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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

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1 AN ACT *to repeal* 343.10 (2) (a) 3., 343.30 (1q) (c) 1. b., 343.305 (10) (c) 1. b., 343.31
2 (3) (b), 343.32 (1), 343.32 (1m) (a), 343.38 (4) (a), 343.38 (4) (b), 344.32 and
3 345.48 (3); *to renumber* 343.25; *to renumber and amend* 343.30 (2j) (a),
4 343.32 (1s), 343.36 (3) and 344.19 (2); *to consolidate, renumber and amend*
5 343.30 (1q) (c) 1. (intro.), a. and c. and 343.305 (10) (c) 1. (intro.), a. and c.; *to*
6 *amend* 23.33 (13) (e), 118.163 (2) (a), 118.163 (2m) (a), 125.07 (4) (cm), 125.085
7 (3) (bp), 342.12 (4) (a) and (b), 343.027, 343.03 (5) (a), 343.03 (6) (a), 343.03 (6)
8 (b), 343.03 (6) (c) 4., 343.05 (1) (a), 343.05 (5) (b) 1., 343.06 (1) (j), 343.06 (2),
9 343.085 (4), 343.14 (2j) (b), 343.16 (5) (a), 343.20 (1) (e) 1., 343.23 (2) (a) (intro.),
10 343.23 (2) (am) 1. a., 343.23 (2) (am) 1. b., 343.23 (2) (am) 1. c., 343.23 (2) (b),
11 343.23 (4) (b), 343.235 (3) (a), 343.237 (2), 343.24 (3), 343.24 (4) (c) 1., 343.28 (2),
12 343.30 (1g) (b), 343.30 (1q) (b) 4., 343.30 (4), 343.30 (5), 343.301 (2) (d), 343.305
13 (7) (a), 343.305 (7) (b), 343.305 (9) (a) (intro.), 343.305 (9) (am) (intro.), 343.305
14 (10) (b) 3., 343.305 (10) (b) 4., 343.305 (11), 343.31 (1) (intro.), 343.31 (1) (hm),
15 343.31 (2), 343.31 (2m), 343.31 (2r), 343.31 (3) (a), 343.31 (3) (bm) (intro.),

1 343.31 (3) (c), 343.31 (3) (d) (intro.), 343.31 (3) (e), 343.31 (3) (f), 343.31 (3) (i),
2 343.31 (3) (j), 343.315 (2) (f) 7., 343.315 (2) (fm), 343.315 (2) (h), 343.315 (2) (j)
3 (intro.), 343.315 (3) (a), 343.315 (3) (b), 343.315 (3) (d), 343.32 (1m) (b) (intro.),
4 343.32 (2) (a), 343.32 (3), 343.325 (4), 343.34 (1), 343.34 (2), 343.345, 343.36
5 (title), 343.38 (1) (c) 2. c., 343.38 (2), 343.38 (4) (intro.), 343.39 (1) (a), 343.39 (2),
6 343.44 (1) (a), 343.44 (1) (b), 343.44 (1) (c), 343.44 (2) (am), 343.44 (2r), 343.44
7 (2s), 343.44 (4r), 343.50 (8) (b), 344.02 (3), 344.13 (2), 344.18 (1m) (a), 344.18
8 (3m) (a), 344.19 (1), 344.19 (3), 344.24, 344.26 (1), 344.27 (2), 344.27 (3), 344.29,
9 344.30 (1), 344.33 (1), 344.34, 344.42, 345.23 (2) (c), 345.28 (5) (b) 1., 345.28 (5)
10 (b) 2. a., 345.47 (1) (c), 345.48 (2), 345.48 (4), 346.65 (2c), 346.65 (2e), 346.65 (6)
11 (a) 3., 346.65 (6) (km), 350.11 (3) (d), 631.37 (4) (e), 800.09 (1) (c), 938.17 (2) (d)
12 2., 938.34 (8), 938.34 (8d) (d), 938.34 (14m), 938.34 (14r) (a), 938.342 (1g) (a),
13 938.343 (2), 938.344 (2e) (b), 938.355 (6) (d) 2., 938.355 (6m) (a) 1m., 938.396
14 (4), 961.50 (1) (intro.) and 961.50 (2); and **to create** 343.01 (2) (bc), 343.01 (2)
15 (bm), 343.02 (3), 343.06 (1) (bm), 343.23 (2m), 343.23 (3m), 343.251, 343.301 (1)
16 (e), 343.31 (2z), 343.31 (3) (bg), 343.315 (3) (bm), 343.32 (1s) (b), 343.32 (1v),
17 343.36 (3) (b), (c) and (d), 344.08 (1m), 344.14 (1r), 344.19 (2) (a), 344.25 (7) and
18 351.025 (3) of the statutes; **relating to:** driver licensing changes to implement
19 the national Driver License Agreement, extending the time limit for emergency
20 rule procedures, providing an exemption from emergency rule procedures,
21 providing an exemption from rule-making procedures, and requiring the
22 exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the state, through the Department of Transportation (DOT), to enter into the national Driver License Agreement (DLA) that establishes

standards for the treatment and exchange of driver licensing and conviction information and other data pertinent to the licensing process. DOT must promulgate rules that identify all violations of, and administrative actions under, the laws of this state and describe by type or category all equivalent violations of, and administrative actions under, the laws of other jurisdictions that, under the DLA, must be recognized as violations or authorized administrative actions among all jurisdictions that are parties to the DLA (DLA Code violations).

Current law allows or requires DOT or a court, in a variety of circumstances, to suspend or revoke the operating privilege of any person, whether a resident or nonresident, who commits specified offenses in this state. In addition, in a variety of circumstances, current law allows or requires DOT to suspend or revoke the operating privilege of a resident for committing specified offenses in other jurisdictions and allows or requires DOT or a court to treat convictions in other jurisdictions as prior offenses. DOT must revoke the operating privilege of a resident who is convicted in another jurisdiction of an offense that would require the person's operating privilege to be revoked in this state if the offense had been committed in this state. DOT must also revoke the operating privilege of a nonresident, except with respect to a commercial driver license (CDL), upon receiving similar notice from another jurisdiction. DOT may suspend or revoke the operating privilege of a resident who is convicted in another jurisdiction of operating a motor vehicle while the person's operating privilege is suspended or revoked or while the person is disqualified or while the person or vehicle is ordered out-of-service. DOT may also suspend or revoke the operating privilege of a nonresident (except with respect to a CDL) upon receiving similar notice from another jurisdiction.

Under current law, upon conviction of a person for a traffic violation or other specified violation, the court must forward the record of conviction to DOT, and DOT must maintain a file for the person containing a record of any such report of conviction. Also, under current law, DOT must maintain a record of every application for license, permit, or endorsement received by it and of every suspension, revocation, cancellation, and disqualification by DOT. DOT must also maintain a file for each licensee or other person that includes the application for license, permit, or endorsement, a record of reports or abstract of convictions, the status of the person's authorization to operate different vehicle groups, a record of out-of-service orders, and a record of reportable accidents (driver record). The driver record must also include, for a person holding a CDL issued by DOT, a record of certain disqualifications from operating a commercial motor vehicle (CMV) or revocations, suspensions, or cancellations by another jurisdiction of the person's CDL, or a record of certain traffic violations in another jurisdiction, and, for a person holding a CDL issued by any jurisdiction, a record of any violation of a traffic law in any jurisdiction while operating any motor vehicle, not just a CMV.

This bill substantially modifies the procedure for administrative suspensions and revocations of motor vehicle operating privileges, and of record keeping related to both administrative and court-ordered suspensions or revocations, related to the state's joinder of the DLA. Under the bill, DOT may generally suspend or revoke the operating privilege only of persons who hold an operator's license issued by DOT or

are residents of this state and do
 if the person does not hold an operator's license from any jurisdiction, ~~are residents of this state~~ (Wisconsin licensees or residents). A nonresident who commits a violation in this state is generally subject to the penalty provided for the violation except that, in lieu of suspension or revocation of the nonresident's operating privilege in this state, notice is provided to the person's state of licensure or residency. However, certain exceptions allow DOT to suspend or revoke the operating privilege of a nonresident upon receiving a record of conviction in this state for certain offenses if the person is licensed in ~~or a resident of~~ another jurisdiction that is not a member of the DLA or if the offense is not a DLA Code violation. DOT may suspend or revoke the operating privilege of a Wisconsin licensee or resident upon receiving notice of the suspension or revocation in another jurisdiction for an offense that would be cause for suspension or revocation under the law of this state or under the DLA Code. DOT may revoke the operating privilege of a Wisconsin licensee or resident for DLA Code violations in another jurisdiction, but DOT may not suspend or revoke a nonresident's operating privilege if the person was licensed in or residing in another jurisdiction at the time of the conviction for the offense or if the person has reinstated or is eligible to reinstate his or her operating privilege in the other jurisdiction. The bill also eliminates the provisions that require or allow DOT to suspend or revoke the operating privilege of a nonresident for an offense committed in another jurisdiction. In relation to numerous offenses, the bill allows certain offenses committed in other jurisdictions, including Mexico, that, if committed in this state would have been violations in this state, to be grounds for suspension or revocation by DOT and to be counted as prior violations for purposes of court-ordered suspensions or revocations.

Under the bill, although a nonresident is disqualified as a matter of law upon conviction of specified offenses related to a CMV or CDL, the nonresident is not administratively disqualified by DOT, and DOT does not record the disqualification of the nonresident in DOT's driver records unless required to do so by federal law. If DOT receives a record of conviction of a nonresident for an offense not required by federal law to be recorded in DOT's records, DOT must provide notice of the conviction and disqualification to the person's jurisdiction of licensure or residency. The bill also adds certain convictions in other jurisdictions that may result in disqualification. In relation to numerous offenses, the bill allows certain offenses committed in other jurisdictions, including Mexico, that, if committed in this state would have been violations in this state, to be grounds for disqualification.

