the eyesight
6 reported is sufficient to meet the current eyesight standards.

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

8 **343.165 Processing license and identification card applications. (1)**

9 The department may not complete the processing of an application for initial
10 issuance or renewal of an operator's license or identification card received by the
11 department after May 10, 2008, and no such license or identification card may be
12 issued or renewed, unless the applicant presents or provides, and the department
13 verifies under sub. (3), all of the following information:

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

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

18 (c) Proof of the applicant's social security number or, except as provided in s.
19 343.14 (2g) (a) 4., verification that the applicant is not eligible for a social security
20 number.

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

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

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

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

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

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

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

22 **(4)** (a) Subsection (1) does not apply to an application for renewal of an
23 operator's license or identification card received by the department after May 10,
24 2008, if in connection with a prior application after May 10, 2008, the applicant
25 previously presented or provided, and the department verified, the information

1 specified in sub. (1) and the department recorded the date on which the verification
2 procedures were completed as described in sub. (2) (b).

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

7 (c) Notwithstanding pars. (a) and (b), no operator's license displaying the
8 legend required under s. 343.03 (3m) or identification card displaying the legend
9 required under s. 343.50 (3) may be renewed unless the applicant presents or
10 provides valid documentary proof under sub. (1) (e) and this proof shows that the
11 status by which the applicant qualified for the license or identification card has been
12 extended by the secretary of the federal department of homeland security.

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

24 (5) The department may, by rule, require that applications for reinstatement
25 of operator's licenses or identification cards, issuance of occupational licenses,

1 reissuance of operator's licenses, or issuance of duplicate licenses, received by the
2 department after May 10, 2008, be processed in a manner consistent with the
3 requirements established under this section for applications for initial issuance or
4 renewal of operator's licenses and identification cards.

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

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

8 343.17 (1) LICENSE ISSUANCE. The Subject to s. 343.165, the department shall
9 issue an operator's license and endorsements, as applied for, to every qualifying
10 applicant who has paid the required fees.

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

12 343.17 (2) LICENSE DOCUMENT. The license shall be a single document, in
13 ~~one-part~~ one part, consisting of 2 sides, except as otherwise provided in sub. (4) and
14 s. 343.10 (7) (d). The document shall be, to the maximum extent practicable, tamper
15 proof and shall contain physical security features consistent with any requirement
16 under federal law.

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

18 343.17 (3) (a) 1. The full legal name, date of birth, and principal residence
19 address of the person.

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

23 SECTION 26. 343.17 (3) (a) 14. of the statutes, as created by 2005 Wisconsin Act
24 126, is repealed.

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

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

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

8 343.19 (1) If a license issued under this chapter or an identification card issued
9 under s. 343.50 is lost or destroyed or the name or address named in the license or
10 identification card is changed or the condition specified in s. 343.17 (3) (a) 12. or 13.
11 no longer applies, the person to whom the license or identification card was issued
12 may obtain a duplicate thereof or substitute therefor upon furnishing proof
13 satisfactory to the department of full legal name and date of birth and that the license
14 or identification card has been lost or destroyed or that application for a duplicate
15 license or identification card is being made for a change of address or name or
16 because the condition specified in s. 343.17 (3) (a) 12. or 13. no longer applies. If the
17 applicant is a male who is at least 18 years of age but less than 26 years of age, the
18 application shall include the information required under s. 343.14 (2) (em). If the
19 original license or identification card is found it shall immediately be transmitted to
20 the department. ~~Duplicates of nonphoto licenses shall be issued as nonphoto~~
21 ~~licenses.~~

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

23 343.20 (1) (a) Except as otherwise expressly provided in this chapter,
24 reinstated licenses, probationary licenses issued under s. 343.085 and original
25 licenses other than instruction permits shall expire 2 years from the date of the

1 applicant's next birthday. Subject to s. 343.125 (3), all other licenses and license
2 endorsements shall expire 8 years after the date of issuance. The department may
3 institute any system of initial license issuance which it deems advisable for the
4 purpose of gaining a uniform rate of renewals. In order to put such a system into
5 operation, the department may issue licenses which are valid for any period less than
6 the ordinary effective period of such license. If the department issues a license that
7 is valid for less than the ordinary effective period as authorized by this paragraph,
8 the fees due under s. 343.21 (1) (a), (b) and (d) shall be prorated accordingly.

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

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

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

20 343.20 (1m) ~~A~~ Notwithstanding sub. (1) (a) and (e), and except as provided
21 in s. 343.165 (4) (c) and as otherwise provided in this subsection, a license that is
22 issued to a person who is not a United States citizen and who provides documentary
23 proof of legal status as provided under s. 343.14 (2) (er) (es) shall expire on the date
24 that the person's legal presence in the United States is no longer authorized or on the
25 expiration date determined under sub. (1), whichever date is earlier. If the

1 documentary proof as provided under s. 343.14 (2) (~~er~~) (es) does not state the date
2 that the person's legal presence in the United States is no longer authorized, sub. (1)
3 shall apply except that, if the license was issued or renewed based upon the person's
4 presenting of any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the license
5 shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance or
6 renewal.

