



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-00034 2

ARG:wlj:sh

in 12/19

stays *(circled)* KMR

DOA:.....Kornely, BB0196 - Implementation of REAL ID Act

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: motor vehicle operator's licenses and identification cards
2 issued by the Department of Transportation and granting rule-making
3 authority.

Analysis by the Legislative Reference Bureau
TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

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 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 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

must
ANAL-A

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.

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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 ^{of any such} 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.

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

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

system in which is stored information

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

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

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For purposes of this subsection, employer includes a self-employed person.

1 subsection is the responsibility of the employer. The department shall promulgate
2 rules governing background investigations, and confidentiality of information
3 obtained, under this subsection.

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

5 343.01 (2) (d) "Photograph" means an unretouched image recorded by a camera
6 and reproduced on a photosensitive surface, or a digitized digital image.

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

8 343.03 (3) LICENSE VARIANTS. (intro.) Except for restricted licenses under s.
9 343.08 or temporary licenses under s. 343.10, 343.11 (1) or (3), 343.16 (6) (b), or
10 343.305 (8) (a), each operator's license issued by the department shall be in one of the
11 following categories with a descriptive legend displayed on the top front side of the
12 license document:

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

14 343.03 (3m) NONCITIZEN TEMPORARY LICENSE. If the issuance of any license
15 described under sub. (3) requires the license applicant to present any documentary
16 proof specified in s. 343.14 (2) (es) 4. to 7., the license shall display on the front side
17 of the license, in addition to any legend or label described in sub. (3), a legend
18 identifying the license as temporary. This noncitizen temporary license may not be
19 renewed except as provided in s. 343.165 (4) (c).

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

21 343.03 (6) (a) The Notwithstanding ss. 343.027, 343.14 (2j), and 343.237 (2),
22 the department shall, upon request, provide to the commercial driver license
23 information system and the driver licensing agencies of other states jurisdictions any
24 applicant or driver record information maintained by the department of

1 transportation, including providing electronic access to any record or file under s.
2 343.23 (1) or (2).

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

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

6 343.06 (1) (L) To any person who does not provide the documentary proof
7 described in s. 343.14 (2) ~~(or)~~ satisfy the requirements under s. 343.165.

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

9 343.10 (2) (a) (intro.) Except as provided in pars. (b) to (e), and subject to s.
10 343.165 (5), a person is eligible for an occupational license if the following conditions
11 are satisfied:

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

13 343.10 (7) (b) The Subject to s. 343.165 (5), the department shall issue an
14 occupational license as soon as practicable upon receipt of an application to the
15 department under sub. (1) or an order from a court under sub. (4) or s. 351.07 for such
16 a license, if the department determines that the applicant is eligible under sub. (2).

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

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

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

24 343.10 (7) (f) The expiration date of the occupational license is the 2nd working
25 day after the date of termination of the period of revocation or suspension as provided

1 by law, or the expiration date determined under s. 343.20 (1m), whichever is earlier.

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

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

10 343.14 (2) (a) The full legal name and principal residence address of the
11 applicant;

12 (br) If the applicant does not have a social security number, a statement made
13 or subscribed under oath or affirmation that the applicant does not have a social
14 security number and is not eligible for a social security number. The statement shall
15 provide the basis or reason that the applicant is not eligible for a social security
16 number, as well as any information requested by the department that may be needed
17 by the department for purposes of verification under s. 343.165 (1) (c). The form of
18 the statement shall be prescribed by the department, with the assistance of the
19 department of workforce development. A license that is issued or renewed under s.
20 343.17 in reliance on a statement submitted under this paragraph is invalid if the
21 statement is false.

22 **SECTION 13.** 343.14 (2) (er) 1. and 2. of the statutes, as created by 2005
23 Wisconsin Act 126, are consolidated, renumbered 343.14 (2) (es) (intro.) and
24 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 14.** 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 15.** 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 16.** 343.14 (2j) (a) of the statutes is repealed.