Under the bill, in most circumstances, DOT must maintain a driver record only for persons who are Wisconsin licensees or residents. For such persons, DOT must maintain in the driver record any notice received from another jurisdiction of the revocation, suspension, or cancellation of the person's operating privilege in that jurisdiction. Rather than maintain a driver record for nonresidents, DOT must forward the record of conviction (as required under current law) or notice of any administrative action, including suspension or revocation of an operating privilege or disqualification by DOT, or of any test refusal, test results, or out-of-service order related to driving or operating a motor vehicle while under the influence of an intoxicant (OWI), to the nonresident's state of licensure or residency. However, DOT must maintain ~~a file~~ other than the driver record (the sub-driver record) for each

and of a resident for specified offenses committed in another jurisdiction.

by or resides

issued by another

or DOT hearing results

^{certain}
^{certain}
 > nonresident convicted of a violation in this state that includes the record of conviction
 and, for violations that are not DLA Code violations or for persons licensed in or
~~residing in non-DLA jurisdictions, any suspension or revocation of the person's~~
 > operating privilege resulting from the conviction, as well as notices of OWI-related
 > refusals, test results, and out-of-service orders.

Upon receiving notice that a Wisconsin licensee or resident has applied for an operator's license or transferred residency to another jurisdiction, DOT must transfer the person's driver record information to the other jurisdiction if the jurisdiction is a member of the DLA or if the jurisdiction accepts responsibility for maintaining the person's driver record. With two exceptions, DOT may not thereafter update the persons' driver record unless required by federal law. Under one exception, if DOT transfers the driver record to a jurisdiction that is not a member of the DLA, DOT may continue to update the driver record with respect to any conviction or suspension or revocation of the person's operating privilege for an offense committed in this state that is not recorded by the other jurisdiction on the person's driver record maintained in that jurisdiction. Under the other exception, even if DOT transfers the driver record, DOT may continue to maintain and update the sub-driver record. If the person returns to this state, DOT may use the sub-driver record to update the driver record with respect to any conviction or suspension or revocation of the person's operating privilege for an offense committed in this state that does not appear on the driver record transferred back to DOT from the person's former jurisdiction of licensure or residency. Also, if this state joins the DLA and a person licensed in another jurisdiction applies for an operator's license in this state, DOT must request that the person's driver record be transferred from the other jurisdiction. The bill further prohibits DOT from issuing an operator's license to any person whose operating privilege is currently suspended, revoked, or canceled by another jurisdiction for an offense specified by DOT as a DLA Code violation unless the suspension, revocation, or cancellation was for failure to comply with a judgment in that jurisdiction and at least five years have elapsed since the suspension, revocation, or cancellation.

Various provisions of current law control the issuance of an operator's license, or the reinstatement of an operating privilege, after suspension or revocation. DOT may not issue an operator's license to a person whose operating privilege has been revoked in this state unless the period of revocation has expired and the person satisfies certain requirements including, with exceptions, filing and maintaining proof of financial responsibility if less than three years have elapsed since the expiration of the period of revocation. DOT may issue an operator's license to a person who is moving to this state and whose operating privilege was previously suspended or revoked in another state if the person's operating privilege has been reinstated by the other state, the period of suspension or revocation that would be required under the laws of this state had the offense been committed in this state has expired, the person submits proof of financial responsibility, and the person satisfies certain other requirements.

This bill eliminates, as a condition of issuing an operator's license to a person moving to this state, the following requirements: that the person's operating

privilege be reinstated by another state as long as the person is eligible for reinstatement in the other state; that the period of suspension or revocation that would be required under the laws of this state had the offense been committed in this state has expired; and that the person submit proof of financial responsibility to DOT.

Under current law, a nonresident's operating privilege revoked in this state is reinstated as a matter of law when the period of revocation has expired, the nonresident pays the required fee, and the nonresident obtains a valid operator's license in his or her state of residence. For both residents and nonresidents alike, with limited exceptions, an operating privilege that has been suspended in this state is automatically reinstated when the period of suspension has terminated, the required fee has been paid, and, for reinstatement of an operating privilege suspended for failure to satisfy financial responsibility requirements related to a motor vehicle accident, the person files with DOT any required proof of financial responsibility. Whenever a person's operating privilege is automatically reinstated, DOT must notify the person and return any surrendered and unexpired license in its possession.

This bill eliminates the requirement that a nonresident whose operating privilege is revoked in this state obtain a valid operator's license issued by his or her resident state as a condition of reinstatement by DOT of the nonresident's operating privilege.

Under current law, under certain circumstances, the owner or operator of a motor vehicle involved in an accident may have his or her operating privilege or vehicle registrations suspended as a result of the accident. Any person whose operating privilege or vehicle registration has been suspended for failure to deposit security or demonstrate financial responsibility after an accident or judgment arising from an accident must provide (and maintain in effect) proof of financial responsibility as a condition of reinstatement of the operating privilege or vehicle registration unless at least three years have elapsed since the person became eligible for reinstatement of the operating privilege or vehicle registration. These provisions apply to any resident or nonresident operator or owner of a motor vehicle involved in an accident in this state. Also under current law, DOT may require proof of financial responsibility in other circumstances, including for issuance of an operator's license after revocation by this state of a person's operating privilege.

This bill eliminates any requirement that nonresidents provide proof of financial responsibility with respect to reinstatement of a suspended operating privilege or registration in this state, and repeals a provision specifying the form of, and requirements related to, proof of financial responsibility provided by nonresidents.

The bill also requires that DOT maintain vehicle registration records related to a court order that a vehicle be seized, immobilized, or equipped with an ignition interlock device arising from an OWI-related offense only if the vehicle is titled and registered in this state. The bill further prohibits DOT from transferring title to a vehicle under certain circumstances only if the vehicle was previously titled in this state.

Under current law, if a court suspends or revokes a person's operating privilege, the court must take possession of the person's operator's license and forward it to DOT. If a person is arrested for OWI, a law enforcement officer requests the person to take a test to determine the amount of alcohol in his or her blood or breath, and the person either refuses to take the test or the test results indicate a prohibited alcohol concentration, the officer must take possession of the person's operator's license and forward it to DOT.

Under this bill, a court that suspends or revokes a person's operating privilege may take possession of a person's operator's license but is not required to do so. If a court does take possession of a person's operator's license, the court must destroy the license. Upon reinstatement of the person's operating privilege, instead of returning the license, DOT must issue a new license. Also, a law enforcement officer who arrests a person for OWI may not take possession of a person's operator's license.

Under current law, with certain exceptions, a person whose operating privilege is suspended or revoked and who applies for an occupational license authorizing the person to operate a motor vehicle for limited purposes must surrender his or her suspended or revoked operator's license. Under this bill, a person who is otherwise eligible to obtain an occupational license may do so without surrendering his or her revoked operator's license.

Under current law, DOT is required to keep certain records and information confidential, including signatures submitted to DOT, records of conviction and suspensions or revocations related to underage drinking offenses, social security numbers, certain driving records and identification card records, and photographs and fingerprints taken of operator's license applicants. In most cases, there are specified exceptions allowing the information or records to be disclosed only to specified persons, usually governmental entities such as courts, district attorneys, and law enforcement agencies. This bill creates an exception allowing DOT to disclose certain records and information to any driver licensing agency of another jurisdiction ~~or Mexico~~. The bill also creates an exception allowing DOT to disclose signatures submitted to DOT to certain specified governmental entities such as courts, district attorneys, and law enforcement agencies.

Under current law, if a person is arrested for a traffic regulation, the law enforcement officer must issue a citation and must release the person if, among other things, the person makes a specified monetary deposit or deposits the person's Wisconsin operator's license with the officer. This bill provides for the release of a person under these circumstances if the person deposits an operator's license issued by any jurisdiction, not just Wisconsin.

The bill requires DOT, within approximately six months, to submit proposed rules to administer the provisions of the bill to the Legislative Council Staff and to promulgate emergency rules to administer the provisions of the bill until the proposed rules submitted to the Legislative Council Staff become final. The bill delays the applicability of all other provisions for approximately one year.

Because this bill proposes to revoke a person's operating privilege upon conviction for an offense, DOT, as required by law, will prepare a report to be printed as an appendix to this bill.

insert
ANAL - A

For further information see the *state and local* 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.** 23.33 (13) (e) of the statutes is amended to read:

2 23.33 (13) (e) *Alcohol, controlled substances or controlled substance analogs;*
3 *assessment.* In addition to any other penalty or order, a person who violates sub. (4c)
4 (a) or (b) or (4p) (e) or who violates s. 940.09 or 940.25 if the violation involves the
5 operation of an all-terrain vehicle, shall be ordered by the court to submit to and
6 comply with an assessment by an approved public treatment facility for an
7 examination of the person's use of alcohol, controlled substances or controlled
8 substance analogs. The assessment order shall comply with s. 343.30 (1q) (c) 1. a.
9 to e. Intentional failure to comply with an assessment ordered under this paragraph
10 constitutes contempt of court, punishable under ch. 785.

11 **SECTION 2.** 118.163 (2) (a) of the statutes is amended to read:

12 118.163 (2) (a) Suspension of the person's operating privilege for not less than
13 30 days nor more than one year. The court ~~shall immediately~~ may take possession
14 of, and if possession is taken, shall destroy, any suspended license and ~~forward it.~~
15 The court shall forward to the department of transportation ~~together with~~ a notice
16 stating the reason for and the duration of the suspension.

17 **SECTION 3.** 118.163 (2m) (a) of the statutes is amended to read:

18 118.163 (2m) (a) A county, city, village or town may enact an ordinance
19 permitting a court to suspend the operating privilege of a person who is at least 16
20 years of age but less than 18 years of age and is a dropout. The ordinance shall
21 provide that the court may suspend the person's operating privilege until the person

1 reaches the age of 18. The court ~~shall immediately~~ may take possession of, and if
2 possession is taken, shall destroy, any suspended license and forward it. The court
3 shall forward to the department of transportation ~~together with~~ a notice stating the
4 reason for and the duration of the suspension.

