

Please fix comp

1 **SECTION 85.** 343.32 (1s) of the statutes is renumbered 343.32 (1s) (a) and
2 amended to read:

3 343.32 (1s) (a) The Notwithstanding ss. 125.085 (3) (bd) and 343.30 (6) (bm),
4 the secretary shall suspend the operating privilege of any person who is a licensee
5 under this chapter or, ^{is a resident to whom another jurisdiction} if the person has not been issued an operator's license by any
6 jurisdiction, is a resident and who has been convicted under state law or under a local
7 ordinance which is in conformity therewith or under a law of a federally recognized
8 American Indian tribe or band in this state which is in conformity with state law, or
9 the law of another jurisdiction for an offense therein which, if committed in this state,
10 would have been cause for suspension under this subsection, of altering the person's
11 license, loaning the person's license to another, or unlawfully or fraudulently using
12 or permitting an unlawful or fraudulent use of a license. This paragraph does not
13 apply if the ^{other} jurisdiction in which the offense was committed suspended or revoked
14 the person's operating privilege in that ^{other} jurisdiction as a result of the conviction and
15 the period of suspension or revocation in that ^{other} jurisdiction has expired or if, at the
16 time of the conviction, the person was licensed in or resided in another jurisdiction.

17 *XXXX NOTE: Per section 86 of your spreadsheet, I eliminated created s. 343.32 (1s) (b) OK?*

SECTION 86. 343.32 (1s) (b) of the statutes is created to read:

18 343.32 (1s) (b) Notwithstanding ss. 125.085 (3) (bd) and 343.30 (6) (bm), the
19 secretary shall suspend, in the manner provided in par. (a), the operating privilege
20 of any person who is a nonresident and who has been convicted in this state, under
21 state law or under a local ordinance which is in conformity therewith, of altering the
22 person's license, loaning the person's license to another, or unlawfully or
23 fraudulently using or permitting an unlawful or fraudulent use of a license if the
24 person is licensed ^{by or resides in} in or a resident of another jurisdiction that is not a member

1 jurisdiction or if the offense is not an offense identified in the rules under s. 343.02
2 (3) (b).

3 SECTION 87. 343.32 (1v) of the statutes is created to read:

4 343.32 (1v) The secretary may suspend or revoke the operating privilege of any
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 suspension or revocation in another jurisdiction of the person's operating privilege
8 for an offense therein which, if committed in this state, would have been cause for
9 suspension or revocation under any law of this state or which is identified in the rules
10 under s. 343.02 (3) (b) as an offense for which a person is subject to suspension or
11 revocation, or upon receiving notice of any circumstances occurring in another
12 jurisdiction which, if occurring in this state, would have been cause for
13 administrative suspension under s. 343.305 (7) (a). This subsection does not apply
14 if the period of suspension or revocation in the other jurisdiction has expired or if, at
15 the time of the offense or time that the circumstances occurred, the person was
16 licensed in or resided in another jurisdiction. This subsection does not apply with
17 respect to any suspension or revocation in another jurisdiction for failure to comply
18 with the order of, or appear before, a court of that ^{other} jurisdiction.

19 SECTION 88. 343.32 (2) (a) of the statutes is amended to read:

20 343.32 (2) (a) The secretary may suspend ~~a person's~~ the operating privilege of
21 a person who is a licensee under this chapter or ^{is a resident to whom another jurisdiction} ~~if the person has not been issued an~~
22 operator's license by any jurisdiction, is a resident if the person appears by the
23 records of the department to be a habitually reckless or negligent operator of a motor
24 vehicle or to have repeatedly violated any of the state traffic laws, any local ordinance
25 enacted under ch. 349 or any traffic laws enacted by a federally recognized American

1 Indian tribe or band in this state if the tribal traffic laws violated strictly conform
2 to provisions in chs. 341 to 348 or, if the offense occurred on a federal military
3 installation located in this state, any federal law which is in strict conformity with
4 a state traffic law, or the law of another jurisdiction for an offense therein which, if
5 committed in this state, would have been cause for suspension under this subsection.
6 The secretary may not consider, for purposes of this paragraph, any offense occurring
7 in another jurisdiction if, at the time of any conviction for the offense, the person was
8 licensed in or resided in another jurisdiction. For the purpose of determining when
9 to suspend an operating privilege under this subsection, the secretary may
10 determine and adopt by rule a method of weighing traffic convictions by their
11 seriousness and may, subject to the limitations in this subsection, change such
12 weighted scale as experience or the accident frequency in the state makes necessary
13 or desirable.

7
****NOTE: I am assuming that DOT would not, under any circumstances, want to suspend a nonresident's operating privilege based on "points," even if the nonresident was licensed in a non-DLA member jurisdiction or committed non-DLA offenses.

14 **SECTION 89.** 343.32 (3) of the statutes is amended to read:

15 343.32 (3) Except as provided in sub. (1m), a ~~revocation or~~ suspension under
16 this section may be for any period not exceeding one year unless a different period
17 is specifically prescribed by law. The period of suspension for an offense committed
18 in another jurisdiction shall be the same as if the offense had been committed in this
19 state.

20 **SECTION 90.** 343.325 (4) of the statutes is amended to read:

21 343.325 (4) If a person whose suspension, revocation or disqualification was
22 stayed pursuant to sub. (2) is convicted of an offense for which revocation or
23 ~~disqualification~~ is mandatory under s. 343.31 or 343.315 disqualification is required

1 under s. 343.315 (3) (bm) 1., during the pendency of the appeal of the original
2 conviction, the secretary shall forthwith revoke such person's operating privilege or
3 disqualify the person from operating a commercial motor vehicle on account of the
4 latter conviction, notwithstanding the appeal of either or both convictions.

5 **SECTION 91.** 343.34 (1) of the statutes is amended to read:

6 343.34 (1) Whenever the secretary is satisfied that a person has violated a
7 restriction on ~~the~~ a license issued under this chapter and that it is in the interests
8 of public safety to suspend the license, the secretary shall suspend such license for
9 a period not exceeding one year unless the violation is cause for revocation.

10 **SECTION 92.** 343.34 (2) of the statutes is amended to read:

11 343.34 (2) When a person who is a licensee under this chapter or, if the person
12 is a resident to whom another jurisdiction ~~has not been~~ has not been issued an operator's license by any jurisdiction, is a resident has been
13 convicted under s. 343.16 (7) (b) or the law of another jurisdiction for an offense
14 which, if committed in this state, would have been a violation of s. 343.16 (7) (b), or
15 when a person who is a nonresident has been convicted in this state under s. 343.16
16 (7) (b) if the person is licensed in or a resident of another jurisdiction that is not a
17 member jurisdiction or if a violation of s. 343.16 (7) (b) is not an offense identified in
18 the rules under s. 343.02 (3) (b). This subsection does not apply if the offense was
19 committed in another jurisdiction which suspended or revoked the person's
20 operating privilege in that other jurisdiction as a result of the conviction and the period of
21 suspension or revocation in that other jurisdiction has expired or if, at the time of the
22 conviction, the person was licensed in or resided in another jurisdiction.

23 **SECTION 93.** 343.345 of the statutes is amended to read:

24 **343.345 Restriction, limitation or suspension of operating privilege.**

25 The department shall restrict, limit or suspend a person's the operating privilege of

is a resident to whom another jurisdiction

1 a person who is a licensee under this chapter or
2 operator's license by any jurisdiction, is a resident if the person has not been issued an
3 making court-ordered payments of child or family support, maintenance, birth
4 expenses, medical expenses or other expenses related to the support of a child or
5 former spouse, or who fails to comply, after appropriate notice, with a subpoena or
6 warrant issued by the department of workforce development or a county child
7 support agency under s. 59.53 (5) and related to paternity or child support
8 proceedings, as provided in a memorandum of understanding entered into under s.
9 49.857.

10 SECTION 94. 343.36 (title) of the statutes is amended to read:

11 **343.36 (title) Department to distribute suspension, revocation and**
12 **disqualification lists and nonresidents' records of conviction and notices.**

13 SECTION 95. 343.36 (3) of the statutes is renumbered 343.36 (3) (a) and
14 amended to read:

15 343.36 (3) (a) Upon Subject to s. 343.03 (7) (b) and (c), upon receiving a record
16 of conviction showing that a nonresident operator of a motor vehicle has been
17 convicted in this state of an offense which is grounds for revocation, suspension, or
18 disqualification under the laws of this state, or upon otherwise receiving any order
19 of a court in this state suspending or revoking a nonresident's operating privilege or
20 disqualifying a nonresident, the department shall forward, within 30 days of
21 receiving the record of conviction or order, a certified copy of such record or order to
22 ~~the motor vehicle administrator in the state wherein the person so convicted is a~~
23 ~~resident~~ driver licensing agency of the person's home jurisdiction. If the department
24 subsequently receives any notice under s. 343.325 (1) or (6) related to the conviction

1 or order, the department shall forward a certified copy of the notice to the same driver
2 licensing agency.

***NOTE: This provision is intended to be broad enough to cover both court-ordered suspensions /revocations and DOT administrative withdrawals, under all circumstances, including, for example, ss. 343.305 (10) (em) and 343.31 (2s).

3 **SECTION 96.** 343.36 (3) (b), (c) and (d) of the statutes are created to read:

4 343.36 (3) (b) Subject to s. 343.03 (7) (b), upon receiving any of the following
5 information with respect to a ~~person who is a nonresident~~, the department shall
6 forward, within 30 days of receiving the information, notice of the information to the
7 driver licensing agency of the person's home jurisdiction:

8 1. A report of positive test results under s. 343.305 (7) (a). Notice forwarded
9 by the department shall include notice of the administrative suspension under s.
10 343.305 (7) (a).

11 2. A report of positive test results and issuance of an out-of-service order under
12 s. 343.305 (7) (b).

13 3. A report of refusal of testing and preparation of a notice of intent to revoke
14 under s. 343.305 (9) (a) or (am) and any issuance of an out-of-service order under
15 s. 343.305 (9) (a) or (am).

16 (c) Subject to s. 343.03 (7) (b) and (c), upon receiving a record of conviction
17 showing that a nonresident operator of a motor vehicle has been convicted in this
18 state of an offense that is identified in the rules under s. 343.02 (3) (b) but which is
19 not grounds for revocation, suspension, or disqualification under the laws of this
20 state, the department shall forward, within 30 days of receiving the record of
21 conviction, a certified copy of such record to the driver licensing agency of the person's
22 home jurisdiction. If the department subsequently receives any notice under s.