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

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

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

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

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

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

21 343.14 **(4m)** The Subject to s. 343.17 (2), the department shall develop designs
22 for licenses and identification cards which are resistant to tampering and forgery ~~no~~
23 ~~later than January 1, 1989.~~ Licenses and licenses and identification cards issued on
24 or after January 1, 1989, shall incorporate the designs required under this
25 subsection.

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

2 343.16 (3) (a) ~~The~~ Except as provided in s. 343.165 (4) (d), the department shall
3 examine every applicant for the renewal of an operator's license once every 8 years.
4 The department may institute a method of selecting the date of renewal so that such
5 examination shall be required for each applicant for renewal of a license to gain a
6 uniform rate of examinations. The examination shall consist of a test of eyesight.
7 The department shall make provisions for giving such examinations at examining
8 stations ~~in each county~~ to all applicants for an operator's license. ~~The person to be~~
9 ~~examined shall appear at the examining station nearest the person's place of~~ ← strike
10 ~~residence or at such time and place as the department designates in answer to an~~ ←
11 ~~applicant's request.~~ ↓ In lieu of examination, the applicant may present or mail to the
12 department a report of examination of the applicant's eyesight by an
13 ophthalmologist, optometrist or physician licensed to practice medicine. The report
14 shall be based on an examination made not more than 3 months prior to the date it
15 is submitted. The report shall be on a form furnished and in the form required by
16 the department. The department shall decide whether, in each case, the eyesight
17 reported is sufficient to meet the current eyesight standards.

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

19 **343.165 Processing license and identification card applications. (1)**
20 The department may not complete the processing of an application for initial
21 issuance or renewal of an operator's license or identification card received by the
22 department after May 10, 2008, and no such license or identification card may be
23 issued or renewed, unless the applicant presents or provides, and the department
24 verifies under sub. (3), all of the following information:

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

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

5 (c) Proof of the applicant's social security number or, except as provided in s.
6 343.14 (2g) (a) 4., verification that the applicant is not eligible for a social security
7 number.

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

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

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

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

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

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 received by the department after May 10,
11 2008, if in connection with a prior application after May 10, 2008, the applicant
12 previously presented or provided, and the department verified, the information
13 specified in sub. (1) and the department recorded the date on which the verification
14 procedures were completed as described in sub. (2) (b).

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

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

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

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

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

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

21 343.17 (1) LICENSE ISSUANCE. The Subject to s. 343.165, the department shall
22 issue an operator's license and endorsements, as applied for, to every qualifying
23 applicant who has paid the required fees.

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

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.~~

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
24 identification card is changed or the condition specified in s. 343.17 (3) (a) 12. or 13.
25 no longer applies, the person to whom the license or identification card was issued

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

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

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

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

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

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

10 343.20 (1m) ~~A~~ Notwithstanding sub. (1) (a) and (e), and except as provided
11 in s. 343.165 (4) (c) and as otherwise provided in this subsection, a license that is
12 issued to a person who is not a United States citizen and who provides documentary
13 proof of legal status as provided under s. 343.14 (2) (er) (es) shall expire on the date
14 that the person's legal presence in the United States is no longer authorized or on the
15 expiration date determined under sub. (1), whichever date is earlier. If the
16 documentary proof as provided under s. 343.14 (2) (er) (es) does not state the date
17 that the person's legal presence in the United States is no longer authorized, sub. (1)
18 shall apply except that, if the license was issued or renewed based upon the person's
19 presenting of any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the license
20 shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance or
21 renewal.

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

23 343.20 (2) (a) The department shall mail to the last-known address of a
24 licensee at least 30 days prior to the expiration of the license a notice of the date upon
25 which the license must be renewed. If the license was issued or last renewed based

1 upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es)
2 4. to 7., the notice shall inform the licensee of the requirement under s. 343.165 (4)
3 (c).