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

8 343.20 (2) (a) The department shall mail to the last-known address of a
9 licensee at least 30 days prior to the expiration of the license a notice of the date upon
10 which the license must be renewed. If the license was issued or last renewed based
11 upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es)
12 4. to 7., the notice shall inform the licensee of the requirement under s. 343.165 (4)
13 (c).

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

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

16 343.22 (2) (intro.) Whenever any person, after applying for or receiving a
17 license ~~containing a photograph~~ under this chapter, or an identification card under
18 s. 343.50, moves from the address named in the application or in the license or
19 identification card issued to him or her or is notified by the local authorities or by the
20 postal authorities that the address so named has been changed, the person shall,
21 within ~~10~~ 30 days thereafter, do one of the following:

22 (a) Apply for a duplicate license or identification card showing on the
23 application the correct full legal name and address. The licensee or identification
24 card holder shall return the current license or identification card to the department
25 along with the application for duplicate.

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

2 **343.22 (2m)** Whenever any person, after applying for or receiving a license
3 containing a photograph under this chapter, or an identification card under s. 343.50,
4 is notified by the local authorities or by the postal authorities that the address named
5 in the application or in the license or identification card issued to him or her has been
6 changed and the person applies for a duplicate license or identification card under
7 sub. (2), no fee shall be charged under s. 343.21 (1) (L) or 343.50 (7) for the duplicate
8 license or identification card.

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

10 **343.22 (3)** When the name of a licensee or identification card holder is changed,
11 such person shall, within ~~10~~ 30 days thereafter, apply for a duplicate license or
12 identification card showing the correct full legal name and address. The licensee or
13 identification card holder shall return the current license or identification card to the
14 department along with the application for a duplicate. If the licensee holds more
15 than one type of license under this chapter, the licensee shall return all such licenses
16 to the department along with one application and fee for a duplicate license for which
17 the licensee may be issued a duplicate of each such license.

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

19 **343.23 (2) (a) (intro.)** The department shall maintain a file for each licensee or
20 other person containing the application for license, permit or endorsement, a record
21 of reports or abstract of convictions, any demerit points assessed under authority of
22 s. 343.32 (2), the information in all data fields printed on any license issued to the
23 person, any notice received from the federal transportation security administration
24 concerning the person's eligibility for an "H" endorsement specified in s. 343.17 (3)
25 (d) 1m., the status of the person's authorization to operate different vehicle groups,

1 a record of any out-of-service orders issued under s. 343.305 (7) (b) or (9) (am), a
2 record of the date on which any background investigation specified in s. 343.12 (6)
3 (a) or (d) was completed, a record of the date on which any verification specified in
4 s. 343.165 (1) and (3) was completed, all documents required to be maintained under
5 s. 343.165 (2) (a), and a record of any reportable accident in which the person has
6 been involved, including specification of any type of license and endorsements issued
7 under this chapter under which the person was operating at the time of the accident
8 and an indication whether or not the accident occurred in the course of any of the
9 following:

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

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

1 (j), and all records specified in par. (am), shall be maintained for at least 3 years. The
2 record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be
3 maintained permanently, except that 5 years after a licensee transfers residency to
4 another state such record may be transferred to another state of licensure of the
5 licensee if that state accepts responsibility for maintaining a permanent record of
6 convictions for disqualifying offenses. Such reports and records may be cumulative
7 beyond the period for which a license is granted, but the secretary, in exercising the
8 power of suspension granted under s. 343.32 (2) may consider only those reports and
9 records entered during the 4-year period immediately preceding the exercise of such
10 power of suspension. The department shall maintain the digital images of
11 documents specified in s. 343.165 (2) (a) for at least 10 years.

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

13 343.23 (5) The department shall maintain the files specified in this section in
14 a form that is appropriate to the form of the records constituting those files. Records
15 under sub. (1) and files under sub. (2) shall be maintained in an electronic and
16 transferable format accessible for the purpose specified in s. 343.03 (6) (a).

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

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

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

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

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

5 343.50 (1) (a) The Subject to par. (b) and s. 343.165, the department shall issue
6 to every qualified applicant, who has paid the required fee, an identification card as
7 provided in this section.