5 **SECTION 4.** 125.07 (4) (cm) of the statutes is amended to read:

6 125.07 (4) (cm) When a court revokes or suspends a person's operating privilege
7 under par. (bs) or (c), the department of transportation may not disclose information
8 concerning or relating to the revocation or suspension to any person other than a
9 court, district attorney, county corporation counsel, city, village or town attorney, law
10 enforcement agency, driver licensing agency of another jurisdiction ~~or Mexico~~, or the
11 person whose operating privilege is revoked or suspended. A person entitled to
12 receive information under this paragraph may not disclose the information to any
13 other person or agency.

14 **SECTION 5.** 125.085 (3) (bp) of the statutes is amended to read:

15 125.085 (3) (bp) When a court suspends a person's operating privilege under
16 par. (bd), the department of transportation may not disclose information concerning
17 or relating to the suspension to any person other than a court, district attorney,
18 county corporation counsel, city, village or town attorney, law enforcement agency,
19 driver licensing agency of another jurisdiction ~~or Mexico~~, or the person whose
20 operating privilege is suspended. A person entitled to receive information under this
21 paragraph may not disclose the information to any other person or agency.

22 **SECTION 6.** 342.12 (4) (a) and (b) of the statutes are amended to read:

23 342.12 (4) (a) The district attorney shall notify the department when he or she
24 files a criminal complaint against a person who has been arrested for violating s.
25 346.63 (1) or (2), 940.09 (1) or 940.25 and who has 2 or more prior convictions,

1 suspensions or revocations, as counted under s. 343.307 (1). Except as provided
 2 under par. (c), if the department has previously issued a valid certificate of title for
 3 the motor vehicle owned by the person and involved in the violation, the department
 4 may not issue a certificate of title transferring ownership of ~~the motor~~ this vehicle
 5 ~~owned by the person and involved in the violation~~ upon receipt of a notice under this
 6 subsection until the court assigned to hear the criminal complaint issues an order
 7 permitting the department to issue a certificate of title.

8 (b) Except as provided under par. (c), if the department has previously issued
 9 a valid certificate of title for the motor vehicle owned by the person and involved in
 10 the violation, the department may not issue a certificate of title transferring
 11 ownership of ~~the motor~~ this vehicle ~~owned by a person and involved in the violation~~
 12 upon receipt of a notice of intent to revoke the person's operating privilege under s.
 13 343.305 (9) (a), if the person has 3 or more prior convictions, suspensions or
 14 revocations, as counted under s. 343.307 (1), until the court assigned to the hearing
 15 under s. 343.305 (9) issues an order permitting the department to issue a certificate
 16 of title.

17 **SECTION 7.** 343.01 (2) (bc) of the statutes is created to read:

18 343.01 (2) (bc) "Home jurisdiction" means another jurisdiction that has most
 19 recently issued an operator's license to a person or, if the person has not been issued
 20 an operator's license by ~~any~~ ^{another} jurisdiction, ~~the~~ ^{another} jurisdiction ^{where} of the person's ^{resides} residence.

****NOTE: This definition was prepared with the intent that it exclude Wisconsin, and the defined term is used throughout the draft with this intent. Also, the term already exists in certain statutes, and the definition was drafted to remain consistent with that use. ~~Where it is necessary to include Wisconsin, I have used specific language to this effect.~~

21 **SECTION 8.** 343.01 (2) (bm) of the statutes is created to read:

I have modified this definition in response to Paul Nilsen's comments, but not exactly in the manner described. Is this definition OK?

1 343.01 (2) (bm) "Member jurisdiction" means another jurisdiction that has
2 entered into the driver license agreement, as described in s. 343.02 (3) (a).

3 **SECTION 9.** 343.02 (3) of the statutes is created to read:

4 343.02 (3) (a) To promote the efficient administration and enforcement of the
5 provisions of this chapter, this state, through the department, shall join the
6 agreement facilitated by the American Association of Motor Vehicle Administrators
7 that, as of the effective date of this paragraph [revisor inserts date], is known as
8 the "Driver License Agreement" that establishes standards among participating
9 jurisdictions for the treatment and exchange of driver licensing and conviction
10 information and other data pertinent to the licensing process.

11 (b) The department shall promulgate rules as the secretary considers
12 necessary to effectuate the purposes of the driver license agreement and shall
13 promulgate rules, timed to become effective with the effective date of the state's
14 joinder in the driver license agreement, that identify all violations of, and
15 administrative actions under, the laws of this state and describe by type or category
16 all equivalent violations of, and administrative actions under, the laws of other
17 jurisdictions that, under the driver license agreement, are required to be recognized
18 as violations or authorized administrative actions among all jurisdictions that are
19 parties to the driver license agreement.

20 (c) The department shall provide for publication of notice of the state's joinder
21 in the driver license agreement, including the effective date of such joinder, by notice
22 published by the revisor of statutes in the Wisconsin Administrative Register under
23 s. 35.93 (4).

24 **SECTION 10.** 343.027 of the statutes, as affected by 2005 Wisconsin Act 59, is
25 amended to read:

1 **343.027 Confidentiality of signatures.** Any signature collected under this
 2 chapter may be maintained by the department and shall be kept confidential, except
 3 that the department shall release a signature or a facsimile of a signature to the
 4 department of revenue for the purposes of administering state taxes and collecting
 5 debt or, to the person to whom the signature relates, to a court, district attorney,
 6 county corporation counsel, city, village, or town attorney, law enforcement agency,
 7 or to the driver licensing agency of another jurisdiction or Mexico.

8 **SECTION 11.** 343.03 (5) (a) of the statutes, as affected by 2003 Wisconsin Act 33,
 9 is amended to read:

10 343.03 (5) (a) Before issuing or renewing any license under this chapter, the
 11 department shall obtain driver record information from the national driver registry
 12 and commercial driver license information system to determine whether the
 13 applicant holds a commercial driver license, or a license that is revoked, suspended
 14 or canceled, or is otherwise disqualified. If the applicant is currently licensed in
 15 another state jurisdiction, the department shall obtain information on the
 16 applicant's license status with the state jurisdiction of licensure before issuing a
 17 license, including requesting transfer to the department of the applicant's driver
 18 record information from the other jurisdiction if that jurisdiction is a member
 19 jurisdiction.

20 **SECTION 12.** 343.03 (6) (a) of the statutes, as affected by 2003 Wisconsin Act 33,
 21 is amended to read:

22 343.03 (6) (a) The department shall, upon request, provide to the commercial
 23 driver license information system and the driver licensing agencies of other states
 24 jurisdictions or Mexico any applicant or driver record information maintained by the
 25 department.

1 **SECTION 13.** 343.03 (6) (b) of the statutes, as created by 2003 Wisconsin Act 33,
2 is amended to read:

3 343.03 (6) (b) The department shall, upon request and within 30 days of the
4 request, provide to the driver licensing agencies of other jurisdictions or Mexico the
5 driving record of any person currently or previously licensed by the department, as
6 required under 49 CFR 384.206 (a) (2) (iii).

7 **SECTION 14.** 343.03 (6) (c) 4. of the statutes, as created by 2003 Wisconsin Act
8 33, is amended to read:

9 343.03 (6) (c) 4. Any driver licensing agency of another jurisdiction or Mexico
10 or law enforcement agency.

11 **SECTION 15.** 343.05 (1) (a) of the statutes is amended to read:

12 343.05 (1) (a) Except as provided in this subsection, no person may at any time
13 have more than one operator's license. This prohibition includes, without limitation,
14 having licenses from more than one state, having licenses under more than one name
15 or birthdate, ~~having an occupational license without having surrendered the revoked~~
16 ~~or suspended license document,~~ and having more than one license issued for the
17 operation of different types or classes of vehicles. This paragraph does not apply to
18 any person who has only operator's licenses issued by this state and by a country,
19 province, or subdivision that is a party to an agreement under s. 343.16 (1) (d).

20 **SECTION 16.** 343.05 (5) (b) 1. of the statutes is amended to read:

21 343.05 (5) (b) 1. Except as provided in subd. 2. and sub. (6), any person who
22 violates sub. (3) (a) may be required to forfeit not more than \$200 for the first offense,
23 may be fined not more than \$300 and imprisoned for not more than 30 days for the
24 2nd offense occurring within 3 years, and may be fined not more than \$500 and
25 imprisoned for not more than 6 months for the 3rd or subsequent offense occurring

1 within 3 years. A violation of a local ordinance in conformity with this section ~~or a~~
2 ~~violation of~~, a law of a federally recognized American Indian tribe or band in this
3 state in conformity with this section, or the law of another jurisdiction ~~or Mexico~~ for
4 an offense therein which, if committed in this state, would have been a violation
5 under this section, shall count as a previous offense.

6 SECTION 17. 343.06 (1) (bm) of the statutes is created to read:

7 343.06 (1) (bm) To any person whose operating privilege is currently
8 suspended, revoked, or canceled by another jurisdiction for an offense or combination
9 of offenses identified in the rules under s. 343.02 (3) (b), except if the operating
10 privilege was suspended, revoked, or canceled by another jurisdiction for failure to
11 comply with a judgment in that ^{other} jurisdiction and at least 5 years have elapsed since
12 the operating privilege was suspended, revoked, or canceled for failure to comply.

13 SECTION 18. 343.06 (1) (j) of the statutes is amended to read:

14 343.06 (1) (j) To any person applying for his or her first license or identification
15 card ~~or for a reinstated license~~ in this state unless the person has submitted
16 satisfactory proof of his or her name and date of birth, identity, and, if applicable,
17 residency, or to any person applying for a reinstated license in this state unless the
18 person has submitted satisfactory proof of his or her identity.

19 SECTION 19. 343.06 (2) [✓] of the statutes, as affected by 2003 Wisconsin Act 33,

20 is amended to read:

21 343.06 (2) The department shall not issue a commercial driver license,
22 including a renewal or reinstated license, to any person during any period of
23 disqualification under s. 343.315 or 49 CFR 383.51 or the law of another jurisdiction
24 or Mexico in substantial conformity therewith, as the result of one or more
25 disqualifying offenses committed on or after July 1, 1987, or to any person whose

1 operating privilege is revoked, suspended, or canceled. ~~Any~~ With respect to any
2 person who is known to the department to be subject to disqualification as described
3 in s. 343.44 (1) (d), ~~the department shall be disqualified by the department as~~
4 ~~provided~~ disqualify the person or provide notice as specified in s. 343.315.