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

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

6 343.22 (2) (intro.) Whenever any person, after applying for or receiving a
7 license ~~containing a photograph~~ under this chapter, or an identification card under
8 s. 343.50, moves from the address named in the application or in the license or
9 identification card issued to him or her or is notified by the local authorities or by the
10 postal authorities that the address so named has been changed, the person shall,
11 within ~~10~~ 30 days thereafter, do one of the following:

12 (a) Apply for a duplicate license or identification card showing on the
13 application the correct full legal name and address. The licensee or identification
14 card holder shall return the current license or identification card to the department
15 along with the application for duplicate.

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

17 343.22 (2m) Whenever any person, after applying for or receiving a license
18 ~~containing a photograph~~ under this chapter, or an identification card under s. 343.50,
19 is notified by the local authorities or by the postal authorities that the address named
20 in the application or in the license or identification card issued to him or her has been
21 changed and the person applies for a duplicate license or identification card under
22 sub. (2), no fee shall be charged under s. 343.21 (1) (L) or 343.50 (7) for the duplicate
23 license or identification card.

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

1 343.22 (3) When the name of a licensee or identification card holder is changed,
2 such person shall, within ~~10~~ 30 days thereafter, apply for a duplicate license or
3 identification card showing the correct full legal name and address. The licensee or
4 identification card holder shall return the current license or identification card to the
5 department along with the application for a duplicate. If the licensee holds more
6 than one type of license under this chapter, the licensee shall return all such licenses
7 to the department along with one application and fee for a duplicate license for which
8 the licensee may be issued a duplicate of each such license.

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

10 343.23 (2) (a) (intro.) The department shall maintain a file for each licensee or
11 other person containing the application for license, permit or endorsement, a record
12 of reports or abstract of convictions, any demerit points assessed under authority of
13 s. 343.32 (2), the information in all data fields printed on any license issued to the
14 person, any notice received from the federal transportation security administration
15 concerning the person's eligibility for an "H" endorsement specified in s. 343.17 (3)
16 (d) 1m., the status of the person's authorization to operate different vehicle groups,
17 a record of any out-of-service orders issued under s. 343.305 (7) (b) or (9) (am), a
18 record of the date on which any background investigation specified in s. 343.12 (6)
19 (a) or (d) was completed, a record of the date on which any verification specified in
20 s. 343.165 (1) and (3) was completed, all documents required to be maintained under
21 s. 343.165 (2) (a), and a record of any reportable accident in which the person has
22 been involved, including specification of any type of license and endorsements issued
23 under this chapter under which the person was operating at the time of the accident
24 and an indication whether or not the accident occurred in the course of any of the
25 following:

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

2 343.23 (2) (b) The information specified in pars. (a) and (am) must be filed by
3 the department so that the complete operator's record is available for the use of the
4 secretary in determining whether operating privileges of such person shall be
5 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest
6 of public safety. The record of suspensions, revocations, and convictions that would
7 be counted under s. 343.307 (2) shall be maintained permanently, except that the
8 department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1)
9 (b) 1., 346.63 (1) (b), or 350.101 (1) (b) after 10 years, if the person who committed the
10 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
11 time of the violation, if the person does not have a commercial driver license, if the
12 violation was not committed by a person operating a commercial motor vehicle, and
13 if the person has no other suspension, revocation, or conviction that would be counted
14 under s. 343.307 during that 10-year period. The record of convictions for
15 disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10
16 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) and
17 (j), and all records specified in par. (am), shall be maintained for at least 3 years. The
18 record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be
19 maintained permanently, except that 5 years after a licensee transfers residency to
20 another state such record may be transferred to another state of licensure of the
21 licensee if that state accepts responsibility for maintaining a permanent record of
22 convictions for disqualifying offenses. Such reports and records may be cumulative
23 beyond the period for which a license is granted, but the secretary, in exercising the
24 power of suspension granted under s. 343.32 (2) may consider only those reports and
25 records entered during the 4-year period immediately preceding the exercise of such

1 power of suspension. The department shall maintain the digital images of
2 documents specified in s. 343.165 (2) (a) for at least 10 years.

