

1           **SECTION 125.** 344.42<sup>↓</sup> of the statutes is amended to read:

2           **344.42 Submission of certifications and recertifications by insurers.**

3           If the sum of certifications and recertifications under ss. 344.31, 344.32 and 344.34  
4           that are submitted by an insurer to the department in any year exceeds 1,000, the  
5           insurer shall pay to the department a transaction fee of \$1.50 per certification or  
6           recertification that is not transmitted electronically to the department. The  
7           department shall promulgate rules establishing procedures for the collection of  
8           transaction fees under this section.

9           **SECTION 126.** 345.23 (2) (c) of the statutes is amended to read:

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

16           **SECTION 127.** 345.28 (5) (b) 1. of the statutes is amended to read:

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

23           **SECTION 128.** 345.28 (5) (b) 2. a. of the statutes is amended to read:

24           345.28 (5) (b) 2. a. The officer shall accept a deposit of money or a deposit of the  
25           person's valid Wisconsin operator's license in lieu of serving the warrant and

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

15           **SECTION 129.** 345.47 (1) (c) of the statutes is amended to read:

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

1 ~~reinstatement fee under s. 343.21 (1) (j), the department shall return the~~  
2 ~~surrendered license.~~

3 **SECTION 130.** 345.48 (2) of the statutes is amended to read:

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

11 **SECTION 131.** 345.48 (3) of the statutes is repealed.

12 **SECTION 132.** 345.48 (4) of the statutes is amended to read:

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

17 **SECTION 133.** 346.65 (2c) of the statutes is amended to read:

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

24 **SECTION 134.** 346.65 (2e) of the statutes 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 135.** 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 136.** 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

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 137.** 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 138.** 351.02 (1) (intro.) of the statutes is amended to read:

19 351.02 (1) (intro.) "Habitual traffic offender" means any person, whether  
20 resident or nonresident at the time of any applicable offense, whose record, as  
21 maintained by the department shows that the person has accumulated the number  
22 of convictions for the separate and distinct offenses, regardless of the class or type  
23 of motor vehicle being operated, under par. (a) or (b) committed within a 5-year  
24 period as follows:

25 **SECTION 139.** 351.02 (1m) of the statutes is amended to read:

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

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11           **SECTION 140.** 351.025 (1) of the statutes is amended to read:

12           351.025 (1) <sup>(a) Except as provided in par (b), the</sup> ~~The~~ secretary shall revoke a person's, for a period of 5 years, the  
 13 operating privilege for a period of 5 years of a person who is a licensee under ch. 343  
 14 or is a resident to whom another jurisdiction has not issued an operator's license  
 15 upon receipt of a record of conviction which brings the person within the definition  
 16 of a habitual traffic offender or repeat habitual traffic offender.

17           **SECTION 141.** 351.027 (2) of the statutes is amended to read:

18           351.027 (2) If the person denies that he or she is a habitual traffic offender or  
 19 repeat habitual traffic offender, <sup>subject to operating privilege revocation under s. 351.025(1)</sup> the person may file with the circuit court for the  
 20 county in which the person resides ~~or, in the case of a nonresident, with the circuit~~  
 21 ~~court for Dane County~~ a petition for a hearing and determination by the court that  
 22 the person is not a habitual traffic offender or repeat habitual traffic offender. The  
 23 scope of the hearing shall be limited to whether or not the person is the same person  
 24 named in the record ~~and~~ whether or not the person was convicted of each offense

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and whether the provisions of § 351.025(1)(b) prohibit revocation

1 shown by the record. The clerk of the court in which the petition is filed shall forward  
2 a copy of the petition to the secretary.

3 SECTION 142. 351.03 of the statutes is amended to read:

4 **351.03 Secretary to certify copy of conviction record.** Upon receipt of the  
5 copy of the petition under s. 351.027, the secretary shall certify the record of  
6 conviction of any person whose record brings him or her within the definition of a  
7 habitual traffic offender or repeat habitual traffic offender <sup>subject to operating privilege revocation under § 351.025(1)</sup> to the court and to the  
8 district attorney of the county in which the person resides or to the attorney general  
9 if the person is not a resident of this state. The certified record shall be prima facie  
10 evidence that the person named therein was duly convicted by the court wherein the  
11 conviction or finding was made, of each offense shown by the record. If the person  
12 denies any of the facts as stated in the record, he or she shall have the burden of  
13 proving that the fact is false.