5 **SECTION 20.** 343.085 (4) of the statutes is amended to read:

6 343.085 (4) The secretary may require that a person be continued on
7 probationary status beyond the period of first issuance if such person appears by the
8 records of the department to have repeatedly violated any of the state traffic laws or
9 any local ordinance in conformity therewith or any law of a federally recognized
10 American Indian tribe or band in this state in conformity with any of the state traffic
11 laws or any law of another jurisdiction or Mexico for an offense therein which, if
12 committed in this state, would have been a violation of this state's traffic laws. A
13 person may not be continued on probationary status due to a suspension under s.
14 343.30 (6).

15 **SECTION 21.** 343.10 (2) (a) 3. of the statutes is repealed.

16 **SECTION 22.** 343.14 (2j) (b) [✓] of the statutes, as affected by 2005 Wisconsin Act

17 59, is amended to read:

18 343.14 (2j) (b) Except as provided in sub. (2g) (b) and as otherwise required to
19 administer and enforce this chapter, the department of transportation may not
20 disclose a social security number obtained from an applicant for a license under sub.
21 (2) (bm) to any person except to the department of workforce development for the sole
22 purpose of administering s. 49.22 ~~or~~, to the department of revenue for the purposes
23 of administering state taxes and collecting debt, or to the driver licensing agency of
24 another jurisdiction or Mexico.

***NOTE: This may need to be reconciled with a revisor's bill.

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SECTION 23. 343.16 (5) (a) of the statutes, as affected by 2005 Wisconsin Act

187, is amended to read:

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343.16 (5) (a) The secretary may require any applicant for a license or any licensed operator to submit to a special examination by such persons or agencies as the secretary may direct to determine incompetency, physical or mental disability, disease, or any other condition that might prevent such applicant or licensed person from exercising reasonable and ordinary control over a motor vehicle. If the department requires the applicant to submit to an examination, the applicant shall pay for the examination. If the department receives an application for a renewal or duplicate license after voluntary surrender under s. 343.265 or receives a report from a physician, advanced practice nurse prescriber certified under s. 441.16 (2), or optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests within a one-year period for any combination of violations of s. 346.63 (1) or (5) or a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or the law of another jurisdiction or Mexico for an offense therein which, if committed in this state, would have been a violation of any of these provisions, the department shall determine, by interview or otherwise, whether the operator should submit to an examination under this section. The examination may consist of an assessment. If the examination indicates that education or treatment for a disability, disease or condition concerning the use of alcohol, a controlled substance or a controlled substance analog is appropriate, the department may order a driver safety plan in accordance with s. 343.30 (1q). If there

1 is noncompliance with assessment or the driver safety plan, the department shall
2 revoke the person's operating privilege in the manner specified in s. 343.30 (1q) (d).

3 **SECTION 24.** 343.20 (1) (e) 1. of the statutes is amended to read:

4 343.20 (1) (e) 1. The person is moving to this state, surrenders his or her valid
5 commercial driver license issued by another state jurisdiction ~~or Mexico~~, and makes
6 application for a commercial driver license in this state.

7 **SECTION 25.** 343.23 (2) (a) (intro.)[✓] of the statutes, as affected by 2003 Wisconsin
8 Act 280, is amended to read:

9 343.23 (2) (a) (intro.) The Subject to par. (am) 1. c., the department shall
10 maintain a file for each licensee or other person who is a licensee under this chapter
11 or, ^{is a resident to whom another jurisdiction} if the person has not been issued an operator's license by any jurisdiction, is a
12 resident containing the application for license, permit or endorsement, a record of
13 reports or abstract of convictions, any notice received from another jurisdiction or
14 Mexico of the revocation, suspension, or cancellation of the person's operating
15 privilege in that ^{other} jurisdiction or Mexico, any notice received from the federal
16 transportation security administration concerning the person's eligibility for an "H"
17 endorsement specified in s. 343.17 (3) (d) 1m., the status of the person's authorization
18 to operate different vehicle groups, a record of any out-of-service orders issued
19 under s. 343.305 (7) (b) or (9) (am), a record of the date on which any background
20 investigation specified in s. 343.12 (6) (a) or (d) was completed, and a record of any
21 reportable accident in which the person has been involved, including specification
22 of any type of license and endorsements issued under this chapter under which the
23 person was operating at the time of the accident and an indication whether or not the
24 accident occurred in the course of any of the following:

1 **SECTION 26.** 343.23 (2) (am) 1. a. of the statutes, as created by 2003 Wisconsin
2 Act 33, is amended to read:

3 343.23 (2) (am) 1. a. For a person holding a commercial driver license issued
4 by the department, a record of any disqualification by another jurisdiction or Mexico
5 of the person from operating a commercial motor vehicle for at least 60 days or of the
6 revocation, suspension, or cancellation by another jurisdiction or Mexico of the
7 person's commercial driver license for at least 60 days, and the violation that resulted
8 in the disqualification, revocation, suspension, or cancellation, as specified in any
9 notice received from the other jurisdiction or Mexico.

10 **SECTION 27.** 343.23 (2) (am) 1. b. of the statutes, as created by 2003 Wisconsin
11 Act 33, is amended to read:

12 343.23 (2) (am) 1. b. For a person holding a commercial driver license issued
13 by the department, a record of any violation in another jurisdiction or Mexico of any
14 law of that jurisdiction or Mexico, including any local law of that jurisdiction, or of
15 any law of a federally recognized American Indian tribe or band in that jurisdiction,
16 in conformity with any law of this state relating to motor vehicle traffic control, other
17 than a parking violation, as specified in any notice received from that jurisdiction or
18 Mexico. The department shall record this information within 10 days after receipt
19 of the notice.

20 **SECTION 28.** 343.23 (2) (am) 1. c. of the statutes, as created by 2003 Wisconsin
21 Act 33, is amended to read:

22 343.23 (2) (am) 1. c. For a person holding a commercial driver license issued
23 by this state or another jurisdiction or Mexico, a record of each violation, while
24 operating any motor vehicle, of any state law or local ordinance of this state or any
25 law of a federally recognized American Indian tribe or band in this state in

1 conformity with any law of this state relating to motor vehicle traffic control, other
2 than a parking violation. The department shall record the information under this
3 subdivision within 10 days after the date of conviction.

4 SECTION 29. 343.23 (2) (b) of the statutes, as affected by 2003 Wisconsin Acts

5 33 and 320, is amended to read:

6 343.23 (2) (b) The information specified in pars. (a) and (am) must be filed by
7 the department so that the complete operator's record is available for the use of the
8 secretary in determining whether operating privileges of such person shall be
9 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest
10 of public safety. The secretary may also consider the information specified in sub.
11 (2m) for purposes of this paragraph, and, except as provided in sub. (3) (a), any
12 information maintained under sub. (2m) that is described in this paragraph shall be
13 maintained for the periods specified in this paragraph. The record of suspensions,
14 revocations, and convictions that would be counted under s. 343.307 (2) shall be
15 maintained permanently, except that the department shall purge the record of a first
16 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b) after
17 10 years, if the person who committed the violation had a blood alcohol concentration
18 of 0.08 or more but less than 0.1 at the time of the violation, if the person does not
19 have a commercial driver license, if the violation was not committed by a person
20 operating a commercial motor vehicle, and if the person has no other suspension,
21 revocation, or conviction that would be counted under s. 343.307 during that 10-year
22 period. The record of convictions for disqualifying offenses under s. 343.315 (2) (h)
23 shall be maintained for at least 10 years. The record of convictions for disqualifying
24 offenses under s. 343.315 (2) (f) and (j), and all records specified in par. (am), shall
25 be maintained for at least 3 years. The record of convictions for disqualifying offenses

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

9 **SECTION 30.** 343.23 (2m) of the statutes is created to read:

10 343.23 (2m) (a) Subject to sub. (3m) (b), the department shall maintain a file,
11 other than the operator's record file specified in sub. (2) (a), for each nonresident who
12 is convicted of a violation, or who otherwise commits an offense, in this state ~~that~~
13 ~~would be recorded on the person's operator's record under sub. (2) or record under~~
14 ~~sub. (3) (a) if the person were a resident, that shall include all of the following:~~

15 *intent*
16 *20-15* 1. A record of reports or abstract of convictions resulting from offenses
17 committed in this state, including any court-ordered suspension or revocation of the
18 person's operating privilege, or, subject to sub. (2) (am) 1. c., disqualification,
resulting from the conviction.

19 *30* 2. A record of any suspension or revocation by the department of the person's
20 operating privilege under par. (b) or as provided under s. 343.31 (2z), 343.34 (2),
21 344.08 (1m), 344.14 (1r), 344.25 (7), or 351.025 (3).

22 *40* 3. A record of any administrative suspension, notice of refusal, notice of intent
23 to revoke, issuance of an out-of-service order, or report of test results under s.
24 343.305 (7) or (9).

25 *50* 4. A record of any revocation under s. 343.305 (10) (em).

1

5. A record of any suspension under s. 343.31 (2s).

****NOTE: ~~This is the~~ ^{Is this} sub-driver record, ^{now} consistent with your intent?

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(b) The department may use the file under par. (a), and the file specified in sub.

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(2) (a) if updated as provided in sub. (3m) (b), to suspend or revoke the operating

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privilege of, or to disqualify, a ~~person who is a~~ nonresident if any of the following

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apply:

~~person who is a~~ by or resides in ~~the~~

6

1. The person is licensed ~~in or a resident of~~ another jurisdiction that is not a

7

member jurisdiction.

8

2. The offense for which the suspension, revocation, or disqualification occurs

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was committed in this state and is not an offense identified in the rules under s.