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

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

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

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

23 343.50 (2) **WHO MAY APPLY.** Any resident of this state who does not possess a
24 valid operator's license ~~which contains the resident's photograph~~ issued under this
25 chapter may apply to the department for an identification card pursuant to this

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 front side of the card, a legend identifying the card as temporary. The card shall
11 contain physical security features consistent with any requirement under federal
12 law. The card may serve as a document of gift under s. 157.06 (2) (b) and (c) and the
13 holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also
14 serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i). The
15 card shall contain the holder's photograph and, if applicable, shall be of the design
16 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) 1.

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

CS DMV BACKGROUND INVESTIGATIONS (a) (a)

1 2. Notwithstanding par. (b) and s. 343.14 (2j), the department may, upon
2 request, provide to the department of health and family services any applicant
3 information maintained by the department of transportation and identified in s.
4 343.14 (2), including providing electronic access to the information, for the sole
5 purpose of verification by the department of health and family services of birth
6 certificate information.

7 SECTION 51. 343.50 (10) (intro.) and (a) of the statutes are amended to read:
8 343.50 (10) CANCELLATION. (intro.) The department shall cancel an
9 identification card under any of the following circumstances:

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

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

13 343.50 (10) (c) Whenever the department receives information from a local,
14 state, or federal government agency that the card holder no longer satisfies the
15 requirements for issuance of a card under ss. 343.14 (2) (es) and 343.165 (1) (e). A
16 card cancelled under this paragraph may not be reinstated under sub. (5) until these
17 requirements are again satisfied.

9348
B
Transportation
=

18 SECTION 53. Initial applicability

19 (1) The treatment of section 110.09 (1) (a) of the statutes first applies to persons
20 selected to fill positions on the effective date of this ~~subsection~~ ^{paragraph}

21 (b) (2) The treatment of section 110.09 (2) of the statutes first applies to persons
22 requesting access to information on the effective date of this ~~subsection~~ ^{paragraph}.

Insert 28-22

23 SECTION 54. Effective dates. This act takes effect on May 11, 2008, except as
24 follows:

DMV BACKGROUND INVESTIGATIONS (a)

9348

WARR
(1)(b)

- 1 (a) The treatment of section 110.09 (2) of the statutes and SECTION 53 (2) of this
- 2 act take effect on the first day of the 4th month beginning after publication.
- 3 (b) (2) The treatment of section 110.09 (1) of the statutes and SECTION 53 (1) of this
- 4 act take effect on January 1, 2008.
- 5 (END)

9348

D-Note ✓

INSERT 28-22:

SECTION 9448. Effective dates; Transportation.

(1) LICENSE AND IDENTIFICATION CARD ISSUANCE. The treatment of sections 343.01 (2) (d), 343.03 (3) (intro.), (3m), and (6) (a), 343.06 (1) (j) and (L), 343.10 (2) (a) (intro.) and (7) (b), (d), and (f), 343.14 (2) (a) and (br), (es) 1. and 4., and (f), (2j) (a), (2r), (3), and (4m), 343.16 (3) (a), 343.165, 343.17 (1), (2), (3) (a) 1., 5. and 14., and (5), 343.19 (1), 343.20 (1) (a) and (f) and (1m) and (2) (a), 343.22 (1), (2) (intro.) and (a), (2m), and (3), 343.23 (2) (a) (intro.) and (2) (b) and (5), 343.26, 343.43 (1) (g), 343.50 (1) (b) and (c), (2), (3), (4), (6), (8), and (10) (intro.), (a), and (c) of the statutes, the renumbering of section 343.14 (2) (j) (b) of the statutes, the renumbering and amendment of section 343.50 (1) and (5) of the statutes, the consolidation, renumbering, and amendment of sections 343.14 (2) (er) 1. and 2. of the statutes, and the creation of section 343.50 (8) (c) of the statutes takes effect on May 11, 2008.

(1) (b) and (c) and

the creation of section 343.50 (1) (b) and (c) of the statute
the amendment of section 343.50 (8) of the statutes

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

LRB-0003/1dn

ARG.../....

Wlj

ATTN: Sara Kornely

The attached draft is identical to LRB-0003/P3[✓], previously submitted to DOT, except for changes necessary to put the draft into budget form.

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

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

LRB-0003/1dn
ARG:wlj:sh

November 27, 2006

ATTN: Sara Kornely

The attached draft is identical to LRB-0003/P3, previously submitted to DOT, except for changes necessary to put the draft into budget form.

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

Barman, Mike

From: Barman, Mike
Sent: Thursday, November 30, 2006 1:01 PM
To: Baetsen, Karen - DOT
Cc: Gary, Aaron
Subject: RE: Draft review: LRB 07-0003/P3 Topic: Implementation of REAL ID Act
Importance: High

Karen I believe your message was intended for the drafter (Aaron Gary) ... I will pass it on to him.