14 SECTION 143. 351.04 of the statutes is amended to read:

15 **351.04 District attorney or attorney general to represent secretary.**  
16 The district attorney for the county in which the person resides who receives the  
17 certified copy of record from the secretary under s. 351.03 shall represent the  
18 secretary at the hearing under s. 351.027. ~~In the case of nonresidents, the attorney~~  
19 ~~general shall represent the secretary at the hearing.~~

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20 SECTION 144. 631.37 (4) (e) of the statutes is amended to read:

21 631.37 (4) (e) *Motor vehicle liability policy.* Section 344.34 applies to motor  
22 vehicle liability policies certified under s. 344.31 and to policies certified under s.  
23 344.32.

24 SECTION 145. 800.09 (1) (c) of the statutes is amended to read:

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

13           **SECTION 146.** 938.17 (2) (d) 2. of the statutes is amended to read:

14           938.17 (2) (d) 2. If a court suspends a license or privilege under subd. 1., the  
15 court shall immediately take possession of the applicable license ~~and forward it if~~  
16 issued under ch. 29 or, if the license is issued under ch. 343, the court may take  
17 possession of, and if possession is taken, shall destroy, the license. The court shall  
18 forward to the department that issued the license, ~~together with~~ the notice of  
19 suspension stating that the suspension is for failure to pay a forfeiture imposed by  
20 the court, ~~together with any license issued under ch. 29 of which the court takes~~  
21 possession. If the forfeiture is paid during the period of suspension, the court shall  
22 immediately notify the department, which shall then, if the license is issued under  
23 ch. 29, return the license to the person.

24           **SECTION 147.** 938.34 (8) of the statutes is amended to read:

1           938.34 (8) Impose a forfeiture based upon a determination that this disposition  
2 is in the best interest of the juvenile and the juvenile's rehabilitation. The maximum  
3 forfeiture that the court may impose under this subsection for a violation by a  
4 juvenile is the maximum amount of the fine that may be imposed on an adult for  
5 committing that violation or, if the violation is applicable only to a person under 18  
6 years of age, \$100. The order shall include a finding that the juvenile alone is  
7 financially able to pay the forfeiture and shall allow up to 12 months for payment.  
8 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
9 other alternatives under this section; or the court may suspend any license issued  
10 under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's  
11 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. If the court  
12 suspends any license under this subsection, the clerk of the court shall immediately  
13 take possession of the suspended license and forward it if issued under ch. 29 or, if  
14 the license is issued under ch. 343, the court may take possession of, and if possession  
15 is taken, shall destroy, the license. The court shall forward to the department which  
16 issued the license, ~~together with~~ a notice of suspension stating that the suspension  
17 is for failure to pay a forfeiture imposed by the court, together with any license issued  
18 under ch. 29 of which the court takes possession. If the forfeiture is paid during the  
19 period of suspension, the suspension shall be reduced to the time period which has  
20 already elapsed and the court shall immediately notify the department which shall  
21 then, if the license is issued under ch. 29, return the license to the juvenile. Any  
22 recovery under this subsection shall be reduced by the amount recovered as a  
23 forfeiture for the same act under s. 938.45 (1r) (b).

24           **SECTION 148.** 938.34 (8d) (d) of the statutes is amended to read:

1           938.34 (8d) (d) If the juvenile fails to pay the surcharge under par. (a), the court  
2           may vacate the surcharge and order other alternatives under this section, in  
3           accordance with the conditions specified in this chapter; or the court may suspend  
4           any license issued under ch. 29 for not less than 30 days nor more than 5 years, or  
5           suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less  
6           than 30 days nor more than 5 years. If the court suspends any license under this  
7           subsection, the clerk of the court shall immediately take possession of the suspended  
8           license and forward it if issued under ch. 29 or, if the license is issued under ch. 343,  
9           the court may take possession of, and if possession is taken, shall destroy, the license.  
10          The court shall forward to the department which issued the license, ~~together with~~  
11          a notice of suspension stating that the suspension is for failure to pay a surcharge  
12          imposed by the court, together with any license issued under ch. 29 of which the court  
13          takes possession. If the surcharge is paid during the period of suspension, the  
14          suspension shall be reduced to the time period which has already elapsed and the  
15          court shall immediately notify the department which shall then, if the license is  
16          issued under ch. 29, return the license to the juvenile.