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343.02 (3) (b).

11

(c) Nothing in this subsection requires the department to maintain a record of

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any conviction if, at the time of the conviction, the person was licensed in or resided

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in another jurisdiction ~~or Mexico.~~

14

SECTION 31. 343.23 (3m) of the statutes is created to read:

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343.23 (3m) (a) Upon receiving notice that a person ~~who is a licensee under this~~

16

~~chapter or, if the person has not been issued an operator's license by any jurisdiction,~~ ^{for whom the department maintains a file under sub. (2) (a)}

17

~~is a resident and~~ has applied for or been issued an operator's license in another

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jurisdiction or has transferred residency to another jurisdiction, the department

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shall transfer to the other jurisdiction all file information specified in sub. (2) (a) and

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(am) within 30 days of receiving such notice if the other jurisdiction is a member

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jurisdiction or if the other jurisdiction accepts responsibility for maintaining the

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person's operator's record. Subject to par. (b), upon such transfer, the department

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shall not update the file described in sub. (2) (a) with any information described in

1 sub. (2) (a) and (am) except as provided under sub. (2) (am) 1. c. and ^{except} as required under
2 federal law.

****NOTE: This provision allows DOT to transfer its driver file information to another jurisdiction, but DOT must continue to retain its own copy (which would no longer be updated), including retaining information for the periods specified in s. 343.23 (2) (b).

3 (b) If the department transfers the operator's record file information to another
4 jurisdiction as provided in par. (a), and that ^{other} jurisdiction is not a member jurisdiction,
5 the department may continue to update the file specified in sub. (2) (a) with respect
6 to any conviction or other information described in sub. (2) (a) and (am) related to an
7 offense committed in this state that is not recorded by the other jurisdiction on the
8 person's operator's record.

9 (c) If the department transfers a person's operator's record file information to
10 another jurisdiction as provided in par. (a), the department may continue to
11 maintain and update the file specified in sub. (2m). If a person subsequently applies
12 for or is issued an operator's license under this chapter or transfers residency back
13 to this state, the department may use the file specified in sub. (2m) to update the file
14 specified in sub. (2) (a) with respect to any conviction, suspension, revocation,
15 disqualification, or other information contained in the file specified in sub. (2m)
16 related to an offense committed in this state that does not appear on an operator's
17 record transferred to the department from the person's former jurisdiction of
18 licensure or residency.

19 **SECTION 32.** 343.23 (4) (b) of the statutes is amended to read:

20 343.23 (4) (b) Any record of issuance of an out-of-service order under s. 343.305
21 (7) (b) or (9) (am) upon receipt of a report from the court hearing the action arising
22 out of the same incident or occurrence that the action has been dismissed or the
23 person has been found innocent of the charge of violating s. 346.63 (7) arising out of

1 that incident or occurrence. In the case of a nonresident, the department shall also
2 inform the state of licensure of the dismissal or finding of innocence.

3 SECTION 33. 343.235 (3) (a) of the statutes is amended to read:

4 343.235 (3) (a) A law enforcement agency, a state authority, a district attorney,
5 a driver licensing agency of another jurisdiction or Mexico, or a federal governmental
6 agency, to perform a legally authorized function.

7 SECTION 34. 343.237 (2) of the statutes, as affected by 2003 Wisconsin Act 280,
8 is amended to read:

9 343.237 (2) Any photograph taken of an applicant under s. 343.14 (3) or 343.50
10 (4), and any fingerprint taken of an applicant under s. 343.12 (6) (b), may be
11 maintained by the department and, except as provided in this section, shall be kept
12 confidential. Except as provided in this section, the department may release a
13 photograph or fingerprint only to the person whose photograph or fingerprint was
14 taken or to the driver licensing agency of another jurisdiction or Mexico.

Insert
23-14

15 SECTION 35. 343.24 (3) of the statutes is amended to read:

16 343.24 (3) The department shall not disclose information concerning or related
17 to a violation as defined by s. 343.30 (6) to any person other than a court, district
18 attorney, county corporation counsel, city, village, or town attorney, law enforcement
19 agency, driver licensing agency of another jurisdiction or Mexico, or the minor who
20 committed the violation or his or her parent or guardian.

21 SECTION 36. 343.24 (4) (c) 1. of the statutes is amended to read:

22 343.24 (4) (c) 1. A law enforcement agency, a state authority, a district attorney,
23 a driver licensing agency of another jurisdiction or Mexico, or a federal governmental
24 agency, to perform a legally authorized function.

25 SECTION 37. 343.25 of the statutes is renumbered 343.255.

Section 32 - a number you want. please check with the subcommittee.

1 **SECTION 38.** 343.251 of the statutes is created to read:

2 343.251 **Definition.** In this subchapter and subch. IV, "other jurisdiction" or
3 "another jurisdiction" has the meaning given in s. 340.01 (41m) and includes Mexico
4 or any state thereof.

5 **SECTION 39.** 343.28 (2) of the statutes is amended to read:

6 343.28 (2) Whenever a person is convicted of any offense for which s. 343.31
7 makes mandatory the revocation by the secretary of such person's operating
8 privilege, the court in which the conviction occurred shall may require the surrender
9 to it of any license then held by such person and, if the court requires surrender of
10 a license, the court shall destroy the license. The clerk of the court, or the justice,
11 judge or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward
12 to the department the record of conviction and any surrendered licenses. The record
13 of conviction forwarded to the department, which shall state whether the offender
14 was involved in an accident at the time of the offense, whether the offender was
15 operating a commercial motor vehicle at the time of the offense and, if so, whether
16 the offender was transporting hazardous materials requiring placarding or any
17 quantity of a material listed as a select agent or toxin under 42 CFR 73, or was
18 operating a vehicle designed to carry, or actually carrying, 16 or more passengers,
19 including the driver.

20 **SECTION 40.** 343.30 (1g) (b) of the statutes is amended to read:

21 343.30 (1g) (b) A court shall revoke a person's operating privilege upon the
22 person's conviction for violating s. 343.44 (1) (a), (b) or (d) or a local ordinance in
23 conformity therewith if the person has been convicted of 3 or more prior violations
24 of s. 343.44 (1) (a), (b) or (d), or of similar violations under s. 343.44 (1), 1997 stats.,
25 or a local ordinance in conformity therewith, with s. 343.44 (1) (a), (b), or (d), or the

1 law of another jurisdiction prohibiting operating a motor vehicle with a suspended
2 or revoked license or while disqualified or ordered out of service, as those terms or
3 substantially similar terms are used in that ^{other} jurisdiction's laws, within the 5-year
4 period preceding the violation. The revocation shall be for a period of 6 months,
5 unless the court orders a period of revocation of less than 6 months and places its
6 reasons for ordering the lesser period of revocation on the record.

7 **SECTION 41.** 343.30 (1q) (b) 4. of the statutes is amended to read:

8 343.30 (1q) (b) 4. Except as provided in subd. 4m., if the number of convictions
9 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
10 convictions, suspensions, and revocations counted under s. 343.307 (1), equals 3 or
11 more, the court shall revoke the person's operating privilege for not less than 2 years
12 nor more than 3 years. After the first 90 days of the revocation period or, if the total
13 number of convictions, suspensions, and revocations counted under this subdivision
14 within any 5-year period equals 2 or more, after one year of the revocation period has
15 elapsed, the person is eligible for an occupational license under s. 343.10 if he or she
16 has completed the assessment, if applicable, and is complying with the driver safety
17 plan ordered under par. (c), if applicable.

18 **SECTION 42.** 343.30 (1q) (c) 1. (intro.), a. and c. of the statutes are consolidated,
19 renumbered 343.30 (1q) (c) 1. and amended to read:

20 343.30 (1q) (c) 1. Except as provided in ~~subd. 1. a. or b.~~ this subdivision, and
21 except for a first violation of s. 346.63 (1) (b), if the person who committed the
22 violation is a licensee under this chapter or ^{is a resident to whom another jurisdiction} if the person has not been issued an
23 operator's license ~~by any jurisdiction~~ ^{is a resident} and had a blood alcohol
24 concentration of 0.08 or more but less than 0.1 at the time of the violation, the court
25 shall order the person to submit to and comply with an assessment by an approved

1 public treatment facility as defined in s. 51.45 (2) (c) for examination of the person's
2 use of alcohol, controlled substances or controlled substance analogs and
3 development of a driver safety plan for the person. The court shall notify the
4 department of transportation of the assessment order. The court shall notify the
5 person that noncompliance with assessment or the driver safety plan will result in
6 revocation of the person's operating privilege until the person is in compliance. The
7 assessment order shall: ~~If the person is a resident,~~ refer the person to an approved
8 public treatment facility in the county in which the person resides. The facility
9 named in the order may provide for assessment of the person in another approved
10 public treatment facility. The order shall provide that if the person is temporarily
11 residing in another state, the facility named in the order may refer the person to an
12 appropriate treatment facility in that state for assessment and development of a
13 driver safety plan for the person satisfying the requirements of that state. ~~Require~~
14 The assessment order shall require a person who is referred to a treatment facility
15 in another state under ~~subd. 1. a. or b.~~ this subdivision to furnish the department
16 written verification of his or her compliance from the agency which administers the
17 assessment and driver safety plan program. The person shall provide initial
18 verification of compliance within 60 days after the date of his or her conviction. The
19 requirement to furnish verification of compliance may be satisfied by receipt by the
20 department of such verification from the agency which administers the assessment
21 and driver safety plan program.

22 **SECTION 43.** 343.30 (1q) (c) 1. b. of the statutes is repealed.

23 **SECTION 44.** 343.30 (2j) (a) of the statutes is renumbered 343.30 (2j) and
24 amended to read:

for violating s. 346.44 or 346.62 (2m) if

1 343.30 (2j) A court may revoke a person's operating privilege upon the person's

2 first conviction for violating s. 346.44 or 346.62 (2m) and shall revoke a person's

3 operating privilege upon the person's ^{strike} 2nd or subsequent conviction ^{if the person was previously convicted} within a 5-year

4 period for violating s. 346.44 or 346.62 (2m) or the law of another jurisdiction for an

5 offense therein which, if committed in this state, would have been cause for

6 revocation under this subsection. The revocation shall be for a period of 6 months.