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

4 343.23 (5) The department shall maintain the files specified in this section in
5 a form that is appropriate to the form of the records constituting those files. Records
6 under sub. (1) and files under sub. (2) shall be maintained in an electronic and
7 transferable format accessible for the purpose specified in s. 343.03 (6) (a).

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

9 **343.26 License after cancellation.** Any person whose license has been
10 canceled, whether the license has been canceled by the secretary or stands canceled
11 as a matter of law, may apply for a new license at any time. Upon receipt of the
12 application and the required fee, and after processing the application as provided in
13 s. 343.165, the department shall issue or refuse issuance of the license as upon an
14 original application. The department may, but need not, require the applicant to
15 submit to an examination as provided in s. 343.16.

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

17 343.43 (1) (g) Deface or alter a license except to endorse a change of address
18 authorized by s. 343.22 ~~(1) or~~ (2).

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

21 343.50 (1) (a) The Subject to par. (b) and s. 343.165, the department shall issue
22 to every qualified applicant, who has paid the required fee, an identification card as
23 provided in this section.

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

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

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

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

15 343.50 (2) WHO MAY APPLY. Any resident of this state who does not possess a
16 valid operator's license ~~which contains the resident's photograph~~ issued under this
17 chapter may apply to the department for an identification card pursuant to this
18 section. The card is not a license for purposes of this chapter and is to be used for
19 identification purposes only.

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

21 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as
22 an operator's license but shall be of a design which is readily distinguishable from
23 the design of an operator's license and bear upon it the words "IDENTIFICATION
24 CARD ONLY". The information on the card shall be the same as specified under
25 s. 343.17 (3). If the issuance of the card requires the applicant to present any

1 documentary proof specified in s. 343.14 (2) (es) 4. to 7., the card shall display, on the
2 front side of the card, a legend identifying the card as temporary. The card shall
3 contain physical security features consistent with any requirement under federal
4 law. The card may serve as a document of gift under s. 157.06 (2) (b) and (c) and the
5 holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also
6 serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i). The
7 card shall contain the holder's photograph and, if applicable, shall be of the design
8 specified under s. 343.17 (3) (a) 12.

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

11 343.50 (4) APPLICATION. The application for an identification card shall include
12 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em),
13 and ~~(er)~~ (es), and such further information as the department may reasonably
14 require to enable it to determine whether the applicant is entitled by law to an
15 identification card. The Except with respect to renewals described in s. 343.165 (4)
16 (d), the department shall, as part of the application process, take a digital
17 photograph including facial image capture of the applicant to comply with sub. (3).
18 No Except with respect to renewals described in s. 343.165 (4) (d), no application may
19 be processed without the photograph being taken. Misrepresentations in violation
20 of s. 343.14 (5) are punishable as provided in s. 343.14 (9).

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

23 343.50 (5) (a) The fee for an original card, for renewal of a card, and for the
24 reinstatement of an identification card after cancellation under sub. (10) shall be \$9.

25 The

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

5 **(c) Except as provided in s. 343.165 (4) (c) and as otherwise provided in this**
6 **paragraph, an identification card that is issued to a person who is not a United States**
7 **citizen and who provides documentary proof of legal status as provided under s.**
8 **343.14 (2) ~~(ex)~~ (es) shall expire on the date that the person's legal presence in the**
9 **United States is no longer authorized or on the expiration date determined under**
10 **par. (b), whichever date is earlier. If the documentary proof as provided under s.**
11 **343.14 (2) ~~(ex)~~ (es) does not state the date that the person's legal presence in the**
12 **United States is no longer authorized, then the card shall be valid for the succeeding**
13 **period of 4 years from the applicant's next birthday after the date of issuance**
14 **specified in par. (b) except that, if the card was issued or renewed based upon the**
15 **person's presenting of any documentary proof specified in s. 343.14 (2) (es) 4. to 7.,**
16 **the card shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance**
17 **or renewal.**