17           **SECTION 149.** 938.34 (14m) of the statutes is amended to read:

18           938.34 (14m) Restrict or suspend the operating privilege, as defined in s.  
19           340.01 (40), of a juvenile who is adjudicated delinquent under a violation of any law  
20           in which a motor vehicle is involved. If the court suspends a juvenile's operating  
21           privilege under this subsection, the court ~~shall immediately~~ may take possession of,  
22           and if possession is taken, shall destroy, the suspended license and forward it. The  
23           court shall forward to the department of transportation ~~together with~~ a notice  
24           stating the reason for and duration of the suspension. If the court limits a juvenile's

1 operating privilege under this subsection, the court shall immediately notify the  
2 department of transportation of that limitation.

3 **SECTION 150.** 938.34 (14r) (a) of the statutes is amended to read:

4 938.34 (14r) (a) In addition to any other dispositions imposed under this  
5 section, if the juvenile is found to have violated ch. 961, the court shall suspend the  
6 juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months  
7 nor more than 5 years. The court ~~shall immediately~~ may take possession of, and if  
8 possession is taken, shall destroy, any suspended license and forward it. The court  
9 shall forward to the department of transportation ~~together with~~ the notice of  
10 suspension stating that the suspension or revocation is for a violation of ch. 961.

11 **SECTION 151.** 938.342 (1g) (a) of the statutes is amended to read:

12 938.342 (1g) (a) Suspend the person's operating privilege, as defined in s.  
13 340.01 (40), for not less than 30 days nor more than one year. The court ~~shall~~  
14 immediately may take possession of, and if possession is taken, shall destroy, the  
15 suspended license and forward it. The court shall forward to the department of  
16 transportation ~~together with~~ a notice stating the reason for and duration of the  
17 suspension.

18 **SECTION 152.** 938.343 (2) of the statutes is amended to read:

19 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum  
20 forfeiture that may be imposed on an adult for committing that violation or, if the  
21 violation is only applicable to a person under 18 years of age, \$50. The order shall  
22 include a finding that the juvenile alone is financially able to pay and shall allow up  
23 to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
24 suspend any license issued under ch. 29 or suspend the juvenile's operating privilege,  
25 as defined in s. 340.01 (40), for not more than 2 years. The court shall immediately

1 take possession of the suspended license ~~and forward it~~ if issued under ch. 29 or, if  
2 the license is issued under ch. 343, the court may take possession of, and if possession  
3 is taken, shall destroy, of the license. The court shall forward to the department  
4 which issued the license, ~~together with~~ the notice of suspension stating that the  
5 suspension is for failure to pay a forfeiture imposed by the court, ~~together with any~~  
6 license issued under ch. 29 of which the court takes possession. If the forfeiture is  
7 paid during the period of suspension, the court shall immediately notify the  
8 department, which shall, if the license is issued under ch. 29, return the license to  
9 the person. Any recovery under this subsection shall be reduced by the amount  
10 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

11 **SECTION 153.** 938.344 (2e) (b) of the statutes is amended to read:

12 938.344 (2e) (b) Whenever a court suspends a juvenile's operating privilege  
13 under this subsection, the court ~~shall immediately~~ may take possession of, and if  
14 possession is taken, shall destroy, any suspended license and forward it. The court  
15 shall forward to the department of transportation, ~~together with~~ the notice of  
16 suspension stating that the suspension is for a violation under s. 961.573 (2), 961.574  
17 (2) or 961.575 (2), or a local ordinance that strictly conforms to one of those statutes.