Insert
49-15

1 343.325 (1) or (6) related to the conviction, the department shall forward a certified
2 copy of the notice to the same driver licensing agency.

3 (d) If a nonresident operator of a motor vehicle commits an offense in this state
4 that is grounds for suspension of a person's operating privilege under ch. 344, the
5 department shall forward notice of the offense to the driver licensing agency of the
6 person's home jurisdiction, which notice shall include notice of any suspension by the
7 department as provided under s. 344.08 (1m), 344.14 (1r), or 344.25 (7).

8 **SECTION 97.** 343.38 (1) (c) 2. c. of the statutes is amended to read:

9 343.38 (1) (c) 2. c. Reinstatement of an operating privilege revoked under s.
10 343.30 (1q) (b) 2. or (d), 343.305 (10) (d) or 343.31 (3) ~~(b) or~~ (bm) 2.

11 **SECTION 98.** 343.38 (2) of the statutes is amended to read:

12 343.38 (2) REINSTATEMENT OF NONRESIDENTS OPERATING PRIVILEGE AFTER
13 REVOCATION BY WISCONSIN. A nonresident's operating privilege revoked under the
14 laws of this state is reinstated as a matter of law when the period of revocation has
15 expired and such the nonresident obtains a valid operator's license issued by the
16 jurisdiction of the nonresident's residence and pays the fee specified in s. 343.21 (1)
17 (j).

18 **SECTION 99.** 343.38 (4) (intro.) of the statutes is amended to read:

19 343.38 (4) FIRST ISSUANCE OF LICENSE IN WISCONSIN AFTER SUSPENSION OR
20 REVOCATION BY ANOTHER STATE. (intro.) The department may issue an operator's
21 license to a person moving to this state whose operating privileges have privilege has
22 been previously suspended or revoked in another state jurisdiction when their the
23 person's operating privilege has been reinstated or the person is eligible for
24 reinstatement in that state the other jurisdiction and the following conditions have
25 been met:

****NOTE: I don't believe ss 343.37 and 343.38 (2) and (4) need to be otherwise treated because of exceptions allowing nonresident operating privileges to be revoked for non-DLA Code violations or if the nonresident does not live in a DLA member jurisdiction. If the draft were to eliminate operating privilege suspension or revocation for nonresidents completely, these sections would need to be further treated.

1 **SECTION 100.** 343.38 (4) (a) of the statutes is repealed.

2 **SECTION 101.** 343.38 (4) (b) of the statutes is repealed.

3 **SECTION 102.** 343.39 (1) (a) of the statutes is amended to read:

4 343.39 (1) (a) When, in the case of a suspended operating privilege, the period
5 of suspension has terminated, the reinstatement fee specified in s. 343.21 (1) (j) has
6 been paid to the department and, for reinstatement of ~~an~~ the operating privilege of
7 a resident suspended under ch. 344, the person files with the department proof of
8 financial responsibility, if required, in the amount, form and manner specified under
9 ch. 344.

10 **SECTION 103.** 343.39 (2) of the statutes is amended to read:

11 343.39 (2) Whenever a person's operating privilege is automatically reinstated,
12 the department shall forthwith notify such person thereof and ~~shall return any~~
13 ~~surrendered and unexpired license in its possession.~~ If the person's license expired
14 during the period of revocation or suspension, such person may renew the license at
15 the standard renewal fee at any time within 30 days after the reinstatement of the
16 operating privilege. If the person states to the department that he or she no longer
17 possesses the license because the license was surrendered to a court, and the person
18 has satisfied all requirements under sub. (1), including, if applicable, payment of the
19 reinstatement fee required under sub. (1) (a), the department shall issue a new
20 license without any additional fee for the license.

21 **SECTION 104.** 343.44 (1) (a) of the statutes is amended to read:

1 343.44 (1) (a) *Operating while suspended.* No person whose operating privilege
2 has been duly suspended under the laws of this state or, if the person is not a resident,
3 under the laws of the person's home jurisdiction, may operate a motor vehicle upon
4 any highway in this state during the period of suspension or in violation of any
5 restriction on an occupational license issued to the person during the period of
6 suspension. A person's knowledge that his or her operating privilege is suspended
7 is not an element of the offense under this paragraph. In this paragraph, "restriction
8 on an occupational license" means restrictions imposed under s. 343.10 (5) (a) as to
9 hours of the day, area, routes or purpose of travel, vehicles allowed to be operated,
10 use of an ignition interlock device, sobriety or use of alcohol, controlled substances
11 or controlled substance analogs.

12 **SECTION 105.** 343.44 (1) (b) of the statutes is amended to read:

13 343.44 (1) (b) *Operating while revoked.* No person whose operating privilege
14 has been duly revoked under the laws of this state or, if the person is not a resident,
15 under the laws of the person's home jurisdiction, may knowingly operate a motor
16 vehicle upon any highway in this state during the period of revocation or in violation
17 of any restriction on an occupational license issued to the person during the period
18 of revocation. In this paragraph, "restriction on an occupational license" means
19 restrictions imposed under s. 343.10 (5) (a) as to hours of the day, area, routes or
20 purpose of travel, vehicles allowed to be operated, use of an ignition interlock device,
21 sobriety or use of alcohol, controlled substances or controlled substance analogs.

22 **SECTION 106.** 343.44 (1) (c) of the statutes, as affected by 2003 Wisconsin Act
23 33, is amended to read:

24 343.44 (1) (c) *Operating while ordered out-of-service.* No person may operate
25 a commercial motor vehicle while the person or the commercial motor vehicle is

1 ordered out-of-service under the law of this state or another jurisdiction or under
2 federal law.

3 **SECTION 107.** 343.44 (2) (am) of the statutes is amended to read:

4 343.44 (2) (am) Any person who violates sub. (1) (b) before May 1, 2002, may
5 be required to forfeit not more than \$600, except that, if the person has been
6 convicted of a previous violation of sub. (1) (b), ~~or of operating a motor vehicle in~~
7 ~~violation of s. 343.44 (1), 1997 stats., with an operating privilege that is revoked,~~
8 within the preceding 5-year period, the penalty under par. (b) shall apply.

9 **SECTION 108.** 343.44 (2r) of the statutes is amended to read:

10 343.44 (2r) PRIOR CONVICTIONS. For purposes of determining prior convictions
11 under this section, the 5-year period shall be measured from the dates of the
12 violations that resulted in the convictions and each conviction under sub. (2) shall
13 be counted. Convictions of s. ~~343.44 (1), 1997 stats., other than for operating a~~
14 ~~commercial motor vehicle while ordered out-of-service~~ under the law of another
15 jurisdiction for offenses therein which, if committed in this state, would have been
16 violations of this section shall be counted under this section as prior convictions.

17 **SECTION 109.** 343.44 (2s) of the statutes is amended to read:

18 343.44 (2s) CITATIONS. Within 30 days after receipt by the department of a
19 report from a law enforcement officer under s. 343.305 (7) or a court order under s.
20 343.28 of a violation committed by a person operating a commercial motor vehicle
21 while subject to an out-of-service order under s. 343.305 (7) (b) or (9) (am), a traffic
22 officer employed under s. 110.07 may prepare a uniform traffic citation under s.
23 345.11 for a violation of sub. (1) (c) or (d) and serve it on the person. The citation may
24 be served anywhere in this state and shall be served by delivering a copy to the
25 person personally or by leaving a copy at the person's usual place of abode with a

1 person of discretion residing therein or by mailing a copy to the person's last-known
2 residence address, including, if the person is not a resident, an address in another
3 jurisdiction. The venue for prosecution may be the county where the alleged offense
4 occurred or, if the person is a resident, in the person's county of residence.

5 **SECTION 110.** 343.44 (4r) of the statutes is amended to read:

6 343.44 (4r) VIOLATION OF OUT-OF-SERVICE ORDER. In addition to other penalties
7 for violation of this section, if a person has violated this section after he or she the
8 person or the commercial motor vehicle operated by the person was ordered
9 out-of-service under the law of this state or another jurisdiction or under federal
10 law, the violation shall result in disqualification under s. 343.315 (2) (h) or (i).

11 **SECTION 111.** 343.50 (8) (b) of the statutes is amended to read:

12 343.50 (8) (b) The department may not disclose any record or other information
13 concerning or relating to an applicant or identification card holder to any person
14 other than a court, district attorney, county corporation counsel, city, village, or town
15 attorney, law enforcement agency, driver licensing agency of another jurisdiction ~~or~~

16 Mexico, the applicant or identification card holder or, if the applicant or
17 identification card holder is under 18 years of age, his or her parent or guardian.

18 Except for photographs ~~disclosed to a law enforcement agency for which disclosure~~
19 is authorized under s. 343.237, persons entitled to receive any record or other
20 information under this paragraph shall not disclose the record or other information
21 to other persons or agencies. This paragraph does not prohibit the disclosure of a
22 person's name or address, of the name or address of a person's employer or of
23 financial information that relates to a person when requested under s. 49.22 (2m) by
24 the department of workforce development or a county child support agency under s.
25 59.53 (5).

1 **SECTION 112.** 344.02 (3) of the statutes is amended to read:

2 344.02 (3) Upon completion of the hearing, the department shall make findings
3 of fact, conclusions of law, and a decision, and shall, as provided in this chapter, either
4 proceed to order suspension of the person's operating privilege, or registrations, or
5 both, and may also order the impoundment of the person's motor vehicle, in
6 accordance with s. 344.14, or upon good cause appearing therefor, shall terminate the
7 proceedings.

8 **SECTION 113.** 344.08 (1m) of the statutes is created to read:

9 344.08 (1m) Notwithstanding sub. (1), the secretary may only suspend the
10 operating privilege of a nonresident for an offense specified in sub. (1) if the
11 nonresident is licensed ^{by or resides in} ~~in or a resident of~~ another jurisdiction that is not a member
12 jurisdiction or if the offense is not identified in the rules under s. 343.02 (3) (b).

13 **SECTION 114.** 344.13 (2) of the statutes is amended to read:

14 344.13 (2) The secretary shall determine the amount of security required to be
15 deposited by each person on the basis of the accident reports or other information
16 submitted. In addition to the accident reports required by law, the secretary may
17 request from any of the persons, including passengers and pedestrians, involved in
18 such accident such further information, sworn statements or other evidence relating
19 to property damage, personal injury or death in motor vehicle accidents as deemed
20 necessary to aid in determining the amount to be deposited as security under s.
21 344.14. ~~Failure~~ Subject to s. 344.14 (1r), failure of a person to comply with such
22 request is grounds for suspending such person's operating privilege but no
23 suspension shall be made on such grounds until one follow-up request has been
24 made and at least 20 days have elapsed since the mailing of the first request.