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

20 **343.50 (6) RENEWAL NOTICE.** At least 30 days prior to the expiration of the an
21 **identification card, the department shall mail a renewal application to the**
22 **last-known address of each identification the card holder. If the card was issued or**
23 **last renewed based upon the person's presenting of any documentary proof specified**
24 **in s. 343.14 (2) (es) 4. to 7., the notice shall inform the card holder of the requirement**
25 **under s. 343.165 (4) (c). The department shall include with the application**

1 information, as developed by all organ procurement organizations in cooperation
2 with the department, that promotes anatomical donations and which relates to the
3 anatomical donation opportunity available under s. 343.175. The fee for a renewal
4 identification card shall be \$9, which card shall be valid for 4 years, except that a card
5 that is issued to a person who is not a United States citizen and who provides
6 documentary proof of legal status as provided under s. 343.14 (2) (er) shall expire on
7 the date that the person's legal presence in the United States is no longer authorized.
8 If the documentary proof as provided under s. 343.14 (2) (er) does not state the date
9 that the person's legal presence in the United States is no longer authorized, then
10 the card shall be valid for 4 years.

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

12 343.50 (8) RECORDS AND OTHER INFORMATION. (a) The department shall
13 maintain current records of all identification card holders under this section in the
14 same manner as required under s. 343.23 for operator's licenses. For each
15 identification card applicant, the record shall include any application for an
16 identification card received by the department, any reinstatement or cancellation of
17 an identification card by the department, the information in all data fields printed
18 on any identification card issued to the applicant, a record of the date on which any
19 verification specified in s. 343.165 (1) and (3) was completed, and all documents
20 required to be maintained under s. 343.165 (2) (a). The department shall maintain
21 the digital images of documents specified in s. 343.165 (2) (a) for at least 10 years.
22 Records under this paragraph shall be maintained in an electronic and transferable
23 format accessible for the purpose specified in par. (c) 1.

24 (b) The department may not disclose any record or other information
25 concerning or relating to an applicant or identification card holder to any person

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

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

13 343.50 (8) (c) 1. Notwithstanding par. (b) and ss. 343.027, 343.14 (2j), and
14 343.237 (2), the department shall, upon request, provide to the driver licensing
15 agencies of other jurisdictions any record maintained by the department of
16 transportation under this subsection, including providing electronic access to any
17 such record.

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

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

1 343.50 (10) CANCELLATION. (intro.) The department shall cancel an
2 identification card under any of the following circumstances:

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

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

6 343.50 (10) (c) Whenever the department receives information from a local,
7 state, or federal government agency that the card holder no longer satisfies the
8 requirements for issuance of a card under ss. 343.14 (2) (es) and 343.165 (1) (e). A
9 card cancelled under this paragraph may not be reinstated under sub. (5) until these
10 requirements are again satisfied.

11 **SECTION 9348. Initial applicability; Transportation.**

12 (1) DMV BACKGROUND INVESTIGATIONS.

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

15 (b) The treatment of section 110.09 (2) of the statutes first applies to persons
16 requesting access to information ^{systems} on the effective date of this paragraph.

17 **SECTION 9448. Effective dates; Transportation.**

18 (1) LICENSE AND IDENTIFICATION CARD ISSUANCE. The treatment of sections 343.01
19 (2) (d), 343.03 (3) (intro.), (3m), and (6) (a), 343.06 (1) (j) and (L), 343.10 (2) (a) (intro.)
20 and (7) (b) ^{and} (d), ^{and} (f), 343.14 (2) (a), (br), (es) 1. and 4., and (f), (2j) (a) and (b), (2r),
21 (3), and (4m), 343.16 (3) (a), 343.165, 343.17 (1), (2), (3) (a) 1, ^{and} 5., ^{and} 14., and (5),
22 343.19 (1), 343.20 (1) (a) and (f), (1m), and (2) (a), 343.22 (1), (2) (intro.) and (a), (2m),
23 and (3), 343.23 (2) (a) (intro.) and (b) and (5), 343.26, 343.43 (1) (g), 343.50 (2), (3),
24 (4), (6), and (10) (intro.), (a), and (c) of the statutes, the renumbering and amendment
25 of section 343.50 (1) and (5) of the statutes, the consolidation, renumbering, and

(by SECTION 31M) ^{CS} ^{AR}

x 2 in 100T

1 amendment of section 343.14 (2) (er) 1. and 2. of the statutes, the amendment of
2 section 343.50 (8) of the statutes, and the creation of section 343.50 (1) (b) and (c) and
3 (8) (c) of the statutes take effect on May 11, 2008.