18 **SECTION 154.** 938.355 (6) (d) 2. of the statutes is amended to read:

19 938.355 (6) (d) 2. Suspension of or ~~limitation~~ restriction on the ~~use of the~~  
20 juvenile's operating privilege, as defined under s. 340.01 (40), or of any approval  
21 issued under ch. 29 for a period of not more than 3 years. If the juvenile does not hold  
22 a valid operator's license under ch. 343, other than an instruction permit under s.  
23 343.07 or a restricted license under s. 343.08, on the date of the order issued under  
24 this subdivision, the court may order the suspension to begin on the date that the  
25 operator's license would otherwise be reinstated or issued after the juvenile applies

1 and qualifies for issuance or 2 years after the date of the order issued under this  
2 subdivision, whichever occurs first. If the court suspends the juvenile's operating  
3 privileges or an approval issued under ch. 29, the court shall immediately take  
4 possession of the suspended license or approval and forward it may take possession  
5 of, and if possession is taken, shall destroy, the suspended license. The court shall  
6 forward to the department that issued it, together with the license or approval the  
7 notice of suspension, together with any approval of which the court takes possession.

8 **SECTION 155.** 938.355 (6m) (a) 1m. of the statutes is amended to read:

9 938.355 (6m) (a) 1m. Suspension or limitation on the use of the juvenile's  
10 operating privilege, as defined under s. 340.01 (40), or of any approval issued under  
11 ch. 29 for not more than one year. If the juvenile does not hold a valid operator's  
12 license under ch. 343, other than an instruction permit under s. 343.07 or a restricted  
13 license under s. 343.08, on the date of the order issued under this subdivision, the  
14 court may order the suspension or limitation to begin on the date that the operator's  
15 license would otherwise be reinstated or issued after the juvenile applies and  
16 qualifies for issuance or 2 years after the date of the order issued under this  
17 subdivision, whichever occurs first. If the court suspends a juvenile's operating  
18 privilege or an approval issued under ch. 29, the court shall immediately take  
19 possession of the suspended license or approval and forward it may take possession  
20 of, and if possession is taken, shall destroy, the suspended license. The court shall  
21 forward to the department that issued the license or approval with a notice stating  
22 the reason for and the duration of the suspension, together with any approval of  
23 which the court takes possession.

24 **SECTION 156.** 938.396 (4) of the statutes is amended to read:

1           938.396 (4) OPERATING PRIVILEGE RECORDS. When a court assigned to exercise  
2 jurisdiction under this chapter and ch. 48 or a municipal court exercising jurisdiction  
3 under s. 938.17 (2) revokes, suspends, or restricts a juvenile's operating privilege  
4 under this chapter, the department of transportation may not disclose information  
5 concerning or relating to the revocation, suspension, or restriction to any person  
6 other than a court assigned to exercise jurisdiction under this chapter and ch. 48, a  
7 municipal court exercising jurisdiction under s. 938.17 (2), a district attorney, county  
8 corporation counsel, or city, village, or town attorney, a law enforcement agency, a  
9 driver licensing agency of another jurisdiction, the juvenile whose operating  
10 privilege is revoked, suspended, or restricted, or the juvenile's parent or guardian.  
11 Persons entitled to receive this information may not disclose the information to other  
12 persons or agencies.

13           **SECTION 157.** 961.50 (1) (intro.) of the statutes is amended to read:

14           961.50 (1) (intro.) If a person is convicted of any violation of this chapter, the  
15 court shall, in addition to any other penalties that may apply to the crime, suspend  
16 the person's operating privilege, as defined in s. 340.01 (40), for not less than 6  
17 months nor more than 5 years. The court ~~shall immediately~~ may take possession of,  
18 and if possession is taken, shall destroy, any suspended license and forward it. The  
19 court shall forward to the department of transportation ~~together with~~ the record of  
20 conviction and notice of the suspension. The person is eligible for an occupational  
21 license under s. 343.10 as follows:

22           **SECTION 158.** 961.50 (2) of the statutes is amended to read:

23           961.50 (2) For purposes of counting the number of convictions under sub. (1),  
24 convictions under the law of a federally recognized American Indian tribe or band in  
25 this state, federal law or the law of another jurisdiction, as defined in s. 343.32 (1m) ✓

1 (a) 340.01 (41m), for any offense therein which, if the person had committed the  
2 offense in this state and been convicted of the offense under the laws of this state,  
3 would have required suspension or revocation of such person's operating privilege  
4 under this section, shall be counted and given the effect specified under sub. (1). The  
5 5-year period under this section shall be measured from the dates of the violations  
6 which resulted in the convictions.