7 For purposes of determining prior convictions for purposes of this paragraph

8 subsection, the 5-year period shall be measured from the dates of the violations that

9 resulted in the convictions. Each conviction under s. 346.44 or 346.62 (2m) or the

10 applicable law of another jurisdiction shall be counted, except that convictions under

11 s. 346.44 and 346.62 (2m) or the applicable law of another jurisdiction arising out of

12 the same incident or occurrence shall be counted as a single conviction.

* → *NOTE: I revised this provision from the "PI" draft, as it didn't seem correct to me.*

SECTION 45. 343.30 (4) of the statutes is amended to read:

14 343.30 (4) Whenever a court or judge suspends or revokes an operating

15 privilege under this section, the court or judge shall ~~immediately~~ may take

16 possession of, and if possession is taken, shall destroy, any suspended or revoked

17 license ~~and~~. The court or judge shall forward it, as provided in s. 345.48, to the

18 department ~~together with~~ the record of conviction and notice of suspension or

19 revocation. Whenever a court or judge restricts the operating privilege of a person,

20 the court or judge shall forward notice of the restriction to the department.

SECTION 46. 343.30 (5) of the statutes is amended to read:

22 343.30 (5) No court may suspend or revoke an operating privilege except as

23 authorized by this chapter or ch. 345, 351, or 938 or s. ~~767.303~~ ^{767.73}, 800.09 (1) (c), 800.095

24 (4) (b) 4., 943.21 (3m), or 961.50. When a court revokes, suspends, or restricts a

25 juvenile's operating privilege under ch. 938, the department of transportation shall

1 not disclose information concerning or relating to the revocation, suspension, or
2 restriction to any person other than a court, district attorney, county corporation
3 counsel, city, village, or town attorney, law enforcement agency, driver licensing
4 agency of another jurisdiction, or the minor whose operating privilege is revoked,
5 suspended, or restricted, or his or her parent or guardian. Persons entitled to receive
6 this information shall not disclose the information to other persons or agencies.

7 **SECTION 47.** 343.301 (1) (e) of the statutes is created to read:

8 343.301 (1) (e) The court shall notify the department, in a form and manner
9 prescribed by the department, that an order requiring a motor vehicle to be equipped
10 with an ignition interlock device has been entered. If the motor vehicle is registered
11 in this state under ch. 341 and the department has issued a valid certificate of title
12 for the vehicle under ch. 342, the registration records of the department shall reflect
13 that the order has been entered against the motor vehicle and remains unexecuted.
14 Any law enforcement officer may execute that order based on the information
15 provided by the department. The law enforcement agency shall notify the
16 department when an order has been executed under this paragraph and the
17 department shall amend its vehicle registration records to reflect that notification
18 if the motor vehicle is registered in this state under ch. 341 and the department has
19 issued a valid certificate of title for the vehicle under ch. 342.

20 **SECTION 48.** 343.301 (2) (d) of the statutes is amended to read:

21 343.301 (2) (d) The court shall notify the department, in a form and manner
22 prescribed by the department, that an order to immobilize a motor vehicle has been
23 entered. The If the motor vehicle is registered in this state under ch. 341 and the
24 department has issued a valid certificate of title for the vehicle under ch. 342, the
25 registration records of the department shall reflect that the order has been entered

1 against the motor vehicle and remains unexecuted. Any law enforcement officer may
2 execute that order based on the information provided by the department. The law
3 enforcement agency shall notify the department when an order has been executed
4 under this paragraph and the department shall amend its vehicle registration
5 records to reflect that notification if the motor vehicle is registered in this state under
6 ch. 341 and the department has issued a valid certificate of title for the vehicle under
7 ch. 342.

8 **SECTION 49.** 343.305 (7) (a) of the statutes is amended to read:

9 343.305 (7) (a) If a person submits to chemical testing administered in
10 accordance with this section and any test results indicate the presence of a detectable
11 amount of a restricted controlled substance in the person's blood or a prohibited
12 alcohol concentration, the law enforcement officer shall report the results to the
13 department ~~and take possession of the person's license and forward it to the~~
14 ~~department.~~ The person's operating privilege is administratively suspended for 6
15 months.

16 **SECTION 50.** 343.305 (7) (b) of the statutes is amended to read:

17 343.305 (7) (b) If a person who was driving or operating or on duty time with
18 respect to a commercial motor vehicle submits to chemical testing administered in
19 accordance with this section and any test results indicate an alcohol concentration
20 above 0.0, the law enforcement officer ~~may take possession of the person's license and~~
21 ~~retain the license for 24 hours. The person may reclaim a seized license in person~~
22 ~~or request return of the license by mail. The law enforcement officer shall issue a~~
23 citation for violation of s. 346.63 (7) (a) 1., issue citations for such other violations as
24 may apply and issue an out-of-service order to the person for the 24 hours after the
25 testing, and report both the out-of-service order and the test results to the

1 department in the manner prescribed by the department. ~~If the person is a~~
2 ~~nonresident, the department shall report issuance of the out-of-service order to the~~
3 ~~driver licensing agency in the person's home jurisdiction.~~

***NOTE. The last sentence (stricken) is "moved" to s. 343.36.

4
5

SECTION 51. 343.305[✓] (9) (a) (intro.) of the statutes, as affected by 2005
Wisconsin Act 332, is amended to read:

6 343.305 (9) (a) (intro.) If a person refuses to take a test under sub. (3) (a), the
7 law enforcement officer shall immediately take possession of the person's license and
8 prepare a notice of intent to revoke, by court order under sub. (10), the person's
9 operating privilege. If the person was driving or operating a commercial motor
10 vehicle, the officer shall issue an out-of-service order to the person for the 24 hours
11 after the refusal and notify the department in the manner prescribed by the
12 department. The officer shall issue a copy of the notice of intent to revoke the
13 privilege to the person and submit or mail a copy with the person's license to the
14 circuit court for the county in which the arrest under sub. (3) (a) was made or to the
15 municipal court in the municipality in which the arrest was made if the arrest was
16 for a violation of a municipal ordinance under sub. (3) (a) and the municipality has
17 a municipal court. The officer shall also mail a copy of the notice of intent to revoke
18 to the attorney for that municipality or to the district attorney for that county, as
19 appropriate, and to the department. Neither party is entitled to pretrial discovery
20 in any refusal hearing, except that, if the defendant moves within 30 days after the
21 initial appearance in person or by an attorney and shows cause therefor, the court
22 may order that the defendant be allowed to inspect documents, including lists of
23 names and addresses of witnesses, if available, and to test under s. 804.09, under
24 such conditions as the court prescribes, any devices used by the plaintiff to determine

1 whether a violation has been committed. The notice of intent to revoke the person's
2 operating privilege shall contain substantially all of the following information:

3 **SECTION 52.** 343.305 (9) (am) (intro.) of the statutes, as affected by 2005
4 Wisconsin Act 332, is amended to read:

5 343.305 (9) (am) (intro.) If a person driving or operating or on duty time with
6 respect to a commercial motor vehicle refuses a test under sub. (3) (am), the law
7 enforcement officer shall immediately ~~take possession of the person's license,~~ issue
8 an out-of-service order to the person for the 24 hours after the refusal and notify the
9 department in the manner prescribed by the department, and prepare a notice of
10 intent to revoke, by court order under sub. (10), the person's operating privilege. The
11 officer shall issue a copy of the notice of intent to revoke the privilege to the person
12 and submit or mail a copy ~~with the person's license~~ to the circuit court for the county
13 in which the refusal is made or to the municipal court in the municipality in which
14 the refusal is made if the person's refusal was in violation of a municipal ordinance
15 and the municipality has a municipal court. The officer shall also mail a copy of the
16 notice of intent to revoke to the attorney for that municipality or to the district
17 attorney for that county, as appropriate, and to the department. Neither party is
18 entitled to pretrial discovery in any refusal hearing, except that, if the defendant
19 moves within 30 days after the initial appearance in person or by an attorney and
20 shows cause therefor, the court may order that the defendant be allowed to inspect
21 documents, including lists of names and addresses of witnesses, if available, and to
22 test under s. 804.09, under such conditions as the court prescribes, any devices used
23 by the plaintiff to determine whether a violation has been committed. The notice of
24 intent to revoke the person's operating privilege shall contain substantially all of the
25 following information:

1 **SECTION 53.** 343.305 (10) (b) 3. of the statutes is amended to read:

2 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions
3 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
4 convictions, suspensions, and revocations counted under s. 343.307 (2) within a
5 10-year period, equals 2, the court shall revoke the person's operating privilege for
6 2 years. After the first 90 days of the revocation period or, if the total number of
7 convictions, suspensions, and revocations counted under this subdivision within any
8 5-year period equals 2 or more, after one year of the revocation period has elapsed,
9 the person is eligible for an occupational license under s. 343.10 if he or she has
10 completed the assessment, if applicable, and is complying with the driver safety
11 plan, if applicable.

12 **SECTION 54.** 343.305 (10) (b) 4. of the statutes is amended to read:

13 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions
14 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
15 convictions, suspensions, and revocations counted under s. 343.307 (2), equals 3 or
16 more, the court shall revoke the person's operating privilege for 3 years. After the
17 first 120 days of the revocation period or, if the total number of convictions,
18 suspensions, and revocations counted under this subdivision within any 5-year
19 period equals 2 or more, after one year of the revocation period has elapsed, the
20 person is eligible for an occupational license under s. 343.10 if he or she has
21 completed the assessment, if applicable, and is complying with the driver safety
22 plan, if applicable.