25 **SECTION 115.** 344.14 (1r) of the statutes is created to read:

1 344.14 (1r) Notwithstanding sub. (1), the secretary may only suspend under
2 sub. (1) or under s. 344.13 (2) the operating privilege of a nonresident for,
3 respectively, an offense specified in sub. (1) or s. 344.13 (2) if the nonresident is
4 licensed ^{by or resides in} ~~in or a resident of~~ another jurisdiction that is not a member jurisdiction or
5 if the offense is not identified in the rules under s. 343.02 (3) (b).

6 **SECTION 116.** 344.18 (1m) (a) of the statutes is amended to read:

7 344.18 (1m) (a) Unless 3 years have elapsed since the date that a requirement
8 under sub. (1) (a), (b), (c) or (d) has been met or unless the person is a nonresident,
9 the person whose operating privilege or registration was suspended or revoked
10 under s. 344.14 shall file with the department and maintain in effect proof of
11 financial responsibility in the amount, form and manner specified in this chapter.

12 **SECTION 117.** 344.18 (3m) (a) of the statutes is amended to read:

13 344.18 (3m) (a) Unless 3 years have elapsed since the date that a requirement
14 under sub. (3) (a) or (b) has been met or unless the person is a nonresident, the person
15 whose operating privilege or registration was suspended or revoked under sub. (3)
16 shall file with the department and maintain in effect proof of financial responsibility
17 in the amount, form and manner specified in this chapter.

18 **SECTION 118.** 344.19 (1) of the statutes is amended to read:

19 344.19 (1) If the operator or the owner of a motor vehicle involved in an accident
20 within this state has no license or registration, whether because the operator or
21 owner is a nonresident or because the operator or owner is a resident who has failed
22 or neglected to obtain a license or registration in this state, the operator or owner
23 shall not be allowed a license or registration until the operator or owner has complied
24 with the requirements of this chapter to the same extent as would be necessary if,
25 at the time of the accident, the operator or owner had held a license and registration

1 in this state. Nothing in this subsection requires the department to maintain an
2 operator's record with respect to a nonresident except as provided in s. 343.23 (2m).

3 **SECTION 119.** 344.19 (2) of the statutes is renumbered 344.19 (2) (intro.) and
4 amended to read:

5 344.19 (2) (intro.) If the operating privilege or registration of a nonresident is
6 suspended under s. 344.14, the secretary shall transmit a certified copy of the record
7 of such action as follows:

8 (b) With respect to the registration suspension, to the administrator of the
9 division of motor vehicles or equivalent official of the state in which that person
10 resides if the law of the state in which that person resides provides for similar action
11 by the administrator or equivalent official of that state in the event that a resident
12 of this state has a nonresident's ~~operating privilege or~~ registration in that state
13 suspended or revoked for failure to comply with the safety responsibility law of that
14 state.

15 **SECTION 120.** 344.19 (2) (a) of the statutes is created to read:

16 344.19 (2) (a) With respect to the operating privilege suspension, as provided
17 in s. 343.36 (3).

18 **SECTION 121.** 344.19 (3) of the statutes is amended to read:

19 344.19 (3) Upon receipt of such certification from another state to the effect
20 that the operating privilege or registration of a resident of this state has been
21 suspended or revoked in such other state under a law providing for its suspension
22 or revocation for failure to deposit security for payment of judgments arising out of
23 a motor vehicle accident, under circumstances which would require the secretary to
24 suspend a ~~nonresident's~~ person's operating privilege or registration had the accident
25 occurred in this state, or, upon notice of circumstances occurring in another

1 jurisdiction or Mexico substantially similar to those described in s. 344.14 if
2 suspension of an operating privilege under circumstances substantially similar to
3 those described in s. 344.14 is an offense identified in the rules under s. 343.02 (3)
4 (b), the secretary shall suspend the operating privilege of such resident if he or she
5 was the operator and all of his or her registrations if he or she was the owner of a
6 motor vehicle involved in such accident. The department may accept a certification
7 which is in the form of a combined notice of required security and suspension order,
8 but shall not suspend a resident's operating privilege or registration on the basis of
9 such order until at least 30 days have elapsed since the time for depositing security
10 in the other state expired. A suspension or revocation of operating privilege under
11 this section shall continue until such resident furnishes evidence of his or her
12 compliance with the law of the other state relating to the deposit of security, pays the
13 fee required under s. 343.21 (1) (j) and complies with the applicable provisions of s.
14 343.38. A suspension or revocation of registration under this section shall continue
15 until such resident furnishes evidence of his or her compliance with the law of the
16 other state relating to the deposit of security, pays the fee required under s. 341.36
17 (1m) and satisfies the requirements of sub. (3m). The secretary may not suspend an
18 operating privilege under this subsection if the period of suspension or revocation in
19 the state from which the certification is received has expired or if, at the time of the
20 circumstances occurring in the other jurisdiction, the person was licensed in or
21 resided in another jurisdiction.

****NOTE: For purposes of ch. 344, "another jurisdiction" and "another state" are
close to synonymous. Compare s. 340.01 (41m) with s. 344.01 (2) (f).

22 **SECTION 122.** 344.24 of the statutes is amended to read:

1 **344.24 Applicability of sections relating to proof of financial**
2 **responsibility for the future.** Sections 344.29 to 344.41 are applicable in all cases
3 in which a person is required to deposit proof of financial responsibility for the future,
4 including those cases in which a person is required to deposit proof of financial
5 responsibility for the future under ss. 344.25 to 344.27, those cases in which the
6 deposit of proof of financial responsibility for the future is a condition precedent to
7 reinstatement of an operating privilege or registration suspended or revoked under
8 s. 344.14, 344.18 (3) or 344.19 (3) and those cases in which the deposit of proof of
9 financial responsibility for the future is a condition precedent to issuance of an
10 operator's license under s. 343.38 (4) or reinstatement of an operating privilege
11 revoked under ch. 343.

12 **SECTION 123.** 344.25 (7) of the statutes is created to read:

13 344.25 (7) Notwithstanding sub. (5), the secretary shall only suspend the
14 operating privilege of a nonresident if the nonresident is licensed ^{by or resides in} ~~in or a resident of~~
15 another jurisdiction that is not a member jurisdiction or if operating privilege
16 suspension under circumstances substantially similar to those described in this
17 subchapter is not identified in the rules under s. 343.02 (3) (b).

18 **SECTION 124.** 344.26 (1) of the statutes is amended to read:

19 344.26 (1) Subject to the exceptions stated in ss. 344.25 (2) and 344.27 (2), any
20 operating privilege or registration suspended or revoked under s. 344.25 shall
21 remain suspended or revoked until every judgment mentioned in s. 344.25 is stayed,
22 satisfied, or discharged and, unless 3 years have elapsed since the date on which the
23 judgment was stayed, satisfied, or discharged or unless the person is a nonresident,
24 until the person whose operating privilege and registration was suspended or

1 revoked furnishes and maintains in effect proof of financial responsibility for the
2 future.

3 **SECTION 125.** 344.27 (2) of the statutes is amended to read:

4 344.27 (2) The secretary shall not suspend the operating privilege or
5 registration and shall restore any operating privilege or registration suspended
6 following nonpayment of a judgment when the judgment debtor obtains such order
7 permitting the payment of the judgment in installments and, unless 3 years have
8 elapsed since the date on which the order permitting the payment of the judgment
9 in installments is filed with the secretary or unless the judgment debtor is a
10 nonresident, furnishes and maintains proof of financial responsibility for the future.

11 **SECTION 126.** 344.27 (3) of the statutes is amended to read:

12 344.27 (3) If the judgment debtor fails to pay any installment as specified by
13 such order, the secretary, upon notice of such default, shall immediately suspend the
14 operating privilege, if permitted under this subchapter, and registrations of the
15 judgment debtor until such judgment is satisfied as provided in s. 344.26.

16 **SECTION 127.** 344.29 of the statutes is amended to read:

17 **344.29 Proof of financial responsibility for the future required.** Proof
18 of financial responsibility for the future shall be furnished by any person required
19 to give such proof under ss. 344.25 to 344.27, those cases in which the deposit of proof
20 of financial responsibility for the future is a condition precedent to reinstatement of
21 an operating privilege or registration suspended or revoked under s. 344.14, 344.18
22 (3) or 344.19 (3) and in those cases in which the deposit of proof of financial
23 responsibility for the future is a condition precedent to ~~issuance of an operator's~~
24 ~~license under s. 343.38 (4) or~~ reinstatement of an operating privilege revoked under
25 ch. 343.

1 **SECTION 128.** 344.30 (1) of the statutes is amended to read:

2 344.30 (1) Certification of insurance as provided in s. 344.31 ~~or 344.32~~; or

3 **SECTION 129.** 344.32 of the statutes is repealed.

4 **SECTION 130.** 344.33 (1) of the statutes is amended to read:

5 344.33 (1) CERTIFICATION. In this chapter, “motor vehicle liability policy” means
6 a motor vehicle policy of liability insurance, certified as provided in s. 344.31 ~~or~~
7 344.32 as proof of financial responsibility for the future, and issued, ~~except as~~
8 ~~otherwise provided in s. 344.32~~, by an insurer authorized to do an automobile
9 liability business in this state to or for the benefit of the person named in the policy
10 as the insured.

11 **SECTION 131.** 344.34 of the statutes is amended to read:

12 **344.34 Notice of cancellation or termination of certified policy.** When
13 an insurer has certified a motor vehicle liability policy under s. 344.31, ~~a policy under~~
14 ~~s. 344.32~~ or a bond under s. 344.36, the insurance so certified shall not be canceled
15 or terminated until at least 10 days after a notice of cancellation or termination of
16 the insurance so certified has been filed in the office of the secretary. No insurance
17 so certified may be canceled or terminated by the insurer prior to the expiration of
18 90 days from the effective date of the certification on the grounds of failure to pay a
19 premium when due. Such a certified policy or bond subsequently procured shall, on
20 the effective date of its certification, terminate the insurance previously certified.
21 Any certification or recertification filed by the same insurer following cancellation
22 shall be accompanied by a fee of \$3 payable by the insurer.