Thanks,

Mike Barman (Senior Program Assistant)

State of Wisconsin - Legislative Reference Bureau

Legal Section - Front Office

1 East Main Street, Suite 200, Madison, WI 53703

(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Baetsen, Karen - DOT
Sent: Thursday, November 30, 2006 12:37 PM
To: Barman, Mike
Cc: Hammer, Paul - DOT; Nielson Corning, Kristie J - DOT; Egan, Erin - DOT; Fernan, Patrick - DOT; Frazier, Carson - DOT
Subject: FW: Draft review: LRB 07-0003/P3 Topic: Implementation of REAL ID Act
Importance: High

Hi Mike, DOT has reviewed LRB 0003/P3 and there are several more modifications desired. Please forward the following input to Aaron Gary. Thank you!

Section 1, Chapter 110 for background checks

Within Chapter 110, we'd like some parts to be permissive to allow flexibility for the types of background checks for persons working within the Bureau of Vehicle Services who are not directly involved in DL/ID card issuance, these persons would not need to have a **fingerprint based** background check, unless the Department of Homeland Security rules require otherwise, of course.

Therefore, 2 of the "shall" should become permissive. Specifically; line 6 should read "The department of transportation may require the person to be fingerprinted ..." Line 13 should read "... 5 years the department of transportation may conduct a background investigation ..."

The language in 110.09(2) is fine.

Section 21, closing remote sites

While the repeal of "in each county" on pg 12, line 22 is adequate, we ask if it makes more sense to repeal the whole sentence instead? And, maybe, the first part of the next sentence that requires someone to appear at the examining station nearest the person's place of residence, as customers go to stations in other parts of the state if that location meets their needs. We know all customers do not actually follow this statutory provisions.

Section 54, effective dates

11/30/2006

Most of the effective dates are fine (LE access is in the DLA draft, and we don't need statutory authority to use SAVE). However, **Section 31**, for permanent residents / temporary licenses, should be the effective on the date of publication to more closely align to 2005 Act 126.

Section 31

One more comment: Section 31 (page 18) needs to be clarified a bit, to state that permanent residents do not get a temporary license. In REAL ID, the temporary license does NOT include citizens, permanent residents, or conditional permanent residents. (See Section 202(c)(2)(i) of REAL ID, below. The references in pink show where this document is in LRB-0003/P3):

(B) EVIDENCE OF LAWFUL STATUS- A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person--

(i) is a citizen or national of the United States; (2) (es) intro)

(ii) is an alien lawfully admitted for permanent or temporary residence in the United States; (2)(es)(intro)

(iii) has conditional permanent resident status in the United States; (2) (es)1

(iv) has an approved application for asylum in the United States or has entered into the United States in refugee status; (2)(es)3

(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (2)(es)2

(vi) has a pending application for asylum in the United States; (2)(es) 4

(vii) has a pending or approved application for temporary protected status in the United States; (2)(es)5

(viii) has approved deferred action status; or (2)(es)6

(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States. (2)(es)7

(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS-

(i) IN GENERAL- If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

This section excludes permanent residents and conditional permanent residents from the temp license, as they are listed in paragraph (ii) and (iii). DMV believes this could be accomplished in LRB-0003/P3 simply by adding amending line 22 of page 18 to say "a license that is issued to a person who is not a United States citizen or permanent resident" and also by amending the reference to 343.14 (2)(es) on line 23 to be specific to (2)(es) 2, 4, 5, 6, & 7 to match REAL ID.

If Aaron has further questions regarding Section 31, please have him contact Erin Egan directly at 266-1449.

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: Barman, Mike [mailto:Mike.Barman@legis.wisconsin.gov]

Sent: Wednesday, November 15, 2006 2:41 PM

To: Nielson, Kristie

Subject: Draft review: LRB 07-0003/P3 Topic: Implementation of REAL ID Act

11/30/2006

Draft Requester: Transportation

Following is the PDF version of draft LRB 07-0003/P3.

Gary, Aaron

From: Nilsen, Paul - DOT
Sent: Thursday, December 14, 2006 12:47 PM
To: Gary, Aaron
Cc: Egan, Erin - DOT; Baetsen, Karen - DOT
Subject: RE: Modifications to LRB 0003/3

Hi Aaron,

It's fine. Please also omit the last bit of underscored text in section 1 below (and corresponding changes to section 2), as you suggested.

Thanks.

Paul E. Nilsen
Assistant General Counsel
Wisconsin Department of Transportation
Paul.Nilsen@dot.state.wi.us
(608) 261-0126

12/14 He w/ Paul N.

*- yes, also move up eff. date
of RP 343.17(3)(a) 1/4.*

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

From: Baetsen, Karen
Sent: Tuesday, December 12, 2006 11:45 AM
To: Nilsen, Paul
Cc: Egan, Erin
Subject: FW: Modifications to LRB 0003/3

Erin is out today sick, do you have any thoughts or input to the REAL ID draft for the effective date?