7 **SECTION 159. Nonstatutory provisions.**

8 (1) The department of transportation shall submit in proposed form the rules  
9 required under section 343.02 (3) (b) of the statutes, as created by this act, to the  
10 legislative council staff under section 227.15 (1) of the statutes no later than the first  
11 day of the 6th month beginning after the effective date of this subsection.

12 (2) Using the emergency rules procedure under section 227.24 of the statutes,  
13 the department of transportation shall promulgate the rules required under section  
14 343.02 (3) (b) of the statutes, as created by this act, for purposes of implementing this  
15 act, for the period before the effective date of the rules submitted under subsection  
16 (1). The department shall promulgate these emergency rules no later than the first  
17 day of the 6th month beginning after the effective date of this subsection.  
18 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these emergency rules  
19 may remain in effect until July 1, 2009, or the date on which permanent rules take  
20 effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the  
21 statutes, the department is not required to provide evidence that promulgating a rule  
22 under this subsection as an emergency rule is necessary for the preservation of the  
23 public peace, health, safety, or welfare and is not required to provide a finding of  
24 emergency for a rule promulgated under this subsection.

25 **SECTION 160. Initial applicability.**

1 (1) DRIVER LICENSE AGREEMENT.

2 (a) The treatment of sections 343.085 (4), 343.32 (3), 343.44 (1) (a), (b), and (c),  
 3 (2s), and (4r), 344.13 (2), of the statutes, the repeal of sections 343.30 (1q) (c) 1. b. and  
 4 343.305 (10) (c) 1. b. of the statutes, <sup>and</sup> the consolidation, renumbering, and amendment  
 5 of sections 343.30 (1q) (c) 1. (intro.), a., and c. and 343.305 (10) (c) 1. (intro.), a., and  
 6 c. of the statutes, and the creation of section 343.31 (3) (bg) of the statutes first apply  
 7 to offenses committed or refusals occurring on the effective date of this <sup>paragraph</sup> subsection,  
 8 but do not preclude the counting of other convictions, suspensions, or revocations as  
 9 prior convictions, suspensions, or revocations for purposes of administrative action  
 10 by the department of transportation, sentencing by a court, or revocation or  
 11 suspension of motor vehicle operating privileges.

12 (b) The treatment of sections 125.07 (4) (cm), 125.085 (3) (bp), 342.12 (4) (a) and  
 13 (b), 343.06 (2), 343.23 (2m) (a), 343.31 (1) (intro.), (2), (2r), and (3) (bm) (intro.), (c),  
 14 (d) (intro.), (e), (f), (i), and (j), 343.315 (2) (fm), (h), and (j) (intro.) and (3) (bm) and  
 15 (d), 343.32 (1m) (b) (intro.) and (1s), 343.34 (2), 343.36 (3m), 344.19 (3), 346.65 (6) (a)  
 16 3. and (km), and 351.025 (1) of the statutes, the repeal of sections 343.31 (1) (hm) and  
 17 (2m) and 343.32 (1) of the statutes, the renumbering and amendment of section  
 18 343.36 (3) of the statutes, and the creation of sections 343.23 (2m) (a), 343.31 (2z),  
 19 343.32 (1v), 343.36 (3) (b), (c), and (d), 344.08 (1m), 344.14 (1r), and 344.25 (7) of the  
 20 statutes first apply with respect to offenses or refusals for which records, reports, or  
 21 notices are received by the department of transportation on the effective date of this  
 22 <sup>paragraph</sup> subsection, but do not preclude the counting of other convictions, suspensions, or  
 23 revocations as prior convictions, suspensions, or revocations for purposes of  
 24 administrative action by the department of transportation, sentencing by a court, or  
 25 revocation or suspension of motor vehicle operating privileges.