23 **SECTION 132.** 344.42 of the statutes is amended to read:

24 **344.42 Submission of certifications and recertifications by insurers.**

25 If the sum of certifications and recertifications under ss. 344.31, ~~344.32~~ and 344.34

1 that are submitted by an insurer to the department in any year exceeds 1,000, the
2 insurer shall pay to the department a transaction fee of \$1.50 per certification or
3 recertification that is not transmitted electronically to the department. The
4 department shall promulgate rules establishing procedures for the collection of
5 transaction fees under this section.

6 **SECTION 133.** 345.23 (2) (c) of the statutes is amended to read:

7 345.23 (2) (c) Deposits the person's valid Wisconsin operator's license with the
8 officer. If the license is deposited with the officer, the officer shall issue to the licensee
9 a receipt which shall be valid as a driver's license through the date specified on the
10 receipt, which shall be the same as the court appearance date, and the officer shall,
11 at the earliest possible time prior to the court appearance date, deposit the license
12 with the court.

13 **SECTION 134.** 345.28 (5) (b) 1. of the statutes is amended to read:

14 345.28 (5) (b) 1. If a person fails to respond to the notices under par. (a) within
15 the time specified in the notice, a warrant that substantially complies with the
16 mandatory provisions under s. 968.04 (3) (a) may be issued for the person, except that
17 the warrant shall direct the officer to accept the person's deposit of money or his or
18 her valid Wisconsin operator's license, as provided under subd. 2. a., in lieu of serving
19 the warrant and arresting the person.

20 **SECTION 135.** 345.28 (5) (b) 2. a. of the statutes is amended to read:

21 345.28 (5) (b) 2. a. The officer shall accept a deposit of money or a deposit of the
22 person's valid Wisconsin operator's license in lieu of serving the warrant and
23 arresting the person. If the license is deposited with the officer, the officer shall issue
24 to the licensee a receipt, on a form provided by the department, which is valid as an
25 operator's license through a date specified on the receipt, not to exceed 30 days from

1 the date of contact, which shall be the same as the court appearance date and the
2 officer shall at the earliest possible time prior to the court appearance date deposit
3 the license with the court. If a deposit of money is made, s. 345.26 (1) (a) and (2) to
4 (5) applies. The officer shall notify the person who deposits money or his or her
5 license, in writing, of the specific actions which the authority and the courts are
6 authorized to take under this section if the person fails to appear in court at the time
7 specified by the officer, not to exceed 30 days from the date of contact, or at any
8 subsequent court appearance for the nonmoving traffic violation citation. If the
9 person makes a deposit of money or deposits his or her valid Wisconsin operator's
10 license, the officer shall return the warrant to the court or judge who issued the
11 warrant and the court or judge shall vacate the warrant.

12 **SECTION 136.** 345.47 (1) (c) of the statutes is amended to read:

13 345.47 (1) (c) If a court or judge suspends an operating privilege under this
14 section, the court or judge shall ~~immediately~~ may take possession of, and if
15 possession is taken, shall destroy, the suspended license and the court or judge shall
16 forward it to the department ~~together with~~ the notice of suspension, which shall
17 clearly state that the suspension was for failure to pay a forfeiture, plus costs, fees,
18 and surcharges imposed under ch. 814. The notice of suspension ~~and the suspended~~
19 license, ~~if it is available~~, shall be forwarded to the department within 48 hours after
20 the order of suspension. If the forfeiture, plus costs, fees, and surcharges imposed
21 under ch. 814, are paid during a period of suspension, the court or judge shall
22 immediately notify the department. ~~Upon receipt of the notice and payment of the~~
23 ~~reinstatement fee under s. 343.21 (1) (j), the department shall return the~~
24 ~~surrendered license.~~

25 **SECTION 137.** 345.48 (2) of the statutes is amended to read:

1 345.48 (2) If the defendant is found guilty of a traffic violation for which
2 revocation of his or her operating privilege is mandatory under s. 343.31, or for which
3 the court revokes or suspends his or her operating privilege under s. 343.30, the court
4 ~~shall immediately may take possession of, and if possession is taken, shall destroy,~~
5 the suspended or revoked license. The revocation or suspension is effective
6 immediately. The court ordered suspension or revocation shall be included as part
7 of the report of conviction under sub. (1m).

8 **SECTION 138.** 345.48 (3) of the statutes is repealed.

9 **SECTION 139.** 345.48 (4) of the statutes is amended to read:

10 345.48 (4) If notice of appeal is filed the court shall, within 5 working days after
11 it is filed, forward to the department a certificate stating that a notice of appeal has
12 been filed ~~and shall return any surrendered license.~~ Thereafter, the court shall
13 notify the department as required under s. 343.325 (1) (b) and (c).

14 **SECTION 140.** 346.65 (2c) [✓] of the statutes, as affected by 2005 Wisconsin Act 149,
15 is amended to read:

16 346.65 (2c) In sub. (2) (am) 2., 3., 4., and 5., the time period shall be measured
17 from the dates of the refusals or violations that resulted in the revocation or
18 convictions. If a person has a suspension, revocation, or conviction for any offense
19 under a local ordinance or a state statute of another state jurisdiction or Mexico that
20 would be counted under s. 343.307 (1), that suspension, revocation, or conviction
21 shall count as a prior suspension, revocation, or conviction under sub. (2) (am) 2., 3.,
22 4., and 5.

23 **SECTION 141.** 346.65 (2e) [✓] of the statutes, as affected by 2005 Wisconsin Act 149,
24 is amended to read:

1 346.65 (2e) If the court determines that a person does not have the ability to
2 pay the costs and fine or forfeiture imposed under sub. (2) (am), (f), or (g), the court
3 may reduce the costs, fine, and forfeiture imposed and order the person to pay, toward
4 the cost of the assessment and driver safety plan imposed under s. 343.30 (1q) (c), if
5 applicable, the difference between the amount of the reduced costs and fine or
6 forfeiture and the amount of costs and fine or forfeiture imposed under sub. (2) (am),
7 (f), or (g).

8 **SECTION 142.** 346.65 (6) (a) 3. of the statutes is amended to read:

9 346.65 (6) (a) 3. The court shall notify the department, in a form and manner
10 prescribed by the department, that an order to seize a motor vehicle has been
11 entered. The If the motor vehicle is registered in this state under ch. 341 and the
12 department has issued a valid certificate of title for the vehicle under ch. 342, the
13 registration records of the department shall reflect that the order has been entered
14 against the vehicle and remains unexecuted. Any law enforcement officer may
15 execute that order, and shall transfer any motor vehicle ordered seized to the law
16 enforcement agency that was originally ordered to seize the vehicle, based on the
17 information provided by the department. The law enforcement agency shall notify
18 the department when an order has been executed under this subdivision and the
19 department shall amend its vehicle registration records to reflect that notification
20 if the motor vehicle is registered in this state under ch. 341 and the department has
21 issued a valid certificate of title for the vehicle under ch. 342.

22 **SECTION 143.** 346.65 (6) (km) of the statutes is amended to read:

23 346.65 (6) (km) If a person purchases a motor vehicle in good faith and without
24 knowledge that the motor vehicle was subject to immobilization or seizure or to
25 equipping with an ignition interlock device under this subsection and the

SECTION 143

1 department has no valid reason for not issuing a certificate of title other than the
2 prohibition under par. (k), the department shall issue a new certificate of title in the
3 name of the person requesting the new certificate of title if at the time of the purchase
4 of the motor vehicle the certificate of title did not contain the notation stamped on
5 the certificate of title by the clerk of circuit court under par. (a) 2m. ~~and~~, if the person
6 submits the affidavit required under s. 342.12 (4) (c) 1. c., and if the department has
7 previously issued a valid certificate of title for the motor vehicle.

8 **SECTION 144.** 350.11 (3) (d) of the statutes is amended to read:

9 350.11 (3) (d) *Alcohol, controlled substances or controlled substance analogs;*
10 *assessment.* In addition to any other penalty or order, a person who violates s.
11 350.101 (1) or (2) or 350.104 (5) or who violates s. 940.09 or 940.25 if the violation
12 involves the operation of a snowmobile, shall be ordered by the court to submit to and
13 comply with an assessment by an approved public treatment facility for an
14 examination of the person's use of alcohol, controlled substances or controlled
15 substance analogs. The assessment order shall comply with s. 343.30 (1q) (c) 1. a-
16 to-e. Intentional failure to comply with an assessment ordered under this paragraph
17 constitutes contempt of court, punishable under ch. 785.

18 **SECTION 145.** 351.025 (3) of the statutes is created to read:

19 351.025 (3) Notwithstanding sub. (1), the secretary may only revoke the
20 operating privilege of a nonresident under sub. (1) if the nonresident is licensed in
21 or a resident of another jurisdiction that is not a member jurisdiction or if any offense
22 necessary for a holding that the nonresident is a habitual traffic offender or repeat
23 habitual traffic offender is not an offense identified in the rules under s. 343.02 (3)
24 (b).

25 **SECTION 146.** 631.37 (4) (e) of the statutes is amended to read:

1 631.37 (4) (e) *Motor vehicle liability policy*. Section 344.34 applies to motor
2 vehicle liability policies certified under s. 344.31 ~~and to policies certified under s.~~
3 ~~344.32.~~

4 **SECTION 147.** 800.09 (1) (c) of the statutes is amended to read:

5 800.09 (1) (c) The court may suspend the defendant's operating privilege, as
6 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
7 and costs are paid, if the defendant has not done so within 60 days after the date the
8 restitution or payments or both are to be made under par. (a) and has not notified the
9 court that he or she is unable to comply with the judgment, as provided under s.
10 800.095 (4) (a), except that the suspension period may not exceed 2 years. The court
11 ~~shall~~ may take possession of, ~~and if possession is taken, shall destroy,~~ the suspended
12 license ~~and shall.~~ The court shall forward the license, along with a notice of the
13 suspension clearly stating that the suspension is for failure to comply with a
14 judgment of the court, to the department of transportation. This paragraph does not
15 apply if the forfeiture is assessed for violation of an ordinance that is unrelated to the
16 violator's operation of a motor vehicle.

17 **SECTION 148.** 938.17 (2) (d) 2. [✓] of the statutes, as created by 2005 Wisconsin Act
18 344, is amended to read:

19 938.17 (2) (d) 2. If a court suspends a license or privilege under subd. 1., the
20 court shall immediately take possession of the applicable license ~~and forward it if~~
21 issued under ch. 29 or, if the license is issued under ch. 343, the court may take
22 possession of, and if possession is taken, shall destroy, the license. The court shall
23 forward to the department that issued the license, ~~together with~~ the notice of
24 suspension stating that the suspension is for failure to pay a forfeiture imposed by
25 the court, together with any license issued under ch. 29 of which the court takes

1 possession. If the forfeiture is paid during the period of suspension, the court shall
2 immediately notify the department, which shall then, if the license is issued under
3 ch. 29, return the license to the person.