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Tuesday, December 12, 2006 10:49 AM
To: Baetsen, Karen - DOT; Kornely, Sara - DOA
Cc: Egan, Erin - DOT; Hammer, Paul - DOT; Newman, Kenneth - DOT; Fernan, Patrick - DOT; Frazier, Carson - DOT
Subject: RE: Modifications to LRB 0003/3

Karen, Erin, and Sara,

I've made the REAL ID changes but have one question. I made the change to section 31. Regarding section 54, moving up the effective date, sometimes small changes like this have a ripple effect. Section 31 depends on provisions that become effective later (for example, created s. 343.165 and renumbered s. 343.14 (2) (es)). So to move up the effective date of only section 31, I need to "double draft" that provision. This basically means that the provision must be treated twice in the bill, and changes are made in two steps rather than one. It also means that there was some leeway in how I put together this intermediate provision. The provisions will look like those below in the "1/2" redraft, with section 1 taking effect on budget bill publication, and section 2 (which includes the changes in section 1 as "current law") taking effect later with the rest of the REAL ID act provisions in the budget bill.

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

343.20 (1m) A Notwithstanding sub. (1) (a) and (e), and except as otherwise provided in this subsection, a license that is issued to a person who is not a United States citizen or permanent resident and who provides documentary proof of legal status as provided under s. 343.14 (2) (er) 2. shall expire on the date that the person's legal presence in the United States is no longer authorized or on the expiration date determined under sub. (1), whichever date is earlier. If the documentary proof as provided under s. 343.14 (2) (er) 2. does not state the date that the person's legal presence in the United States is no longer authorized, sub. (1) shall apply except that, if the license was issued or renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (er) 2. of a pending application for asylum in the United States, a pending or approved application for temporary protected status in the United States, approved deferred action status, or a pending application for adjustment of status to legal permanent resident status or conditional resident status, the license shall expire one year after the date of issuance or renewal. [Nilsen, Paul] delete last bit of underscored text]

Section 2. 343.20 (1m) of the statutes, as created by 2005 Wisconsin Act 126 and as affected by 2007 Wisconsin Act ... (this act), is amended to read:

343.20 (1m) Notwithstanding sub. (1) (a) and (e), and except as provided in s. 343.165 (4) (c) and as otherwise provided in this subsection, a license that is issued to a person who is not a United States citizen or permanent resident and who provides documentary proof of legal status as provided under s. 343.14 (2) ~~(er) 2.~~ (es) 2., 4., 5., 6., or 7. shall expire on the date that the person's legal presence in the United States is no longer authorized or on the expiration date determined under sub. (1), whichever date is earlier. If the documentary proof as provided under s. 343.14 (2) ~~(er) 2.~~ (es) does not state the date that the person's legal presence in the United States is no longer authorized, sub. (1) shall apply except that, if the license was issued or renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) ~~(er) 2. of a pending application for asylum in the United States, a pending or approved application for temporary protected status in the United States, approved deferred action status, or a pending application for adjustment of status to legal permanent resident status or conditional resident status (es) 4. to 7.~~, the license shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance or renewal.

Does this work for DOT? Please let me know. Thanks. Aaron

speed up repeal of 343.17.3.a.1 to equal treatment of section 1 (publication).

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

From: Baetsen, Karen - DOT
Sent: Thursday, November 30, 2006 12:37 PM
To: Barman, Mike
Cc: Hammer, Paul - DOT; Nielson Corning, Kristie J - DOT; Egan, Erin - DOT; Fernan, Patrick - DOT; Frazier, Carson - DOT
Subject: FW: Draft review: LRB 07-0003/P3 Topic: Implementation of REAL ID Act
Importance: High

Hi Mike, DOT has reviewed LRB 0003/P3 and there are several more modifications desired. Please forward the following input to Aaron Gary. Thank you!

Section 1, Chapter 110 for background checks

Within Chapter 110, we'd like some parts to be permissive to allow flexibility for the types of background checks for persons working within the Bureau of Vehicle Services who are not directly involved in DL/ID card issuance, these persons would not need to have a **fingerprint based** background check, unless the Department of Homeland Security rules require otherwise, of course.

Therefore, 2 of the "shall" should become permissive. Specifically; line 6 should read "The department of transportation may require the person to be fingerprinted ..." Line 13 should read "... 5 years the department of transportation may conduct a background investigation ..."

The language in 110.09(2) is fine.

Section 21, closing remote sites

While the repeal of "in each county" on pg 12, line 22 is adequate, we ask if it makes more sense to repeal the whole sentence instead? And, maybe, the first part of the next sentence that requires someone to appear at the examining station nearest the person's place of residence, as customers go to stations in other parts of the state if that location meets their needs. We know all customers do not actually follow this statutory provisions.