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

5 (d) The treatment of sections 343.03 (5) (a) and 343.06 (1) (j) of the statutes first  
 6 applies to applications received by the department of transportation on the effective  
 7 date of this <sup>paragraph</sup> ~~subsection~~

8 (e) The treatment of sections 343.38 (2) and (4) (intro.), 343.39 (1) (a), 344.18  
 9 (1m) and (3m), 344.19 (3m), 344.24, 344.26 (1), 344.27 (2), and 344.29 of the statutes  
 10 and the repeal of sections 343.38 (4) (a) and (b) and 344.09 (3) of the statutes first  
 11 apply to an issuance of operator's licenses or reinstatement of operating privileges  
 12 or registrations on the effective date of this <sup>paragraph</sup> ~~subsection~~

13 (f) The treatment of sections 344.30 (1), 344.32, 344.33 (1), 344.34, 344.42, and  
 14 631.37 (4) (e) of the statutes first applies to proof of financial responsibility filed with  
 15 the secretary of transportation on the effective date of this <sup>paragraph</sup> ~~subsection~~ July 1, 2009

16 **SECTION 161. Effective dates.** This act takes effect on ~~the first day of the 13th~~  
 17 ~~month beginning after publication, except as follows:~~

18 (1) The treatment of section 343.02 (3) (b) of the statutes and SECTION 159 of  
 19 this act take effect on ~~the first day of the 7th month beginning after publication.~~

(END)

January 1, 2009

D-Note

2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0011/P2ins  
ARG:.....

**INSERT 62-17:**

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

351.02 (1) (intro.) "Habitual traffic offender" means any person, ~~resident or nonresident~~, 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 ~~2~~ 351.02 (1m)** of the statutes is amended to read:

351.02 (1m) "Repeat habitual traffic offender" means any person, ~~resident or nonresident~~, 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.

**INSERT 63-16:**

**SECTION ~~3~~ 351.025 (1) (b)** of the statutes is created to read:

351.025 (1) (b) The department may not revoke a person's operating privilege under par. (a) based, in whole or part, upon any conviction for an offense committed in another jurisdiction if at the time of the conviction the person was licensed in or resided in another jurisdiction unless, after the person has become licensed under ch. 343 or transferred residency to this state, the person is convicted of an offense under <sup>s. 351.02</sup> ~~sub~~ (1) (a) or (b) committed in this state.

**INSERT 64-19:**

**SECTION ~~4~~** 351.05 of the statutes is amended to read:

**351.05 Habitual traffic offender or repeat habitual traffic offender determination by the court.** The court in which the petition under s. 351.027 is filed shall determine whether the person is a habitual traffic offender or repeat habitual traffic offender subject to operating privilege revocation under s. 351.025 (1). If the person denies he or she was convicted or found in violation of any offense necessary for a holding that he or she is a habitual traffic offender or repeat habitual traffic offender subject to operating privilege revocation under s. 351.025 (1), and if the court is not able to make the determination on the evidence before it, the court may certify the decision of the issue to the court in which the conviction or finding of violation was made. The court to which the certification was made shall conduct a hearing to determine the issue and send a certified copy of its final order determining the issue to the court in which the petition was filed.

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

**SECTION ~~5~~** 351.06 of the statutes is amended to read:

**351.06 Order of court.** If the court finds that the person before it is not the same person named in the record or that he or she is not a habitual traffic offender

or repeat habitual traffic offender subject to operating privilege revocation under s. 351.025 (1), the court shall order the secretary to reinstate the person's Wisconsin operating privilege. If the court finds that the person is the same person named in the record and that he or she is a habitual traffic offender or repeat habitual traffic offender subject to operating privilege revocation under s. 351.025 (1), the court shall deny the person's petition for a determination that the person is not a habitual traffic offender or repeat habitual traffic offender subject to operating privilege revocation under s. 351.025 (1). The clerk of the court shall file a copy of the order or denial of the petition with the department which shall become a part of the records of the department.

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

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

LRB-0011/P2dn

ARG:.....

WJ

ATTN: Erin Egan

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

With regard to the revision of s. 343.32 (2) (a) and its applicability to multiple out-of-state offenses, I read the amended provision as "... to have repeatedly violated ... any law of another jurisdiction ...." Accordingly, as indicated in your e-mail, it would only apply to multiple violations.

Because a court order for a refusal revocation falls within the scope of s. 343.36 (3) (a), I have eliminated what was s. 343.36 (3) (b) 3. in the "/P1" draft. Paragraph (b) of s. 343.36 (3) was intended to cover matters that were *not* court orders. as renumbered,

The attached draft makes no changes from the "/P1" draft to s. 343.44 (2s).