4 **SECTION 149.** 938.34 (8)[✓] of the statutes, as affected by 2005 Wisconsin Act 344,
5 is amended to read:

6 938.34 (8) Impose a forfeiture based upon a determination that this disposition
7 is in the best interest of the juvenile and the juvenile's rehabilitation. The maximum
8 forfeiture that the court may impose under this subsection for a violation by a
9 juvenile is the maximum amount of the fine that may be imposed on an adult for
10 committing that violation or, if the violation is applicable only to a person under 18
11 years of age, \$100. The order shall include a finding that the juvenile alone is
12 financially able to pay the forfeiture and shall allow up to 12 months for payment.
13 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
14 other alternatives under this section; or the court may suspend any license issued
15 under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's
16 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. If the court
17 suspends any license under this subsection, the clerk of the court shall immediately
18 take possession of the suspended license and forward it if issued under ch. 29 or, if
19 the license is issued under ch. 343, the court may take possession of, and if possession
20 is taken, shall destroy, the license. The court shall forward to the department which
21 issued the license, ~~together with~~ a notice of suspension stating that the suspension
22 is for failure to pay a forfeiture imposed by the court, together with any license issued
23 under ch. 29 of which the court takes possession. If the forfeiture is paid during the
24 period of suspension, the suspension shall be reduced to the time period which has
25 already elapsed and the court shall immediately notify the department which shall

1 then, if the license is issued under ch. 29, return the license to the juvenile. Any
2 recovery under this subsection shall be reduced by the amount recovered as a
3 forfeiture for the same act under s. 938.45 (1r) (b).

4 **SECTION 150.** 938.34[✓] (8d) (d) of the statutes, as affected by 2005 Wisconsin Act
5 344, is amended to read:

6 938.34 (8d) (d) If the juvenile fails to pay the surcharge under par. (a), the court
7 may vacate the surcharge and order other alternatives under this section, in
8 accordance with the conditions specified in this chapter; or the court may suspend
9 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or
10 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less
11 than 30 days nor more than 5 years. If the court suspends any license under this
12 subsection, the clerk of the court shall immediately take possession of the suspended
13 license and forward it if issued under ch. 29 or, if the license is issued under ch. 343,
14 the court may take possession of, and if possession is taken, shall destroy, the license.
15 The court shall forward to the department which issued the license, ~~together with~~
16 a notice of suspension stating that the suspension is for failure to pay a surcharge
17 imposed by the court, together with any license issued under ch. 29 of which the court
18 takes possession. If the surcharge is paid during the period of suspension, the
19 suspension shall be reduced to the time period which has already elapsed and the
20 court shall immediately notify the department which shall then, if the license is
21 issued under ch. 29, return the license to the juvenile.

22 **SECTION 151.** 938.34 (14m) of the statutes is amended to read:

23 938.34 (14m) Restrict or suspend the operating privilege, as defined in s.
24 340.01 (40), of a juvenile who is adjudicated delinquent under a violation of any law
25 in which a motor vehicle is involved. If the court suspends a juvenile's operating

1 privilege under this subsection, the court shall ~~immediately may~~ take possession of,
2 and if possession is taken, shall destroy, the suspended license ~~and forward it~~. The
3 court shall forward to the department of transportation ~~together with~~ a notice
4 stating the reason for and duration of the suspension. If the court limits a juvenile's
5 operating privilege under this subsection, the court shall immediately notify the
6 department of transportation of that limitation.

7 **SECTION 152.** 938.34 (14r) (a) [✓] of the statutes, as affected by 2005 Wisconsin Act

8 344, is amended to read:

9 938.34 (14r) (a) In addition to any other dispositions imposed under this
10 section, if the juvenile is found to have violated ch. 961, the court shall suspend the
11 juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months
12 nor more than 5 years. The court shall ~~immediately may~~ take possession of, and if
13 possession is taken, shall destroy, any suspended license ~~and forward it~~. The court
14 shall forward to the department of transportation ~~together with~~ the notice of
15 suspension stating that the suspension or revocation is for a violation of ch. 961.

16 **SECTION 153.** 938.342 (1g) (a) of the statutes is amended to read:

17 938.342 (1g) (a) Suspend the person's operating privilege, as defined in s.
18 340.01 (40), for not less than 30 days nor more than one year. The court shall
19 ~~immediately may~~ take possession of, and if possession is taken, shall destroy, the
20 suspended license ~~and forward it~~. The court shall forward to the department of
21 transportation ~~together with~~ a notice stating the reason for and duration of the
22 suspension.

23 **SECTION 154.** 938.343 (2) [✓] of the statutes, as affected by 2005 Wisconsin Act 344,

24 is amended to read:

1 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum
2 forfeiture that may be imposed on an adult for committing that violation or, if the
3 violation is only applicable to a person under 18 years of age, \$50. The order shall
4 include a finding that the juvenile alone is financially able to pay and shall allow up
5 to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may
6 suspend any license issued under ch. 29 or suspend the juvenile's operating privilege,
7 as defined in s. 340.01 (40), for not more than 2 years. The court shall immediately
8 take possession of the suspended license and forward it if issued under ch. 29 or, if
9 the license is issued under ch. 343, the court may take possession of, and if possession
10 is taken, shall destroy, of the license. The court shall forward to the department
11 which issued the license, ~~together with~~ the notice of suspension stating that the
12 suspension is for failure to pay a forfeiture imposed by the court, together with any
13 license issued under ch. 29 of which the court takes possession. If the forfeiture is
14 paid during the period of suspension, the court shall immediately notify the
15 department, which shall, if the license is issued under ch. 29, return the license to
16 the person. Any recovery under this subsection shall be reduced by the amount
17 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

18 **SECTION 155.** 938.344 (2e) (b) [✓] of the statutes, as affected by 2005 Wisconsin Act
19 344, is amended to read:

20 938.344 (2e) (b) Whenever a court suspends a juvenile's operating privilege
21 under this subsection, the court ~~shall immediately~~ may take possession of, and if
22 possession is taken, shall destroy, any suspended license ~~and forward it.~~ The court
23 shall forward to the department of transportation, ~~together with~~ the notice of
24 suspension stating that the suspension is for a violation under s. 961.573 (2), 961.574
25 (2) or 961.575 (2), or a local ordinance that strictly conforms to one of those statutes.

1 **SECTION 156.** 938.355 (6) (d) 2. of the statutes is amended to read:

2 938.355 **(6)** (d) 2. Suspension of or ~~limitation~~ restriction on the use of the
3 juvenile's operating privilege, as defined under s. 340.01 (40), or of any approval
4 issued under ch. 29 for a period of not more than 3 years. If the juvenile does not hold
5 a valid operator's license under ch. 343, other than an instruction permit under s.
6 343.07 or a restricted license under s. 343.08, on the date of the order issued under
7 this subdivision, the court may order the suspension to begin on the date that the
8 operator's license would otherwise be reinstated or issued after the juvenile applies
9 and qualifies for issuance or 2 years after the date of the order issued under this
10 subdivision, whichever occurs first. If the court suspends the juvenile's operating
11 privileges or an approval issued under ch. 29, the court shall immediately take
12 possession of the suspended license or approval and ~~forward it~~ may take possession
13 of, and if possession is taken, shall destroy, the suspended license. The court shall
14 forward to the department that issued it, together with the license or approval the
15 notice of suspension, together with any approval of which the court takes possession.

16 **SECTION 157.** 938.355 (6m) (a) 1m. of the statutes is amended to read:

17 938.355 **(6m)** (a) 1m. Suspension or limitation on the use of the juvenile's
18 operating privilege, as defined under s. 340.01 (40), or of any approval issued under
19 ch. 29 for not more than one year. If the juvenile does not hold a valid operator's
20 license under ch. 343, other than an instruction permit under s. 343.07 or a restricted
21 license under s. 343.08, on the date of the order issued under this subdivision, the
22 court may order the suspension or limitation to begin on the date that the operator's
23 license would otherwise be reinstated or issued after the juvenile applies and
24 qualifies for issuance or 2 years after the date of the order issued under this
25 subdivision, whichever occurs first. If the court suspends a juvenile's operating

1 privilege or an approval issued under ch. 29, the court shall immediately take
2 possession of the suspended license or approval and forward it may take possession
3 of, and if possession is taken, shall destroy, the suspended license. The court shall
4 forward to the department that issued the license or approval with a notice stating
5 the reason for and the duration of the suspension, together with any approval of
6 which the court takes possession.

7 **SECTION 158.** 938.396 (4) [✓] of the statutes, as affected by 2005 Wisconsin Act 344,

8 is amended to read:

9 938.396 (4) OPERATING PRIVILEGE RECORDS. When a court assigned to exercise
10 jurisdiction under this chapter and ch. 48 or a municipal court exercising jurisdiction
11 under s. 938.17 (2) revokes, suspends, or restricts a juvenile's operating privilege
12 under this chapter, the department of transportation may not disclose information
13 concerning or relating to the revocation, suspension, or restriction to any person
14 other than a court assigned to exercise jurisdiction under this chapter and ch. 48, a
15 municipal court exercising jurisdiction under s. 938.17 (2), a district attorney, county
16 corporation counsel, or city, village, or town attorney, a law enforcement agency, a
17 driver licensing agency of another jurisdiction ~~or Mexico~~, the juvenile whose
18 operating privilege is revoked, suspended, or restricted, or the juvenile's parent or
19 guardian. Persons entitled to receive this information may not disclose the
20 information to other persons or agencies.

21 **SECTION 159.** 961.50 (1) (intro.) of the statutes is amended to read:

22 961.50 (1) (intro.) If a person is convicted of any violation of this chapter, the
23 court shall, in addition to any other penalties that may apply to the crime, suspend
24 the person's operating privilege, as defined in s. 340.01 (40), for not less than 6
25 months nor more than 5 years. The court shall immediately may take possession of,

1 and if possession is taken, shall destroy, any suspended license and forward it. The
2 court shall forward to the department of transportation together with the record of
3 conviction and notice of the suspension. The person is eligible for an occupational
4 license under s. 343.10 as follows:

5 **SECTION 160.** 961.50 (2) of the statutes is amended to read:

6 961.50 (2) For purposes of counting the number of convictions under sub. (1),
7 convictions under the law of a federally recognized American Indian tribe or band in
8 this state, federal law or the law of another jurisdiction, as defined in s. 343.32 (1m)
9 (a) ^{343.251 (41m)} ~~343.251~~, for any offense therein which, if the person had committed the offense
10 in this state and been convicted of the offense under the laws of this state, would have
11 required suspension or revocation of such person's operating privilege under this
12 section, shall be counted and given the effect specified under sub. (1). The 5-year
13 period under this section shall be measured from the dates of the violations which
14 resulted in the convictions.