23 **SECTION 55.** 343.305 (10) (c) 1. (intro.), a. and c. of the statutes are consolidated,
24 renumbered 343.305 (10) (c) 1. and amended to read:

1 343.305 (10) (c) 1. Except as provided in ~~subd. 1. a. or b. this subdivision, if the~~
2 person is a licensee under this chapter or ^{is a resident to whom another jurisdiction} ~~if the person has not been~~ issued an
3 operator's license ~~by any jurisdiction, is a resident~~, the court shall order the person
4 to submit to and comply with an assessment by an approved public treatment facility
5 as defined in s. 51.45 (2) (c) for examination of the person's use of alcohol, controlled
6 substances or controlled substance analogs and development of a driver safety plan
7 for the person. The court shall notify the person and the department of
8 transportation of the assessment order. The court shall also notify the person that
9 noncompliance with assessment or the driver safety plan will result in license
10 suspension until the person is in compliance. The assessment order shall: ~~If the~~
11 ~~person is a resident~~, refer the person to an approved public treatment facility in the
12 county in which the person resides. The facility named in the order may provide for
13 assessment of the person in another approved public treatment facility. The order
14 shall provide that if the person is temporarily residing in another state, the facility
15 named in the order may refer the person to an appropriate treatment facility in that
16 state for assessment and development of a driver safety plan for the person satisfying
17 the requirements of that state. ~~Require~~ The assessment order shall require a person
18 who is referred to a treatment facility in another state under ~~subd. 1. a. or b. this~~
19 subdivision to furnish the department written verification of his or her compliance
20 from the agency which administers the assessment and driver safety plan program.
21 The person shall provide initial verification of compliance within 60 days after the
22 date of his or her conviction. The requirement to furnish verification of compliance
23 may be satisfied by receipt by the department of such verification from the agency
24 which administers the assessment and driver safety plan program.

25 **SECTION 56.** 343.305 (10) (c) 1. b. of the statutes is repealed.

1 SECTION 57. 343.305 (11) of the statutes is amended to read:

2 343.305 (11) RULES. The department shall promulgate rules under ch. 227
3 necessary to administer this section. The rules shall include provisions relating to
4 the expeditious exchange of information under this section between the department
5 and law enforcement agencies, circuit courts, municipal courts, attorneys who
6 represent municipalities, ~~and district attorneys, and driver licensing agencies of~~
7 other jurisdictions or Mexico. The rules may not affect any provisions relating to
8 court procedure.

9 SECTION 58. 343.31 (1) (intro.) of the statutes is amended to read:

10 343.31 (1) (intro.) The Subject to sub. (2z) (a), the department shall revoke a
11 person's the operating privilege of a person who is a licensee under this chapter or,
12 is a resident to whom another jurisdiction
13 if the person has not been issued an operator's license by any jurisdiction, is a
14 resident upon receiving a record of conviction showing that the person has been
15 convicted of any of the following offenses under a state law or under a local ordinance
16 which is in conformity therewith or under a law of a federally recognized American
17 Indian tribe or band in this state which is in conformity with state law:

17 SECTION 59. 343.31 (1) (hm) of the statutes is ~~amended to read~~ *repealed*

Please fix comp.

18 343.31 (1) (hm) A violation of s. 343.44 (1) (a), (b), or (d), or a local ordinance
19 in conformity therewith, if the person has been convicted of 3 or more prior violations
20 of s. 343.44 (1) (a), (b), or (d), or of similar violations under s. 343.44 (1), 1997 stats.,
21 or a local ordinance in conformity therewith with s. 343.44 (1) (a), (b), or (d), or the
22 law of another jurisdiction prohibiting operating a motor vehicle with a suspended
23 or revoked license or while disqualified, as those terms or substantially similar terms
24 are used in that jurisdiction's laws, within the 5-year period preceding the violation.

1 Revocation under this paragraph shall be for a period of 6 months unless a lesser
2 period of revocation is ordered under s. 343.30 (1g) (b).

3 **SECTION 60.** 343.31 (2) of the statutes is amended to read:

4 343.31 (2) The department shall revoke the operating privilege of any resident
5 person who is a licensee under this chapter or, ^{is a resident to whom another jurisdiction} if the person has not been issued an
6 operator's license ~~by any jurisdiction~~, ^{is a resident} upon receiving notice of the
7 conviction of such person in another jurisdiction for an offense therein which, if
8 committed in this state, would have been cause for revocation under this section or
9 for revocation under s. 343.30 (1q) or which is identified in the rules under s. 343.02
10 (3) (b) as an offense for which a person is subject to revocation. Such offenses shall
11 include violation of any law of another jurisdiction that prohibits a person from using
12 a motor vehicle while intoxicated or under the influence of a controlled substance or
13 controlled substance analog, or a combination thereof; with an excess or specified
14 range of alcohol concentration; while under the influence of any drug to a degree that
15 renders the person incapable of safely driving; or while having a detectable amount
16 of a restricted controlled substance in his or her blood, as those or substantially
17 similar terms are used in that ^{other} jurisdiction's laws. ~~Upon receiving similar notice with~~
18 ~~respect to a nonresident, the department shall revoke the privilege of the~~
19 ~~nonresident to operate a motor vehicle in this state. Such revocation shall not apply~~
20 ~~to the operation of a commercial motor vehicle by a nonresident who holds a valid~~
21 ~~commercial driver license issued by another state. This subsection does not apply~~
22 if the ^{other} jurisdiction in which the offense was committed suspended or revoked the
23 person's operating privilege in that ^{other} jurisdiction as a result of the conviction and the
24 period of suspension or revocation in that ^{other} jurisdiction has expired or if, at the time
25 of the conviction, the person was licensed in or resided in another jurisdiction.

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repealed

1 SECTION 61. 343.31 (2m) of the statutes is amended to read:

2 343.31 (2m) ~~The Except when revocation is required under subs. (1) (hm) and~~
3 ~~(2), the department may suspend or revoke, respectively, the operating privilege of~~
4 ~~any resident person who is a licensee under this chapter or, if the person has not been~~
5 ~~issued an operator's license by any jurisdiction, is a resident upon receiving notice~~
6 ~~of the conviction of that person under a law of another jurisdiction or a federally~~
7 ~~recognized American Indian tribe or band in this state for an offense which, if the~~
8 ~~person had committed the offense in this state and been convicted of the offense~~
9 ~~under the laws of this state, would have permitted suspension or revocation of the~~
10 ~~person's operating privilege under s. 343.30 (1g). Upon receiving similar notice with~~
11 ~~respect to a nonresident, the department may suspend or revoke the privilege of the~~
12 ~~nonresident to operate a motor vehicle in this state. The suspension or revocation~~
13 ~~shall not apply to the operation of a commercial motor vehicle by a nonresident who~~
14 ~~holds a valid commercial driver license issued by another state. A suspension or~~
15 ~~revocation under this subsection shall be for any period not exceeding 6 months. This~~
16 ~~subsection does not apply if the jurisdiction in which the offense was committed~~
17 ~~suspended or revoked the person's operating privilege in that jurisdiction as a result~~
18 ~~of the conviction and the period of suspension or revocation in that jurisdiction has~~
19 ~~expired or if, at the time of the conviction, the person was licensed in or resided in~~
20 ~~another jurisdiction.~~

21 SECTION 62. 343.31 (2r) of the statutes is amended to read:

22 343.31 (2r) ~~The Subject to sub. (2z) (b), the department shall suspend a person's~~
23 ~~the operating privilege of a person who is a licensee under this chapter or, if the~~
24 ~~person has not been issued an operator's license by any jurisdiction, is a resident~~
25 upon receiving a record of conviction showing that the person has been convicted of

1 perjury or the making of a false affidavit or the making of a false statement or
2 certification to the department under this chapter or any other law relating to the
3 ownership or operation of motor vehicles.

4 SECTION 63. 343.31 (2z) of the statutes is created to read:

5 343.31 (2z) (a) The department shall revoke, in the manner provided in sub.
6 (1), the operating privilege of a person who is a nonresident upon receiving a record
7 of the person's conviction of committing in this state any offense specified in sub. (1)
8 if the person is licensed ^{by or resides in} ~~in or a resident of~~ another jurisdiction that is not a member
9 jurisdiction or if the offense specified in sub. (1) is not an offense identified in the
10 rules under s. 343.02 (3) (b).

11 (b) The department shall suspend, in the manner provided in sub. (2r), the
12 operating privilege of a person who is a nonresident upon receiving a record of the
13 person's conviction of committing in this state an offense specified in sub. (2r) if the
14 person is licensed ^{by or resides in} ~~in or a resident of~~ another jurisdiction that is not a member
15 jurisdiction or if the offense specified in sub. (2r) is not an offense identified in the
16 rules under s. 343.02 (3) (b).

17 SECTION 64. 343.31 (3) (a) of the statutes is amended to read:

18 343.31 (3) (a) Except as otherwise provided in this subsection or sub. (2m) ~~or~~
19 ^{or (2x)} (2s), all revocations or suspensions under this section shall be for a period of one year.

20 SECTION 65. 343.31 (3) (b) of the statutes is repealed.

21 SECTION 66. 343.31 (3) (bg) of the statutes is created to read:

22 343.31 (3) (bg) Subject to par. (a), the period of suspension or revocation under
23 subs. (2) and (2m) shall be the same as if the person were convicted of the offense in
24 this state.

25 SECTION 67. 343.31 (3) (bm) (intro.) of the statutes is amended to read:

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1 343.31 (3) (bm) (intro.) For any person who is a licensee under this chapter or
2 ~~if the person has not been issued an operator's license by any jurisdiction, is a~~
3 ~~resident~~ ^{is a resident to whom another jurisdiction} convicted under a law of a federally recognized American Indian tribe or
4 band in this state in conformity with s. 346.63 (1):

5 SECTION 68. 343.31 (3) (c) of the statutes is amended to read:

6 343.31 (3) (c) Any person who is a licensee under this chapter or, if the person
7 is a resident to whom another jurisdiction ~~has not been issued an operator's license by any jurisdiction, is a resident,~~ or who is
8 subject to revocation of the person's operating privilege under sub. (2z) (a), and who
9 is convicted under s. 940.09 of causing the death of another or of an unborn child by
10 the operation or handling of a motor vehicle shall have his or her operating privilege
11 revoked for 5 years. If there was a minor passenger under 16 years of age or an
12 unborn child, as defined in s. 939.75 (1), in the motor vehicle at the time of the
13 violation that gave rise to the conviction under s. 940.09, the revocation period is 10
14 years.