Section 54, effective dates

Most of the effective dates are fine (LE access is in the DLA draft, and we don't need statutory authority to use SAVE). However, **Section 31**, for permanent residents / temporary licenses, should be the effective on the date of publication to more closely align to 2005 Act 126.

Section 31

One more comment: Section 31 (page 18) needs to be clarified a bit, to state that permanent residents do not get a temporary license. In REAL ID, the temporary license does NOT include citizens, permanent residents, or conditional permanent residents. (See Section 202(c)(2)(i) of REAL ID, below. The references in pink show where this document is in LRB-0003/P3):

(B) EVIDENCE OF LAWFUL STATUS- A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person--

- (i) is a citizen or national of the United States; (2) (es) intro
- (ii) is an alien lawfully admitted for permanent or temporary residence in the United States; (2)(es)(intro)
- (iii) has conditional permanent resident status in the United States; (2)(es) 1
- (iv) has an approved application for asylum in the United States or has entered into the United States in refugee status; (2)(es)3
- (v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (2)(es)2
- (vi) has a pending application for asylum in the United States; (2)(es)4
- (vii) has a pending or approved application for temporary protected status

- in the United States; (2)(es)5
(viii) has approved deferred action status; or (2)(es)6
(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States. (2)(es)7
- (C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS-
(i) IN GENERAL- If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

This section excludes permanent residents and conditional permanent residents from the temp license, as they are listed in paragraph (ii) and (iii). DMV believes this could be accomplished in LRB-0003/P3 simply by adding amending line 22 of page 18 to say "a license that is issued to a person who is not a United States citizen or permanent resident" and also by amending the reference to 343.14 (2)(es) on line 23 to be specific to (2)(es) 2, 4, 5, 6, & 7 to match REAL ID.

If Aaron has further questions regarding Section 31, please have him contact Erin Egan directly at 266-1449.

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: Barman, Mike [mailto:Mike.Barman@legis.wisconsin.gov]
Sent: Wednesday, November 15, 2006 2:41 PM
To: Nielson, Kristie
Subject: Draft review: LRB 07-0003/P3 Topic: Implementation of REAL ID Act

Draft Requester: Transportation

Following is the PDF version of draft LRB 07-0003/P3.

Gary, Aaron

From: Kornely, Sara - DOA
Sent: Monday, December 11, 2006 3:03 PM
To: Gary, Aaron
Subject: FW: Modifications to LRB 0003/3

Hi Aaron - if you folks already haven't started this b/c it's a DOA draft, please do so. Let me know if you need anything - thanks!

Sara Kornely
Dept. of Administration
608-266-1039

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

From: Baetsen, Karen [mailto:karen.baetsen@dot.state.wi.us]
Sent: Friday, December 08, 2006 4:13 PM
To: Kornely, Sara - DOA; Gary, Aaron
Cc: Nilsen, Paul - DOT; Egan, Erin - DOT; Fernan, Patrick - DOT; Frazier, Carson - DOT; Hammer, Paul - DOT; Newman, Kenneth - DOT
Subject: Modifications to LRB 0003/3

Hi Sara;

As you know, there are still several changes desired to REAL ID draft 0003/3, which we were unable to complete before DOA called for the draft.

We were discussing potential changes to ch. 110 for DMV background checks, in case 2005 AB 1019 was reintroduced. Some of the changes are required because of drafting issues; the division of motor vehicles is not created under Chapter 15, or "permissive" checks cannot be combined with a specific number of years language. Those same changes should be incorporated into the REAL ID draft, and are summarized as follows:

Section 1, chapter 110

110.09 Background investigations of certain persons.

(1) (a) Notwithstanding ss. 111.321, 111.322, and 111.335, the department of transportation, with the assistance of the department of justice, shall conduct a background investigation of any person who has been selected to fill a position within the division of the department responsible for issuing operator's licenses and identification cards. This background investigation may include requiring the person to be fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies. The department of justice shall submit any such fingerprint cards 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.

(b) Notwithstanding ss. 111.321, 111.322, and 111.335, at any interval determined appropriate by the department, the department of transportation may conduct, in the manner specified in par. (a), additional background investigations of any person for whom an initial background investigation has been conducted under par. (a) and background investigations of other persons employed by the department within the division of the department responsible for issuing operator's licenses and identification cards.

(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 shall require, as a precondition to allowing access to any information system in which is stored information maintained by the division of the department responsible for issuing operator's licenses and identification cards, that any person to whom access is granted submit to a background investigation as provided in this subsection.....

Comments: The intent of 110.09(2) is to ensure information systems security, not the security of the data after it is taken from our system (e.g. a hard copy driver abstract). 110.09(2) requires background checks to access the information, the background check will apply to each person to whom that information is given.