7 ~~****NOTE: Was there ever a time when "revocation" was possible under s. 961.50?
Can we strike reference to "revocation" in this subsection?~~

15 **SECTION 161. Nonstatutory provisions.**

16 (1) The department of transportation shall submit in proposed form the rules
17 required under section 343.02 (3) (b) of the statutes, as created by this act, to the
18 legislative council staff under section 227.15 (1) of the statutes no later than the first
19 day of the 6th month beginning after the effective date of this subsection, unless the
20 secretary of administration requires the department to prepare an economic impact
21 report under section 227.137 of the statutes for the proposed rules.

22 (2) Using the emergency rules procedure under section 227.24 of the statutes,
23 the department of transportation shall promulgate the rules required under section

1 343.02 (3) (b) of the statutes, as created by this act, for purposes of implementing this
 2 act, for the period before the effective date of the rules submitted under subsection
 3 (1). The department shall promulgate these emergency rules no later than the first
 4 day of the 6th month beginning after the effective date of this subsection.
 5 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these emergency rules
 6 may remain in effect until July 1, 2009, or the date on which permanent rules take
 7 effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the
 8 statutes, the department is not required to provide evidence that promulgating a rule
 9 under this subsection as an emergency rule is necessary for the preservation of the
 10 public peace, health, safety, or welfare and is not required to provide a finding of
 11 emergency for a rule promulgated under this subsection.

12 ~~9348~~ [#] SECTION ~~9348~~ Initial applicability, transportation.

13 (1) DRIVER LICENSE AGREEMENT. The treatment of sections ~~23.33 (13) (e), 125.07~~
 14 ~~(4) (bs) (intro.), (c) (intro.), (cb), and (cm), 125.085 (3) (bp), 340.01 (13m), 343.01 (2)~~
 15 ~~(bc), (bm), and (cv), 343.02 (3), 343.027, 343.03 (5) (a) and (6) (a), 343.05 (2) (a) 2. and~~
 16 ~~(5) (b) 1., 343.06 (1) (bm) and (j) and (2), 343.085 (4), 343.10 (7) (e), 343.14 (2j) (b),~~
 17 ~~343.16 (5) (a), 343.20 (1) (e) 1., 343.23 (2) (a) (intro.), (ar), and (b), (2m), (3) (a), (3m),~~
 18 ~~and (4) (b), 343.235 (3) (a), 343.237 (2), 343.24 (3) and (4) (c) 1., 343.28 (1) and (2),~~
 19 ~~343.30 (1), (1g) (a) and (b), (1n), (1o) (intro.), (1p), (1q) (b) (intro.) and 4., (1z), (2d),~~
 20 ~~(2g), (2j) (a), (2m), (4), and (6) (d), 343.301 (1) (a) 1. and 2. and (2) (b) 3., 343.305 (7)~~
 21 ~~(a), (8) (a), (9) (a) (intro.), (am) (intro.), and (e), (10) (a), (b) 3. and 4., and (em), and~~
 22 ~~(11), 343.31 (1) (intro.) and (hm), (2g), (2r), (2s), (2z), and (3) (a), (b), (bg), (bm) (intro.),~~
 23 ~~(e), (d) (intro.), (e), (f), (i), and (j), 343.315 (2) (f) 7., (fm), (h), and (j) (intro.) and (3) (a),~~
 24 ~~(b), (bm), and (d), 343.32 (1), (1m) (a) and (b) (intro.), (1s), (1v), (1z), (2) (a), (2m), and~~
 25 ~~(3), 343.325 (4), 343.34 (1) and (2), 343.345, 343.36 (title), (3), and (3m), 343.38 (1)~~

344.13(2)↑

and

1

~~(c) 2. c., 343.44 (1) (a), (b), (c), and (d), (2r), (2s), and (4r), 343.50 (8) (b), 344.02 (3),~~

2

~~344.13 (2), 344.08 (1m), 344.14 (1r), 344.19 (1) and (3), 344.25 (7), 344.27 (3), 344.40~~

3

~~(2) (a), 344.45 (1), 345.11 (2), 345.23 (2) (c), 345.28 (5) (b) 1. and 2. a., 345.47 (1)~~

4

~~(intro.), (b), and (c), 345.48 (2), 346.63 (2m), 346.65 (2c), (2e), (2u) (c), and (6) (a) 1.,~~

5

~~346.93 (2f), (2m), and (2g) (intro.), 350.11 (3) (d), 351.025 (3), 767.303 (1m), 800.09~~

6

~~(1) (c), 800.095 (4) (b) 4., 938.34 (14r) (a) and (am), 938.344 (2e) (b) and (2r), 938.396~~

7

~~(4), 943.21 (3m) (b), (c), (d), and (e), 961.50 (1) (intro.), (1m) and (2), 909.02 (4) of the~~

plain

8

~~statutes, the repeal of sections 343.30 (1q) (c) 1. b. and 343.305 (10) (c) 1. b. of the~~

9

~~statutes, the renumbering of sections 125.085 (3) (bd) and 938.34 (14q) of the~~

10

~~statutes, the renumbering and amendment of sections 343.30 (5), 344.19 (2), 938.17~~

11

~~(2) (d), 938.34 (8), (8d) (d), and (14m), 938.343 (2), and 938.355 (6) (d) 2. of the~~

12

~~statutes, the consolidation, renumbering, and amendment of sections 343.30 (1q) (c)~~

13

~~1. (intro.), a., and c. and 343.305 (10) (c) 1. (intro.), a., and c. of the statutes, and the~~

14

~~creation of sections ^{343.31(3) (bg)} 125.085 (3) (bd) 2., 343.30 (5) (b), 344.19 (2) (a), 938.17 (2) (d) 2.,~~

15

~~938.34 (8) (b), (8d) (d) 2., (14m) (b), and (14q) (b), 938.343 (2) (b), and 938.355 (6) (d)~~

16

~~2. b. of the statutes first ^{applies} ^{offenses} apply to violations committed or refusals occurring on the~~

17

~~effective date of this subsection, but do not preclude the counting of other convictions,~~

18

~~suspensions, or revocations as prior convictions, suspensions, or revocations for~~

19

~~purposes of administrative action by the department of transportation, sentencing~~

20

~~by a court, or revocation or suspension of motor vehicle operating privileges.~~

21

~~(a) (2) The treatment of section 343.31 (2) and (2m) of the statutes first applies to~~

22

~~violations for which notice is received on the effective date of this subsection.~~

23

~~(e) (3) The treatment of sections 343.38 (2) and (4) (intro.), 343.39 (1) (a), 344.18~~

24

~~(1m) and (3m), 344.19 (3m), 344.24, 344.26 (1), 344.27 (2), and 344.29 of the statutes~~

25

~~and the repeal of sections 343.38 (4) (a) and (b) and 344.09 (3) of the statutes first~~

Insert 76-20

STET
add

1 apply to issuance of operator's licenses or reinstatement of operating privileges or
2 registrations on the effective date of this subsection.

3 ~~(4)~~ (A) The treatment of sections 344.30 (1), 344.32, 344.33 (1), 344.34, 344.42, and
4 631.37 (4) (e) of the statutes first applies to proof of financial responsibility filed with
5 the secretary of transportation on the effective date of this subsection.

~~***NOTE: The list of citations in this initial applicability provision has NOT been
EDITED / UPDATED. It will need to be revised in next draft.~~

6 **SECTION 162. Effective dates.** This act takes effect on the first day of the 13th
7 month beginning after publication, except as follows:

8 (1) The treatment of section 343.02 (3) (b) of the statutes and SECTION 161 of
9 this act take effect on the first day of the 7th month beginning after publication.

10 (END)

AR

ST-Note

*...section 343.02 (3) (b) of the statutes ...
...can
do set in a ...*

INSERT ANAL-A:

The bill also specifies that any photograph that DOT provides to a law enforcement agency as allowed under current law may be in print or electronic form.

INSERT 20-15:

1. A record of reports or abstract of convictions resulting from any offense specified in s. 343.31 (1) or (2r).

2. A record of reports or abstract of convictions resulting from any offense for which court-ordered suspension or revocation of the person's operating privilege is mandatory, along with any such court-ordered suspension or revocation of the person's operating privilege.

INSERT 23-14:

SECTION ~~1~~ 343.237 (3) (intro.) of the statutes is amended to read:

343.237 (3) (intro.) The department shall provide a Wisconsin law enforcement agency or a federal law enforcement agency with a print or electronic copy of a photograph taken on or after September 1, 1997, of an applicant under s. 343.14 (3) or 343.50 (4), or a printed or electronic copy of a fingerprint taken of an applicant under s. 343.12 (6) (b), if the department receives a written request on the law enforcement agency's letterhead that contains all of the following:

History: 1997 a. 119, 237; 2001 a. 41; 2003 a. 36, 280.

***NOTE: This small change should allow DOT to provide electronic photos to law enforcement agencies. All other requirements of s. 343.237, including the warning language of s. 343.237 (4m), would still apply.

INSERT 49-15:

4. A report of the results of any hearing conducted by the department related to positive test results described in subd. 1. or 2. or refusal of testing described in subd. 3.

***NOTE: Is this what you had in mind for "hearing results" in your spreadsheet, section 96?

INSERT 66-17:

~~SECTION 2.~~ 351.02 (1) (intro.) of the statutes is amended to read:

351.02 (1) (intro.) "Habitual traffic offender" means any person, whether resident or nonresident at the time of any applicable offense, whose record, as maintained by the department shows that the person has accumulated the number of convictions for the separate and distinct offenses, regardless of the class or type of motor vehicle being operated, under par. (a) or (b) committed within a 5-year period as follows:

History: 1979 c. 333; 1983 a. 189 s. 329 (34); 1983 a. 459, 525, 535; 1985 a. 71, 337; 1987 a. 3, 399; 1989 a. 56, 105; 1991 a. 39; 1995 a. 448; 1997 a. 84, 258; 1999 a. 9; 2003 a. 97; 2005 a. 25.