I could not find a way to make a short and clear statement with regard to habitual traffic offenders in ch. 351. As you will notice, this draft includes many treatments in ch. 351. I believe these treatments are necessary because of the convoluted way ch. 351 is written and because no significant change to s. 351.02 is made. With regard to the treatment of s. 351.02 (1) (intro.) and (1m), the qualifier "whose record, as maintained by the department ..." will limit who a "person" may be under these provisions. I did not intend the changes to s. 351.02 (1) (intro.) and (1m) to have any real substantive effect. The main limitations to carry out the drafting instructions appear in created s. 351.025 (1) (b).

I have changed the initial applicability provision to the extent possible. Treatments that change an underlying violation of law or impact court action on such a violation need to be linked to the violation itself rather than DOT's receipt of information about the violation. Accordingly, I have retained a few provisions in SUBSECTION(1) (a) of the initial applicability provision.

no init. cap  
no cs

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

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

LRB-0011/P2dn  
ARG:wlj:rs

November 17, 2006

ATTN: Erin Egan

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

With regard to the revision of s. 343.32 (2) (a) and its applicability to multiple out-of-state offenses, I read the amended provision as "... to have repeatedly violated ... any law of another jurisdiction ...." Accordingly, as indicated in your e-mail, it would only apply to multiple violations.

Because a court order for a refusal revocation falls within the scope of s. 343.36 (3) (a), as renumbered I have eliminated what was s. 343.36 (3) (b) 3. in the "/P1" draft. Paragraph (b) of s. 343.36 (3) was intended to cover matters that were *not* court orders.

The attached draft makes no changes from the "/P1" draft to s. 343.44 (2s).

I could not find a way to make a short and clear statement with regard to habitual traffic offenders in ch. 351. As you will notice, this draft includes many treatments in ch. 351. I believe these treatments are necessary because of the convoluted way ch. 351 is written and because no significant change to s. 351.02 is made. With regard to the treatment of s. 351.02 (1) (intro.) and (1m), the qualifier "whose record, as maintained by the department ..." will limit who a "person" may be under these provisions. I did not intend the changes to s. 351.02 (1) (intro.) and (1m) to have any real substantive effect. The main limitations to carry out the drafting instructions appear in created s. 351.025 (1) (b).

I have changed the initial applicability provision to the extent possible. Treatments that change an underlying violation of law or impact court action on such a violation need to be linked to the violation itself rather than DOT's receipt of information about the violation. Accordingly, I have retained a few provisions in subsection (1) (a) of the initial applicability provision.

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

**Gary, Aaron**

---

**From:** Kornely, Sara - DOA  
**Sent:** Thursday, December 14, 2006 11:18 AM  
**To:** Gary, Aaron  
**Cc:** Baetsen, Karen - DOT  
**Subject:** FW: DMV comments on DLA Draft, LRB-0011/P2

Aaron, this sounds fine to me. Thanks!

Sara Kornely  
Dept. of Administration  
608-266-1039

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**From:** Baetsen, Karen [mailto:karen.baetsen@dot.state.wi.us]  
**Sent:** Thursday, December 14, 2006 11:15 AM  
**To:** Kornely, Sara - DOA  
**Cc:** Gary, Aaron; Hammer, Paul - DOT; Newman, Kenneth - DOT; Egan, Erin - DOT; Frazier, Carson - DOT  
**Subject:** FW: DMV comments on DLA Draft, LRB-0011/P2

Sara, in response to DOT's DIN #5503; attached is one last comment or question related to the DLA draft 0011/2, that has been sent to LRB for consideration. We request your approval for Aaron to make the changes noted and to respond to DMV's question. Let me know if further information is desired. Thanks! - Karen

***Karen Baetsen***

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

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

**From:** Egan, Erin  
**Sent:** Thursday, December 14, 2006 11:07 AM  
**To:** Gary, Aaron  
**Cc:** Baetsen, Karen; Fernan, Patrick; Frazier, Carson; Jackson, Mary - DOT  
**Subject:** DMV comments on DLA Draft, LRB-0011/P2

Hi Aaron,

DMV has completed the review of the latest DLA draft, LRB-0011/P2. We only one comment!