Section 21

In practice, a DL/ID applicant does not always go to the exam station nearest their place of residence. DMV provides service to any customer who appears, regardless of their place of residence within that municipality or county. That requirement can be repealed.

Sections 31 and 54

We'd provided additional comments to Aaron, and copied you, regarding the additional desired changes to these sections. The intent may need to be discussed with DMV to ensure correct drafting revisions. You can let us or Aaron know if that can be achieved.

Thank you for any assistance in making final changes to the basic REAL ID draft before it is incorporated into the Governor's Budget Bill. --

Karen B

Karen Baetsen

Department of Transportation

Office of Policy, Budget and Finance

Room 132B Hill Farms

608/ 266-0179

karen.baetsen@dot.state.wi.us

12/4

varied issues w/ DOT

of :

1. use of "DMV": options - CR division under ch. 15 or use more descriptive phrase
2. breadth of CR 110.09(2) re 3rd parties seeking DMV info. - does DOT really want this so broad? Does DOT want rule-making authority to CR exceptions?

Gary, Aaron

From: Nilsen, Paul - DOT
Sent: Thursday, December 14, 2006 4:11 PM
To: Nilsen, Paul - DOT; Gary, Aaron
Cc: Egan, Erin - DOT; Baetsen, Karen - DOT
Subject: RE: Modifications to LRB 0003/3

Aaron,

The new proposed effective date is day after publication. Yes, please repeal 343.17.3.a.14 on that date. That section duplicates the expiration date on the license and needlessly takes up space on the front of the license.

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

From: Nilsen, Paul
Sent: Thursday, December 14, 2006 3:42 PM
To: 'Gary, Aaron'; Nilsen, Paul
Cc: Egan, Erin; Baetsen, Karen
Subject: RE: Modifications to LRB 0003/3

I wrote it as phone notes during our call.

What is the proposed effective date change?

343.17.3.a.14 requires the license to show the end date of legal presence, and takes effect 4/1/07. /P3 takes effect on 5/11/08 and would repeal that stat then.

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Thursday, December 14, 2006 3:40 PM
To: Gary, Aaron; Nilsen, Paul - DOT
Cc: Egan, Erin - DOT; Baetsen, Karen - DOT
Subject: RE: Modifications to LRB 0003/3

Paul, Regarding my response just below, I just noticed the last few words at the very bottom of this e-mail chain. I'm not sure if I wrote that in my 1st e-mail or if it is your response to our conversation. Can you clarify? Thanks.
Aaron

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

From: Gary, Aaron
Sent: Thursday, December 14, 2006 1:42 PM
To: Nilsen, Paul - DOT
Cc: Egan, Erin - DOT; Baetsen, Karen - DOT
Subject: RE: Modifications to LRB 0003/3

Thanks. I'm assuming the answer is also "no" re my question of whether you also want the earlier effective date for repeal of s. 343.17 (3) (a) 14. (bill section 26 of "/1").

Aaron

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

Gary, Aaron

From: Egan, Erin - DOT
Sent: Tuesday, December 19, 2006 2:25 PM
To: Gary, Aaron; Baetsen, Karen - DOT; Fernan, Patrick - DOT
Cc: Egan, Erin - DOT; Frazier, Carson - DOT
Subject: RE: Modifications to LRB 0003/3

Hi Aaron,

Put the draft through "as is", and add a drafter's note.

Thanks,
Erin

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Tuesday, December 19, 2006 10:46 AM
To: Baetsen, Karen - DOT
Cc: Egan, Erin - DOT; Frazier, Carson - DOT
Subject: RE: Modifications to LRB 0003/3

Hi Karen,

Just want to make sure this hasn't fallen through the cracks I'm still holding onto the redraft until I get some direction on the question below. If you want me to put it through "as is" on this issue let me know - otherwise I'm holding onto the redraft until I hear back. Thanks. Aaron

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

From: Baetsen, Karen - DOT
Sent: Thursday, December 14, 2006 11:07 AM
To: Gary, Aaron; Kornely, Sara - DOA
Cc: Egan, Erin - DOT; Hammer, Paul - DOT; Newman, Kenneth - DOT; Fernan, Patrick - DOT; Frazier, Carson - DOT
Subject: RE: Modifications to LRB 0003/3

Aaron and Sara;
The individual who has the most background to your background check question is out of the office until Monday Dec. 18. We'll respond on Monday.

~ Karen B

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]

12/19/2006

Gary, Aaron

From: Baetsen, Karen - DOT
Sent: Thursday, December 14, 2006 11:07 AM
To: Gary, Aaron; Kornely, Sara - DOA
Cc: Egan, Erin - DOT; Hammer, Paul - DOT; Newman, Kenneth - DOT; Fernan, Patrick - DOT; Frazier, Carson - DOT
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-----Original Message-----

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Sent: Tuesday, December 12, 2006 1:40 PM
To: Gary, Aaron; Baetsen, Karen - DOT; Kornely, Sara - DOA
Cc: Egan, Erin - DOT; Hammer, Paul - DOT; Newman, Kenneth - DOT; Fernan, Patrick - DOT; Frazier, Carson - DOT
Subject: RE: Modifications to LRB 0003/3

Sorry, one more question. I was going to add a drafter's note, but perhaps it is most expeditious to ask the question now. Reviewing created s. 110.09 (2) of the draft (as revised), might there be any circumstance in which one wishing to access DMV's system is self-employed (solo) and does not have an independent "employer" to do the background check? If so, what should happen (person can't access system? person does background check on self as "employer"? DMV does background check?) I can leave the draft "as is" if you want, but there may be questions about this in the future

Thanks. Aaron

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

From: Gary, Aaron
Sent: Tuesday, December 12, 2006 10:49 AM
To: Baetsen, Karen - DOT; Kornely, Sara - DOA
Cc: Egan, Erin - DOT; Hammer, Paul - DOT; Newman, Kenneth - DOT; Fernan, Patrick - DOT; Frazier, Carson - DOT
Subject: RE: Modifications to LRB 0003/3

Karen, Erin, and Sara,

I've made the REAL ID changes but have one question. I made the change to section 31. Regarding section 54, moving up the effective date, sometimes small changes like this have a ripple effect. Section 31 depends on provisions that become effective later (for example, created s. 343.165 and renumbered s. 343.14 (2) (es)). So to move up the effective date of only section 31, I need to "double draft" that provision. This basically means that the provision must be treated twice in the bill, and changes are made in two steps rather than one. It also means that there was some leeway in how I put together this intermediate provision. The provisions will look like those below in the "/2" redraft, with section 1 taking effect on budget bill publication, and section 2 (which includes the changes in section 1 as "current law") taking effect later with the rest of the REAL ID act provisions in the budget bill.

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

343.20 (1m) A Notwithstanding sub. (1) (a) and (e), and except as otherwise provided in this subsection, a license that is issued to a person who is not a United States citizen or permanent resident and who provides documentary proof of legal status as provided under s. 343.14 (2) (er) 2. shall expire on the date that the person's legal presence in the United States is no longer authorized or on the expiration date determined under sub. (1), whichever date is earlier.

Gary, Aaron

From: Kornely, Sara - DOA
Sent: Thursday, December 21, 2006 5:03 PM
To: Gary, Aaron; Baetsen, Karen - DOT
Cc: Egan, Erin - DOT; Hammer, Paul - DOT; Newman, Kenneth - DOT; Frazier, Carson - DOT; Fernan, Patrick - DOT
Subject: RE: Modifications to LRB 0003/3

Please do. Thanks!

Sara Kornely
Dept. of Administration
608-266-1039

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Thursday, December 21, 2006 4:43 PM
To: Baetsen, Karen - DOT; Kornely, Sara - DOA
Cc: Egan, Erin - DOT; Hammer, Paul - DOT; Newman, Kenneth - DOT; Frazier, Carson - DOT; Fernan, Patrick - DOT
Subject: RE: Modifications to LRB 0003/3

Hi Karen,

If this is DOT's intent, I believe created s. 110.09 (2) in LRB-0003/2 is ambiguous - not what we like to see in a statute.

Sara, do you mind if I redraft LRB-0003/2 to clarify this intent of DOT?

Thanks. Aaron

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

From: Baetsen, Karen - DOT
Sent: Thursday, December 21, 2006 4:25 PM
To: Gary, Aaron; Kornely, Sara - DOA
Cc: Egan, Erin - DOT; Hammer, Paul - DOT; Newman, Kenneth - DOT; Frazier, Carson - DOT; Fernan, Patrick - DOT
Subject: RE: Modifications to LRB 0003/3

Aaron and Sara:

12/22/2006

Based on follow-up conversations with several DMV staff, no drafting changes are required to s. 110.09 to accommodate background checks of individuals desiring data access if the "employee" and "employer" are the same individual. The process would be the same as for an "employer" with multiple staff. No drafter's note would be necessary on this particular topic, unless you have further 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: Tuesday, December 19, 2006 2:25 PM
To: 'Gary, Aaron'; Baetsen, Karen; Fernan, Patrick
Cc: Egan, Erin; Frazier, Carson
Subject: RE: Modifications to LRB 0003/3

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Thanks,
Erin

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Thanks. Aaron

Aaron R. Gary
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Cc: Egan, Erin - DOT; Hammer, Paul - DOT; Newman, Kenneth - DOT; Fernan, Patrick - DOT; Frazier, Carson - DOT

12/22/2006