~~SECTION 3.~~ 351.02 (1m) of the statutes is amended to read:

351.02 (1m) "Repeat habitual traffic offender" means any person, whether resident or nonresident at the time of any applicable offense, whose record as maintained by the department shows that the person has been convicted of 2 offenses under sub. (1) (b) committed within one year following issuance of an occupational license to the person pursuant to s. 351.07 or whose record as maintained by the department shows that the person has been convicted of one offense under sub. (1) (a) or 4 offenses under sub. (1) (b) committed within 3 years following issuance of an occupational license to the person pursuant to s. 351.07, regardless of the license

under which the person was operating a motor vehicle or the classification of the vehicle being operated.

History: 1979 c. 333; 1983 a. 189 s. 329 (34); 1983 a. 459, 525, 535; 1985 a. 71, 337; 1987 a. 3, 399; 1989 a. 56, 105; 1991 a. 39; 1995 a. 448; 1997 a. 84, 258; 1999 a. 9; 2003 a. 97; 2005 a. 25.

SECTION ~~4~~ 351.025 (1) of the statutes is amended to read:

351.025 (1) The secretary shall revoke ~~a person's~~, for a period of 5 years, the operating privilege for a period of 5 years of a person who is a licensee under ch. 343 or is a resident to whom another jurisdiction has not issued an operator's license upon receipt of a record of conviction which brings the person within the definition of a habitual traffic offender or repeat habitual traffic offender.

History: 1985 a. 71; 1999 a. 9.

SECTION ~~5~~ 351.027 (2) of the statutes is amended to read:

351.027 (2) If the person denies that he or she is a habitual traffic offender or repeat habitual traffic offender, the person may file with the circuit court for the county in which the person resides ~~or, in the case of a nonresident, with the circuit court for Dane County~~ a petition for a hearing and determination by the court that the person is not a habitual traffic offender or repeat habitual traffic offender. The scope of the hearing shall be limited to whether or not the person is the same person named in the record and whether or not the person was convicted of each offense shown by the record. The clerk of the court in which the petition is filed shall forward a copy of the petition to the secretary.

History: 1985 a. 71.

SECTION ~~6~~ 351.03 of the statutes is amended to read:

351.03 Secretary to certify copy of conviction record. Upon receipt of the copy of the petition under s. 351.027, the secretary shall certify the record of conviction of any person whose record brings him or her within the definition of a habitual traffic offender or repeat habitual traffic offender to the court and to the

district attorney of the county in which the person resides ~~or to the attorney general if the person is not a resident of this state.~~ The certified record shall be prima facie evidence that the person named therein was duly convicted by the court wherein the conviction or finding was made, of each offense shown by the record. If the person denies any of the facts as stated in the record, he or she shall have the burden of proving that the fact is false.

History: 1979 c. 333; 1983 a. 525; 1985 a. 71.

SECTION ~~351.04~~ 351.04 of the statutes is amended to read:

351.04 District attorney or attorney general to represent secretary.

The district attorney for the county in which the person resides who receives the certified copy of record from the secretary under s. 351.03 shall represent the secretary at the hearing under s. 351.027. ~~In the case of nonresidents, the attorney general shall represent the secretary at the hearing.~~

History: 1979 c. 333; 1985 a. 71.

INSERT 76-20:

(b) The treatment of sections 125.07 (4) (cm), 125.085 (3) (bp), 342.12 (4) (a) and (b), 343.06 (2), 343.23 (2m) (a), 343.31 (1) (intro.), (2), (2r), and (3) (bm) (intro.), (c), (d) (intro.), (e), (f), (i), and (j), 343.315 (2) (fm), (h), and (j) (intro.) and (3) (bm) and (d), 343.32 (1m) (b) (intro.) and (1s), 343.34 (2), 343.36 (3m), 344.19 (3), 346.65 (6) (a) 3. and (km), and 351.025 (1) of the statutes, the repeal of sections 343.31 (1) (hm) and (2m) and 343.32 (1) of the statutes, the renumbering and amendment of section 343.36 (3) of the statutes, and the creation of sections 343.23 (2m) (a), 343.31 (2z), 343.32 (1v), 343.36 (3) (b), (c), and (d), 344.08 (1m), 344.14 (1r), and 344.25 (7) of the statutes first ^{apply} ~~applies~~ with respect to offenses or refusals for which records, reports, or notices are received by the department of transportation on the effective date of

this subsection, but do not preclude the counting of other convictions, suspensions, or revocations as prior convictions, suspensions, or revocations for purposes of administrative action by the department of transportation, sentencing by a court, or revocation or suspension of motor vehicle operating privileges.

(c) The treatment of sections 342.12 (4) (a) and (b) and 343.23 (2) (a) (intro.) of the statutes, and the creation of sections 343.23 (3m) (a) and 343.301 (1) (e) and (2) (d) of the statutes, first ^{apply} ~~applies~~ with respect to notices received by the department of transportation on the effective date of this subsection.

(d) The treatment of sections 343.03 (5) (a) and 343.06 (1) (j) of the statutes first applies to applications received by the department of transportation on the effective date of this subsection.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4848/P2dn

ARG:.....
WJ

ATTN: Erin Egan

Please review the attached draft carefully to ensure that it is consistent with your intent.

I have eliminated all references to "Mexico" as another jurisdiction in the draft, even in a few places not specifically identified in the spreadsheet you provided. Please advise if I have eliminated any references to "Mexico" that you wanted to retain.

0011 I did not include the automatic reinstatement material in the attached draft. I am preparing a separate draft with that material. If you want me to merge this separate draft into LRB-4848 at a later time, please let me know.

I did not change the effective date to tie it to the effective date of the REAL ID Act (May 11, 2008). We could do that in a subsequent draft if you wish.

The attached draft includes a few embedded notes with additional comments or questions.

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

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

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

LRB-0011/P1dn
ARG:wlj:rs

August 29, 2006

ATTN: Erin Egan

Please review the attached draft carefully to ensure that it is consistent with your intent.

I have eliminated all references to "Mexico" as another jurisdiction in the draft, even in a few places not specifically identified in the spreadsheet you provided. Please advise if I have eliminated any references to "Mexico" that you wanted to retain.

I did not include the automatic reinstatement material in the attached draft. I am preparing a separate draft with that material. If you want me to merge this separate draft into LRB-0011 at a later time, please let me know.

I did not change the effective date to tie it to the effective date of the REAL ID Act (May 11, 2008). We could do that in a subsequent draft if you wish.

The attached draft includes a few embedded notes with additional comments or questions.

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

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0011/1dn
ARG:wlj:nwn

November 27, 2006

ATTN: Sara Kornely

The attached draft is identical to LRB-0011/P2, previously submitted to DOT, except for changes necessary to put the draft into budget form.

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

Gary, Aaron

From: Egan, Erin
Sent: Friday, September 15, 2006 12:17 PM
To: Gary, Aaron
Subject: DOT Review of LRB-0011/P1 (DLA)

Hi Aaron,

Thank you for giving us an opportunity to review the DLA draft again. Our comments are below. Some of our folks went over the draft with a fine-tooth comb, so there are things addressed here that I hadn't sent you earlier.

- Section 24 page 18, lines 5-8: no change necessary (do not strike)
 Section 25 343.23 (2m)(a) 1 - please change statutory reference from **343.31 (1) or (2r) to 343.307 or 343.305 (10)(em)**
 343.23 (2m)(a) 2 - repeal
 343.23 (2m)(a) 3 - please strike reference to s. 343.31 (2z), 343.34 (2), and 351.025 (3)
 343.23 (2m)(a) 5 - repeal (not needed)
 Section 26 All record transfers are required to be done within 10 days as of September 30, 2008 (see 343.03 (7)).
 Section 60 343.31 (2m) is repealed by Section 55 of this draft. This reference is not needed
 Sections 69/70 Can draft say "including the law of another jurisdiction" instead of referring to specific statutes? See section 71 for an example.
 Section 80 Can this be moved to 343.305, or added to 343.305 (7) or (8)? It seems to make more sense there.
 Section 81 page 42, line 19: instead of saying "cause for suspension", should talk about demerit point assessment. Also, can we use the same HTO language? (We don't want to take action on OOS violations, but will consider OOS violations if the person becomes a Wisconsin licensee and commits new violations)
 Section 82 Change not needed - all point suspensions are a maximum of one year
 Section 85 Change not needed - this is not a DLA offense. We will simply forward these convictions to jurisdiction of record.
 Section 88 Same issue as section 26, with 10 day record transfer. Also, remove reference to "certified" copy, as all records are sent electronically.
 Section 89 Same issue as section 88, with certified record. Also, under 343.36 (3)(b) 3, this should read "court order of revocation for refusal", instead of what's there. In 343.36 (3)(b) 4, "refusal of testing described in subd. 3" can also be struck.
 Section 102 Same issue as section 26, with 10 day record transfer. Also, a question: how can a citation be served "anywhere in this state" (line 7), and be mailed to "an address in another jurisdiction"? Do we need to add "other jurisdictions" to line 7?

Section 138-140: Can we *replace* those HTO sections with a clear statement to the effect that DMV will take no HTO action on OOS convictions of a nonresident who moved here, but if that new resident gets convicted here we will consider OOS convictions within the previous 5 years to determine his HTO status? (WI residents will be treated as they always have).

Section 160: (1)(a) is based on the effective date of the offense, refusal, etc, while the other sections are based on the date the department receives the offense, refusal, etc. (1)(a) needs to be changed to be consistent with the rest of the section.

Section 161: We need a delayed effective date (perhaps 3-4 years), with the option to implement sooner if computer changes are done. Is this possible?

Thanks!

Erin Egan
 Legislative Liaison

11/10/2006

Gary, Aaron

From: Egan, Erin
Sent: Wednesday, November 08, 2006 3:47 PM
To: Gary, Aaron; Egan, Erin
Cc: Jackson, Mary - DOT; McGinn, Reed; Baetsen, Karen; Frazier, Carson; Fernan, Patrick; Hoff, Sandra
Subject: RE: DOT Review of LRB-0011/P1 (DLA)

Hi Aaron,

Sorry for the delay in responding to your questions.

Section 24 - we would still like the language on page 18, line 5-8 to be left in the draft. As we read it, Section 24 has a different purpose than Section 26, ie, how long we have to maintain a record vs. transferring a file to another jurisdiction.

Section 26 - please add the "Subject to 343.03 (7) language" as you suggested.

Section 34 - page 23, line 1 - can this read "may" instead of "shall"? (This is not specific to DLA, it's a change related to 4th OAR).

Section 81 - we would like to be able to assess points for out of state violations, however, it will take multiple violations to cause a suspension. Would it be better to change line 19 from "cause for suspension" to "cause for point assessment"?

Section 85 - you are correct - please drop page 43, line 25 -page 44, line 9.

Section 88 - please add the "Subject to 343.03 (7) language" as you suggested.

Section 89 - page 45, line 23: The issue with this section is that we do not get reports of refusal of testing / notice of intent to revoke. We do, however, get court orders for refusal revocations. Can this section be changed just to say court orders for refusal revocations, so the statute matches the documents that we actually receive?

Section 102 - please add the "Subject to 343.03 (7) language" as you suggested.

Section 160 - Yes, we would like all of the statutes identified in paragraph (a) moved to (b).

Section 161 - can we have an effective date of July 1, 2009? This matches our biennial budget submission, and will give us enough time to ask for an extension, if needed.

Thanks for all your work on this! I think we're almost done!

Erin

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Wednesday, September 20, 2006 11:59 AM
To: Egan, Erin
Subject: RE: DOT Review of LRB-0011/P1 (DLA)

Hi Erin,

I am incorporating the changes you identify, but have questions or comments on some of them. I have inserted the question or comment after each item below.

Thanks. Aaron

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

From: Egan, Erin
Sent: Friday, September 15, 2006 12:17 PM
To: Gary, Aaron
Subject: DOT Review of LRB-0011/P1 (DLA)

Hi Aaron,

Thank you for giving us an opportunity to review the DLA draft again. Our comments are below. Some of our folks went over the draft with a fine-tooth comb, so there are things addressed here that I hadn't sent you earlier.

Section 24 page 18, lines 5-8: no change necessary (do not strike)

[ARG comment] The substance of this stricken language is now included in bill section 26 (created s. 343.23 (3m)). This stricken language isn't consistent with the DLA, in my opinion. Do you still want this change? Or is there a way I can meet your needs by modifying the created text of s. 343.23 (3m) (a) instead?

Section 25 343.23 (2m)(a) 1 - please change statutory reference from **343.31 (1) or (2r) to 343.307 or 343.305 (10)(em)**

343.23 (2m)(a) 2 - repeal

343.23 (2m)(a) 3 - please strike reference to s. 343.31 (2z), 343.34 (2), and 351.025 (3)

343.23 (2m)(a) 5 - repeal (not needed)

[ARG comment: changes made]

Section 26 All record transfers are required to be done within 10 days as of September 30, 2008 (see 343.03 (7)).

[ARG comment: As I read the statutes, s. 343.03 (7) is overlapping but not the same as bill section 26 - s. 343.03 (7) provides for reporting to CDLIS and reporting convictions to other jurisdictions. Bill section 26 is more expansive. I have a couple of drafting options. I could insert a "subject to s. 343.03 (7)" at the beginning of the provision at p. 19, line 20 - this would allow s. 343.03 (7) to "trump" bill section 26 where s. 343.03 (7) applies but would allow 30 days under bill section 26 any time s. 343.03 (7) doesn't come into play. Another alternative would be to "double draft" bill section 26 to change the 30 days to 10 days as of 9/30/08. Or, simpler, I could simply change the 30 days to 10 days from the outset (10 days is currently the CDLIS reporting time frame, and only the conviction reporting changes from 30 to 10 days as of 9/30/08). Which do you prefer?

Section 60 343.31 (2m) is repealed by Section 55 of this draft. This reference is not needed

[ARG comment: change made, thanks for catching]

Sections 69/70 Can draft say "including the law of another jurisdiction" instead of referring to specific statutes? See section 71 for an example.

[ARG comment: I cannot redraft it this way. There must be either a statutory reference or a description of the offense. Different statutes take different approaches. What you see in bill section 71 is actually just the (intro.) paragraph - after the colon, there is a description of the offenses. The approach you see in bill sections 69 and 70 is the preferred method, rather than attempting to make a brief yet accurate description of the violation under s. 343.14 (5) or 345.17.]

Section 80 Can this be moved to 343.305, or added to 343.305 (7) or (8)? It seems to make more sense there.

[ARG comment: Looking at the surrounding provisions, I think this fits better where it is. This provision relates to taking action for offenses committed in other jurisdictions, not taking action based upon s. 343.305 itself. It is also broader than just 343.305-similar offenses.]

Section 81 page 42, line 19: instead of saying "cause for suspension", should talk about demerit point assessment. Also, can we use the same HTO language? (We don't want to take action on OOS violations, but will consider OOS violations if the person becomes a Wisconsin licensee and commits new violations)

[ARG comment: Structurally I don't believe this change works and I believe the existing language does work. What is "cause for suspension under this subsection"? Basically it's demerit points. Also, this (intro.) provision states that the secretary "may" suspend This provision does not *require* DOT to take any action on OOS violations. If you want me to drop all of the scored language on p. 42 lines 18-22, please let me know.

Section 82 Change not needed - all point suspensions are a maximum of one year

[ARG comment: change made (as I recall, this was previously asked for by DOT).]

Section 85 Change not needed - this is not a DLA offense. We will simply forward these convictions to jurisdiction of record.

[ARG comment: I interpret this to mean that the scoring at p. 43 lines 23-24 (limiting to WI licensees/residents) should be kept, but the rest of the scoring (p. 43 line 25 to p. 44 line 9) should be dropped. Correct?]

Section 88 Same issue as section 26, with 10 day record transfer. Also, remove reference to "certified" copy, as all records are sent electronically.

[ARG comment: Please see comment to bill section 26. However, in bill section 88, I have included the "subject to ..." language, so any "10 day" requirement under s. 343.03 (7) trumps the 30 day requirement in bill section 26. As discussed in the comment to bill section 26, if you want me to change the "30 days" to "10 days" at p. 45 line 6 in all circumstances, let me know. Please let me know if this is OK or if you want 30 changed to 10. Also, "certified" is not something that I added - it is in the existing statute. Under current law, DOT has authority to make "certified" copies of records electronically. See s. 909.02 (4). See also ss. 137.11 to 137.24 from 2003 Wisconsin Act 294, the electronic transactions and records act (UETA). Do you still want me to strike the word "certified" from the existing statute?]

Section 89 Same issue as section 88, with certified record. Also, under 343.36 (3)(b) 3, this should read "court order of revocation for refusal", instead of what's there. In 343.36 (3)(b) 4, "refusal of testing described in subd. 3" can also be struck.

[ARG comment: see comment to bill section 88 re certified record. With regard to s. 343.36 (3) (b) 3., this subdivision was drafted the way it is to capture the circumstances described in the subdivision. If you don't want those circumstances to result in a notice, the subdivision should be removed entirely. If you are only interested in the court-ordered revocation under s. 343.305 (10), that should be adequately covered under s. 343.36 (3) (a), so rather than rewrite s. 343.36 (3) (b) 3., I will simply remove this subdivision, OK? Third change is made.]

Section 102 Same issue as section 26, with 10 day record transfer. Also, a question: how can a citation be served "anywhere in this state" (line 7), and be mailed to "an address in another jurisdiction"? Do we need to add "other jurisdictions" to line 7?

[ARG comment: I simply don't see how this provision is inconsistent with s. 343.03 (7) (c); the provision gives a traffic officer 30 days to write a citation and serve it - it does not govern the time period for

reporting any conviction to another jurisdiction or providing info to CDLIS - any reporting period is governed by other statutes. So I believe no modification in that respect is necessary. On the second issue, the citation is served by mailing, and is mailed *from* this state, so reading the sentence as a whole I don't see a problem with this language.

Section 138-140: Can we *replace* those HTO sections with a clear statement to the effect that DMV will take no HTO action on OOS convictions of a nonresident who moved here, but if that new resident gets convicted here we will consider OOS convictions within the previous 5 years to determine his HTO status? (WI residents will be treated as they always have).

[ARG comment: I will try to revise ch. 351 to meet your objective here. As you know, ch. 351 is so convoluted that it is hard to fit in a "clear statement" anywhere, but the draft clearly does not achieve the result you intend, so I will try to revise it to get to that result.]

Section 160: (1)(a) is based on the effective date of the offense, refusal, etc, while the other sections are based on the date the department receives the offense, refusal, etc. (1)(a) needs to be changed to be consistent with the rest of the section.

[ARG comment: I assume you want all of the statutes identified in par. (a) to be moved to par. (b). For some of these provisions, I can make that change. For example, the reference to 343.085 (4) at p. 73 line 2 can be moved to par. (b). However, certain provisions relating to the offense itself, such as 343.44 (1) (a), (b), and (c) at p. 73 line 2, should not be moved to par. (b). I will move what I can. If you want to give me a list of what you think should be moved (other than "all"), that might be helpful.]

Section 161: We need a delayed effective date (perhaps 3-4 years), with the option to implement sooner if computer changes are done. Is this possible?

[ARG comment: This issue of the effective date came up early when we started working on this in the fall of 2004. As I advised then, the negative practical consequences of trying to create an option to implement sooner are significant. Once the bill passes and is published, it will become law, but nobody will know *when* it will become law. Depending on the timing, the statute books may show a change in the law but cannot identify when that change occurs. So looking beyond DOT itself, there will be great public uncertainty as to what the law is. This is especially problematic when we are looking at a bill so extensive and an implementation date so far out. There will also be the impact on all other legislation this session and perhaps into next, possibly requiring many provisions of ch. 343 to be "double drafted" in all other bills prepared for the legislature this session, so using this type of "early implementation option" may negatively impact the efficient administration of the legislative process. I am aware of only one time that such an effective date provision has been used, which as you probably know was 1997 Act 84 (OAR/OVS). I have talked to a couple of other long-time attorneys, including my supervisor, who are not aware of any other instance in which such a provision was drafted. With 1997 Act 84, as it turns out DOT did not use the early implementation option - in fact, DOT returned to the legislature to ask that the "outside" date be pushed back further still. I would prefer that DOT give me a date certain (either actual date or # of months after publication) to use for the effective date. If DOT is ready to implement early, I can always draft a trailer bill amending the effective date to move it up, or such a change can be part of DOT's 2009-11 budget package.

Thanks to all at DOT for your feedback. I appreciate the time spent scrutinizing this draft and your comments.

Thanks!

Erin Egan

Legislative Liaison

Division of Motor Vehicles

(608) 266-1449