HTO - Sections 141 - 143:

For a person who was a Wisconsin resident / licensee, but moves out of state, how would they apply for an HTO review? Is that covered in the "subject to 351.025 (1)" language that's been added to Sections 141 - 143? Also, in Section 143, if the attorney general was struck from the text, shouldn't they be struck from the title as well?

Thanks! Can't believe we're almost done with this!

Erin Egan

12/14/2006

**Gary, Aaron**

---

**From:** Baetsen, Karen - DOT  
**Sent:** Thursday, December 14, 2006 11:31 AM  
**To:** Gary, Aaron  
**Cc:** Kornely, Sara - DOA; Jackson, Mary - DOT; Egan, Erin - DOT; Fernan, Patrick - DOT; Hammer, Paul - DOT; Newman, Kenneth - DOT; Frazier, Carson - DOT  
**Subject:** RE: DLA related question

Per DMV's Citation and Withdrawal Section within the Bur. of Driver Services .....

DOT provides an administrative notice of disqualification.

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

**From:** Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
**Sent:** Tuesday, December 12, 2006 4:21 PM  
**To:** Egan, Erin - DOT; Baetsen, Karen - DOT  
**Subject:** DLA related question

Can you tell me, when DOT disqualifies someone under s. 343.315, what terminology does DOT use? Is the disqualification carried out through an "order" disqualifying the person? (s. 343.315 (4) refers to a "notice of disqualification" but also refers to a "disqualification ordered ....")

Thanks for your help. Aaron

*but see 343.315 (3) (d)*

**Gary, Aaron**

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**From:** Egan, Erin - DOT  
**Sent:** Thursday, December 14, 2006 12:09 PM  
**To:** Gary, Aaron; Baetsen, Karen - DOT; Kornely, Sara - DOA  
**Cc:** Hammer, Paul - DOT; Newman, Kenneth - DOT; Egan, Erin - DOT; Frazier, Carson - DOT  
**Subject:** RE: DMV comments on DLA Draft, LRB-0011/P2

Q: Would it work for DOT to provide that, if the person moves out of state after DOT revokes for being an HTO, the person can file for review in the county where the person resided at the time DOT revoked?

A: Yes, that is fine. Thanks!

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

**From:** Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
**Sent:** Thursday, December 14, 2006 11:54 AM  
**To:** Baetsen, Karen - DOT; Kornely, Sara - DOA  
**Cc:** Hammer, Paul - DOT; Newman, Kenneth - DOT; Egan, Erin - DOT; Frazier, Carson - DOT  
**Subject:** RE: DMV comments on DLA Draft, LRB-0011/P2

Karen and Erin,

To address DOT's concern below about HTO review, as these provisions are drafted, the person would have to be a resident at the time of the conviction that brings the person within the definition of HTO and requires DOT to revoke. Would it work for DOT to provide that, if the person moves out of state after DOT revokes for being an HTO, the person can file for review in the county where the person resided at the time DOT revoked?

Thanks. Aaron

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

---

**From:** Baetsen, Karen - DOT  
**Sent:** Thursday, December 14, 2006 11:15 AM  
**To:** Kornely, Sara - DOA  
**Cc:** Gary, Aaron; Hammer, Paul - DOT; Newman, Kenneth - DOT; Egan, Erin - DOT; Frazier, Carson - DOT  
**Subject:** FW: DMV comments on DLA Draft, LRB-0011/P2

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***Karen Baetsen***  
Department of Transportation

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

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

**From:** Egan, Erin

**Sent:** Thursday, December 14, 2006 11:07 AM

**To:** Gary, Aaron

**Cc:** Baetsen, Karen; Fernan, Patrick; Frazier, Carson; Jackson, Mary - DOT

**Subject:** DMV comments on DLA Draft, LRB-0011/P2

Hi Aaron,

DMV has completed the review of the latest DLA draft, LRB-0011/P2. We only one comment!

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Thanks! Can't believe we're almost done with this!

Erin Egan

Legislative Liaison

Division of Motor Vehicles

(608) 266-1449