4 (2) DMV BACKGROUND INVESTIGATIONS.

5 (a) The treatment of section 110.09 (2) of the statutes and SECTION 9348 (1) (b)
6 of this act take effect on the first day of the 4th month beginning after publication.

7 (b) The treatment of section 110.09 (1) of the statutes and SECTION 9348 (1) (a)
8 of this act take effect on January 1, 2008.

9 (END)

D-Note

INSERT ANAL-A:

(no P) The bill requires DOT to perform background investigations, which may include the use of fingerprint analyses by the Federal Bureau of Investigation, on any person who is hired to fill a position in the division of DOT responsible for issuing operator's licenses and identification cards (presently the Division of Motor Vehicles, DMV). In addition, at any interval determined appropriate by DOT, DOT may conduct additional background investigations of these newly hired DMV employees and of any other DMV employees.

INSERT ANAL-B:

(no P) The applicant generally must appear at the examining station nearest his or her residence.

INSERT ANAL-C:

(no P) and the applicant need not appear at the examining station nearest his or her residence.

INSERT 5-6:

(no P) the department of transportation responsible for issuing operator's licenses and identification cards. This background investigation may include requiring

INSERT 6-1:

↓ (b) Notwithstanding ss. 111.321, 111.322, and 111.335, at any interval determined appropriate by the department, the department 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.

INSERT 6-9:

(no R) the department responsible for issuing operator's licenses and identification cards

INSERT 18-21:

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.

(AR) SECTION ~~31m~~ 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) (es) 4. to 7., the license shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance or renewal.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0003/2dn

ARG:/:....

Wly

ATTN: Sara Kornely

Please review the attached draft carefully to ensure that it is consistent with your intent. The attached draft reflects changes to the "/1" to address technical concerns raised during a supervisory review of the draft, and also incorporates changes suggested by DOT. It is possible that some of these "technical" changes could have a substantive impact, and I would encourage review by DOT of these changes to ensure that I have not made changes that cause unintended substantive consequences. Upon request, I can provide a hard copy identifying all changes made in this redraft.

The attached draft moves up the effective date, to the budget bill's general effective date (July 1, 2005 or day after publication, whichever is later), the treatment of three provisions: ss. 343.10 (7) (f), 343.17 (3) (a) 14., and 343.20 (1m) (the first treatment).

ACS
12/23

I believe that DOT is still considering one unresolved issue relating to this draft. With regard to created s. 110.09 (2), could there be any circumstance in which a person wishing to access DMV's information system is a sole proprietor, self-employed, or otherwise does not have an independent "employer" to do the background check? If so, what should happen: the person is denied access to the information system? the person does a background check on himself or herself as both the "employer" and "employee"? DMV does the background check? I believe this provision needs to be modified regardless of which approach is taken, and would appreciate guidance on how it should be modified.

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

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

LRB-0003/2dn
ARG:wlj:nwn

December 27, 2006

ATTN: Sara Kornely

Please review the attached draft carefully to ensure that it is consistent with your intent. The attached draft reflects changes to the "/1" to address technical concerns raised during a supervisory review of the draft and incorporates changes suggested by DOT. It is possible that some of these "technical" changes could have a substantive impact, and I would encourage review by DOT of these changes to ensure that I have not made changes that cause unintended substantive consequences. Upon request, I can provide a hard copy identifying all changes made in this redraft.

The attached draft moves up the effective date, to the budget bill's general effective date (July 1, 2007, or day after publication, whichever is later), the treatment of three provisions: ss. 343.10 (7) (f), 343.17 (3) (a) 14., and 343.20 (1m) (the first treatment).

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

Aaron R. Gary
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