15 SECTION 69. 343.31 (3) (d) (intro.) of the statutes is amended to read:

16 343.31 (3) (d) (intro.) Any person who is a licensee under this chapter or, if the
17 person has not been issued an operator's license by any jurisdiction, is a resident, or
18 who is subject to revocation of the person's operating privilege under sub. (2z) (a), and
19 who is convicted of knowingly fleeing or attempting to elude a traffic officer under
20 s. 346.04 (3) shall have his or her operating privilege revoked as follows:

21 SECTION 70. 343.31 (3) (e) of the statutes is amended to read:

22 343.31 (3) (e) Any person who is a licensee under this chapter or, if the person
23 is a resident to whom another jurisdiction ~~has not been issued an operator's license by any jurisdiction, is a resident,~~ or who is
24 subject to revocation of the person's operating privilege under sub. (2z) (a), and who
25 is convicted under s. 346.63 (2) shall have his or her operating privilege revoked for

is a resident to whom another jurisdiction

1 not less than one year nor more than 2 years. If there was a minor passenger under
2 16 years of age in the motor vehicle at the time of the violation that gave rise to the
3 conviction under s. 346.63 (2), the minimum and maximum revocation periods are
4 doubled.

5 **SECTION 71.** 343.31 (3) (f) of the statutes is amended to read:

6 343.31 (3) (f) Any person who is a licensee under this chapter or, if the person
7 has not been issued an operator's license by any jurisdiction, is a resident, or who is
8 subject to revocation of the person's operating privilege under sub. (2z) (a), and who
9 is convicted under s. 940.25 shall have his or her operating privilege revoked for 2
10 years. If there was a minor passenger under 16 years of age or an unborn child, as
11 defined in s. 939.75 (1), in the motor vehicle at the time of the violation that gave rise
12 to the conviction under s. 940.25, the revocation period is 4 years.

13 **SECTION 72.** 343.31 (3) (i) of the statutes is amended to read:

14 343.31 (3) (i) If a person who is a licensee under this chapter or, if the person
15 has not been issued an operator's license by any jurisdiction, is a resident, or who is
16 subject to revocation of the person's operating privilege under sub. (2z) (a), and who
17 is convicted for a violation of s. 346.67 (1) where the accident involved great bodily
18 harm, the period of revocation is 2 years.

19 **SECTION 73.** 343.31 (3) (j) of the statutes is amended to read:

20 343.31 (3) (j) If a person who is a licensee under this chapter or, if the person
21 has not been issued an operator's license by any jurisdiction, is a resident, or who is
22 subject to revocation of the person's operating privilege under sub. (2z) (a), and who
23 is convicted for a violation of s. 346.67 (1) where the accident involved death, the
24 period of revocation is 5 years.

1 SECTION 74. 343.315 (2) (f) 7. of the statutes, as created by 2003 Wisconsin Act
2 33, is amended to read:

3 343.315 (2) (f) 7. Operating a commercial motor vehicle when the person does
4 not have in his or her immediate possession the person's commercial driver license
5 document, including any special restrictions cards that, if the commercial driver
6 license is issued under this chapter, are issued under s. 343.10 (7) (d) or 343.17 (4),
7 unless the person produces in court or in the office of the law enforcement officer that
8 issued the citation, by the date that the person must appear in court or pay any fine
9 or forfeiture with respect to the citation, a commercial driver license document
10 issued to the person prior to the date of the citation and valid at the time of the
11 citation.

12 SECTION 75. 343.315 (2) (fm) of the statutes is amended to read:

13 343.315 (2) (fm) A person is disqualified for a period of 60 days from operating
14 a commercial motor vehicle if convicted of violating s. 343.14 (5) or 345.17 or the law
15 of another jurisdiction for an offense therein which, if committed in this state, would
16 have been a violation of s. 343.14 (5) or 345.17, if the violation relates to an
17 application for a commercial driver license.

18 SECTION 76. 343.315 (2) (h) of the statutes, as affected by 2003 Wisconsin Act
19 33, is amended to read:

20 343.315 (2) (h) Except as provided in par. (i), a person is disqualified for a period
21 of 90 days from operating a commercial motor vehicle if convicted of an
22 out-of-service violation, or one year if convicted of 2 out-of-service violations, or 3
23 years if convicted of 3 or more out-of-service violations, arising from separate
24 occurrences committed within a 10-year period while driving or operating a
25 commercial motor vehicle. A disqualification under this paragraph shall be in

1 addition to any penalty imposed under s. 343.44. In this paragraph, “out-of-service
2 violation” means violating s. 343.44 (1) (c) or a law of another jurisdiction for an
3 offense therein which, if committed in this state, would have been a violation of s.
4 343.44 (1) (c), by operating a commercial motor vehicle while the operator or vehicle
5 is ordered out-of-service under the law of this state or another jurisdiction or under
6 federal law.

7 **SECTION 77.** 343.315 (2) (j) (intro.) of the statutes is amended to read:

8 343.315 (2) (j) (intro.) A person is disqualified for a period of 60 days from
9 operating a commercial motor vehicle if convicted of a railroad crossing violation, or
10 120 days if convicted of 2 railroad crossing violations or one year if convicted of 3 or
11 more railroad crossing violations, arising from separate occurrences committed
12 within a 3-year period while driving or operating a commercial motor vehicle. In this
13 paragraph, “railroad crossing violation” means a violation of a federal, state, or local
14 law, rule, or regulation, including the law of another jurisdiction, relating to any of
15 the following offenses at a railroad crossing:

16 **SECTION 78.** 343.315 (3) (a) of the statutes is amended to read:

17 343.315 (3) (a) Notwithstanding s. 343.39, if a person’s license or operating
18 privilege is revoked or suspended as the result of an offense committed after
19 March 31, 1992, which results in disqualification under sub. (2), the department
20 shall immediately disqualify the person from operating a commercial motor vehicle
21 for the period required under sub. (2). The person’s authorization to operate a
22 commercial motor vehicle shall not be reinstated upon expiration of the period of
23 revocation or suspension unless the period of disqualification has also expired.
24 During Subject to par. (bm), during any period of disqualification in which the
25 person’s license or operating privilege is not revoked or suspended, the department

1 may issue an operator's license to the person for the operation of vehicles other than
2 commercial motor vehicles.

3 **SECTION 79.** 343.315 (3) (b) of the statutes is amended to read:

4 343.315 (3) (b) If a person's license or operating privilege is not otherwise
5 revoked or suspended as the result of an offense committed after March 31, 1992,
6 which results in disqualification under sub. (2) (a) to (f), (h), (i), or (j), the department
7 shall, subject to par. (bm), immediately disqualify the person from operating a
8 commercial motor vehicle for the period required under sub. (2) (a) to (f), (h), (i), or
9 (j). Upon proper application by the person and payment of a duplicate license fee,
10 the department may issue a separate license authorizing only the operation of
11 vehicles other than commercial motor vehicles. Upon expiration of the period of
12 disqualification, the person may apply for authorization to operate commercial
13 motor vehicles under s. 343.26.

14 **SECTION 80.** 343.315 (3) (bm) of the statutes is created to read:

15 343.315 (3) (bm) Upon receiving a record of conviction for any offense causing
16 a person to be disqualified from operating a commercial motor vehicle under sub. (2)
17 or a notice specified in sub. (2) (k), the department shall record the disqualification
18 if required by s. 343.23 (2) (am) and, subject to s. 343.03 (7) (b), do one of the following:

19 1. If the person is a licensee under this chapter or ^{is a resident to whom another jurisdiction} if the person has not been
20 issued an operator's license ~~by any jurisdiction~~, ^{is a resident}, the department shall
21 disqualify the person and record the disqualification under s. 343.23 (1). The
22 department may take administrative action against the licensee or resident on the
23 disqualification.

24 2. Subject to s. 343.23 (2) (am) 3., if the person is ~~not~~ ^{non} a resident, the department
25 may not disqualify the person, record the disqualification under s. 343.23 (1), or take

1 any other administrative action against the person on the disqualification, but shall
2 provide notice to the person's home jurisdiction as required under s. 343.36 (3). The
3 department may record the disqualification under s. 343.23 (2m).

4 **SECTION 81.** 343.315 (3) (d) of the statutes is amended to read:

5 343.315 (3) (d) Disqualifications Subject to sub. (4), disqualifications shall be
6 effective from the date of conviction of the disqualifying offense the order of
7 disqualification.

7 ****NOTE: Should s. 343.315 (3) (d) be repealed?*

8 **SECTION 82.** 343.32 (1) of the statutes is repealed.

9 **SECTION 83.** 343.32 (1m) (a) of the statutes is repealed.

10 **SECTION 84.** 343.32 (1m) (b) (intro.) of the statutes is amended to read:

11 343.32 (1m) (b) (intro.) The secretary shall suspend a person's the operating
12 privilege of a person who is a licensee under this chapter or if the person has not been
13 issued an operator's license by any jurisdiction, is a resident *is a resident to whom another jurisdiction*
14 months nor more than 5 years whenever notice has been received of the conviction
15 of such person under federal law or the law of a federally recognized American Indian
16 tribe or band in this state or the law of another jurisdiction for any offense therein
17 which, if the person had committed the offense in this state and been convicted of the
18 offense under the laws of this state, would have required suspension of such person's
19 operating privilege under s. 961.50. This paragraph does not apply if the *other*
20 in which the offense was committed suspended or revoked the person's operating
21 privilege in that jurisdiction as a result of the conviction and the period of suspension
22 or revocation in that jurisdiction has expired or if, at the time of the conviction, the *other*
23 person was licensed in or resided in another jurisdiction. The person is eligible for
24 an occupational license under s. 343.10 as follows: