

1 **SECTION 74.** 343.315 (3) (bm) of the statutes is created to read:

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

6 1. If the person is a licensee under this chapter or is a resident to whom another
7 jurisdiction has not issued an operator's license, the department shall disqualify the
8 person and record the disqualification under s. 343.23 (1). The department may take
9 administrative action against the licensee or resident on the disqualification.

10 2. Subject to s. 343.23 (2) (am) 3., if the person is a nonresident, the department
11 may not disqualify the person, record the disqualification under s. 343.23 (1), or take
12 any other administrative action against the person on the disqualification, but shall
13 provide notice to the person's home jurisdiction as required under s. 343.36 (3). The
14 department may record the disqualification under s. 343.23 (2m).

15 **SECTION 75.** 343.315 (3) (d) of the statutes is amended to read:

16 343.315 (3) (d) Disqualifications Subject to sub. (4), disqualifications shall be
17 effective from the date of ~~conviction of the disqualifying offense~~ the order of
18 disqualification.

19 **SECTION 76.** 343.32 (1) of the statutes is repealed.

20 **SECTION 77.** 343.32 (1m) (a) of the statutes is repealed.

21 **SECTION 78.** 343.32 (1m) (b) (intro.) of the statutes is amended to read:

22 343.32 (1m) (b) (intro.) The secretary shall suspend a person's the operating
23 privilege of a person who is a licensee under this chapter or is a resident to whom
24 another jurisdiction has not issued an operator's license for not less than 6 months
25 nor more than 5 years whenever notice has been received of the conviction of such

1 person under federal law or the law of a federally recognized American Indian tribe
2 or band in this state or the law of another jurisdiction for any offense therein which,
3 if the person had committed the offense in this state and been convicted of the offense
4 under the laws of this state, would have required suspension of such person's
5 operating privilege under s. 961.50. This paragraph does not apply if the other
6 jurisdiction in which the offense was committed suspended or revoked the person's
7 operating privilege in that other jurisdiction as a result of the conviction and the
8 period of suspension or revocation in that other jurisdiction has expired or if, at the
9 time of the conviction, the person was licensed in or resided in another jurisdiction.

10 The person is eligible for an occupational license under s. 343.10 as follows:

11 **SECTION 79.** 343.32 (1s) of the statutes is amended to read:

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

1 **SECTION 80.** 343.32 (1v) of the statutes is created to read:

2 **343.32 (1v)** The secretary may suspend or revoke the operating privilege of any
3 person who is a licensee under this chapter or is a resident to whom another
4 jurisdiction has not issued an operator's license upon receiving notice of the
5 suspension or revocation in another jurisdiction of the person's operating privilege
6 for an offense therein which, if committed in this state, would have been cause for
7 suspension or revocation under any law of this state or which is identified in the rules
8 under s. 343.02 (3) (b) as an offense for which a person is subject to suspension or
9 revocation, or upon receiving notice of any circumstances occurring in another
10 jurisdiction which, if occurring in this state, would have been cause for
11 administrative suspension under s. 343.305 (7) (a). This subsection does not apply
12 if the period of suspension or revocation in the other jurisdiction has expired or if, at
13 the time of the offense or time that the circumstances occurred, the person was
14 licensed in or resided in another jurisdiction. This subsection does not apply with
15 respect to any suspension or revocation in another jurisdiction for failure to comply
16 with the order of, or appear before, a court of that other jurisdiction.

17 **SECTION 81.** 343.32 (2) (a) of the statutes is amended to read:

18 **343.32 (2) (a)** The secretary may suspend a person's the operating privilege of
19 a person who is a licensee under this chapter or is a resident to whom another
20 jurisdiction has not issued an operator's license if the person appears by the records
21 of the department to be a habitually reckless or negligent operator of a motor vehicle
22 or to have repeatedly violated any of the state traffic laws, any local ordinance
23 enacted under ch. 349 or any traffic laws enacted by a federally recognized American
24 Indian tribe or band in this state if the tribal traffic laws violated strictly conform
25 to provisions in chs. 341 to 348 or, if the offense occurred on a federal military

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

12 **SECTION 82.** 343.325 (4) of the statutes is amended to read:

13 343.325 (4) If a person whose suspension, revocation or disqualification was
14 stayed pursuant to sub. (2) is convicted of an offense for which revocation or
15 ~~disqualification~~ is mandatory under s. 343.31 or ~~343.315~~ disqualification is required
16 under s. 343.315 (3) (bm) 1., during the pendency of the appeal of the original
17 conviction, the secretary shall forthwith revoke such person's operating privilege or
18 disqualify the person from operating a commercial motor vehicle on account of the
19 latter conviction, notwithstanding the appeal of either or both convictions.

20 **SECTION 83.** 343.34 (1) of the statutes is amended to read:

21 343.34 (1) Whenever the secretary is satisfied that a person has violated a
22 restriction on ~~the~~ a license issued under this chapter and that it is in the interests
23 of public safety to suspend the license, the secretary shall suspend such license for
24 a period not exceeding one year unless the violation is cause for revocation.

25 **SECTION 84.** 343.34 (2) of the statutes is amended to read:

1 343.34 (2) When a person who is a licensee under this chapter or is a resident
2 to whom another jurisdiction has not issued an operator's license has been convicted
3 under s. 343.16 (7) (b).

4 **SECTION 85.** 343.345 of the statutes is amended to read:

5 **343.345 Restriction, limitation or suspension of operating privilege.**

6 The department shall restrict, limit or suspend a person's the operating privilege of
7 a person who is a licensee under this chapter or is a resident to whom another
8 jurisdiction has not issued an operator's license if the person is delinquent in making
9 court-ordered payments of child or family support, maintenance, birth expenses,
10 medical expenses or other expenses related to the support of a child or former spouse,
11 or who fails to comply, after appropriate notice, with a subpoena or warrant issued
12 by the department of workforce development or a county child support agency under
13 s. 59.53 (5) and related to paternity or child support proceedings, as provided in a
14 memorandum of understanding entered into under s. 49.857.

15 **SECTION 86.** 343.36 (title) of the statutes is amended to read:

16 **343.36 (title) Department to distribute suspension, revocation and**
17 **disqualification lists and nonresidents' records of conviction and notices.**

18 **SECTION 87.** 343.36 (3) of the statutes is renumbered 343.36 (3) (a) and
19 amended to read:

20 343.36 (3) (a) ~~Upon~~ Subject to s. 343.03 (7) (b) and (c), upon receiving a record
21 of conviction showing that a nonresident operator of a motor vehicle has been
22 convicted in this state of an offense which is grounds for revocation, suspension, or
23 disqualification under the laws of this state, or upon otherwise receiving any order
24 of a court in this state suspending or revoking a nonresident's operating privilege or
25 disqualifying a nonresident, the department shall forward, within 30 days of

1 receiving the record of conviction or order, a certified copy of such record or order to
2 the motor vehicle administrator in the state wherein the person so convicted is a
3 resident driver licensing agency of the person's home jurisdiction. If the department
4 subsequently receives any notice under s. 343.325 (1) or (6) related to the conviction
5 or order, the department shall forward a certified copy of the notice to the same driver
6 licensing agency.

7 **SECTION 88.** 343.36 (3) (b), (c) and (d) of the statutes are created to read:

8 343.36 (3) (b) Subject to s. 343.03 (7) (b), upon receiving any of the following
9 information with respect to a nonresident, the department shall forward, within 30
10 days of receiving the information, notice of the information to the driver licensing
11 agency of the person's home jurisdiction:

12 1. A report of positive test results under s. 343.305 (7) (a). Notice forwarded
13 by the department shall include notice of the administrative suspension under s.
14 343.305 (7) (a).

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

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

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

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 89.** 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 90.** 343.38 (2) of the statutes is amended to read:

12 343.38 (2) REINSTATEMENT OF NONRESIDENT'S 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 91.** 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:

1 **SECTION 92.** 343.38 (4) (a) of the statutes is repealed.

2 **SECTION 93.** 343.38 (4) (b) of the statutes is repealed.

3 **SECTION 94.** 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 95.** 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 96.** 343.44 (1) (a) of the statutes is amended to read:

22 343.44 (1) (a) *Operating while suspended.* No person whose operating privilege
23 has been duly suspended under the laws of this state or, if the person is not a resident,
24 under the laws of the person's home jurisdiction, may operate a motor vehicle upon
25 any highway in this state during the period of suspension or in violation of any

1 restriction on an occupational license issued to the person during the period of
2 suspension. A person's knowledge that his or her operating privilege is suspended
3 is not an element of the offense under this paragraph. In this paragraph, "restriction
4 on an occupational license" means restrictions imposed under s. 343.10 (5) (a) as to
5 hours of the day, area, routes or purpose of travel, vehicles allowed to be operated,
6 use of an ignition interlock device, sobriety or use of alcohol, controlled substances
7 or controlled substance analogs.

8 **SECTION 97.** 343.44 (1) (b) of the statutes is amended to read:

9 343.44 (1) (b) *Operating while revoked.* No person whose operating privilege
10 has been duly revoked under the laws of this state or, if the person is not a resident,
11 under the laws of the person's home jurisdiction, may knowingly operate a motor
12 vehicle upon any highway in this state during the period of revocation or in violation
13 of any restriction on an occupational license issued to the person during the period
14 of revocation. In this paragraph, "restriction on an occupational license" means
15 restrictions imposed under s. 343.10 (5) (a) as to hours of the day, area, routes or
16 purpose of travel, vehicles allowed to be operated, use of an ignition interlock device,
17 sobriety or use of alcohol, controlled substances or controlled substance analogs.

18 **SECTION 98.** 343.44 (1) (c) of the statutes is amended to read:

19 343.44 (1) (c) *Operating while ordered out-of-service.* No person may operate
20 a commercial motor vehicle while the person or the commercial motor vehicle is
21 ordered out-of-service under the law of this state or another jurisdiction or under
22 federal law.

23 **SECTION 99.** 343.44 (2) (am) of the statutes is amended to read:

24 343.44 (2) (am) Any person who violates sub. (1) (b) before May 1, 2002, may
25 be required to forfeit not more than \$600, except that, if the person has been

1 convicted of a previous violation of sub. (1) (b), ~~or of operating a motor vehicle in~~
2 ~~violation of s. 343.44 (1), 1997 stats., with an operating privilege that is revoked,~~
3 within the preceding 5-year period, the penalty under par. (b) shall apply.

4 **SECTION 100.** 343.44 (2r) of the statutes is amended to read:

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

12 **SECTION 101.** 343.44 (2s) of the statutes is amended to read:

13 343.44 (2s) CITATIONS. Within 30 days after receipt by the department of a
14 report from a law enforcement officer under s. 343.305 (7) or a court order under s.
15 343.28 of a violation committed by a person operating a commercial motor vehicle
16 while subject to an out-of-service order under s. 343.305 (7) (b) or (9) (am), a traffic
17 officer employed under s. 110.07 may prepare a uniform traffic citation under s.
18 345.11 for a violation of sub. (1) (c) or (d) and serve it on the person. The citation may
19 be served anywhere in this state and shall be served by delivering a copy to the
20 person personally or by leaving a copy at the person's usual place of abode with a
21 person of discretion residing therein or by mailing a copy to the person's last-known
22 residence address, including, if the person is not a resident, an address in another
23 jurisdiction. The venue for prosecution may be the county where the alleged offense
24 occurred or, if the person is a resident, in the person's county of residence.

25 **SECTION 102.** 343.44 (4r) of the statutes is amended to read:

1 343.44 (4r) VIOLATION OF OUT-OF-SERVICE ORDER. In addition to other penalties
2 for violation of this section, if a person has violated this section after ~~he or she~~ the
3 person or the commercial motor vehicle operated by the person was ordered
4 out-of-service under the law of this state or another jurisdiction or under federal
5 law, the violation shall result in disqualification under s. 343.315 (2) (h) or (i).

6 **SECTION 103.** 343.50 (8) (b) of the statutes is amended to read:

7 343.50 (8) (b) The department may not disclose any record or other information
8 concerning or relating to an applicant or identification card holder to any person
9 other than a court, district attorney, county corporation counsel, city, village, or town
10 attorney, law enforcement agency, driver licensing agency of another jurisdiction, the
11 applicant or identification card holder or, if the applicant or identification card holder
12 is under 18 years of age, his or her parent or guardian. Except for photographs
13 ~~disclosed to a law enforcement agency for which disclosure is authorized~~ under s.
14 343.237, persons entitled to receive any record or other information under this
15 paragraph shall not disclose the record or other information to other persons or
16 agencies. This paragraph does not prohibit the disclosure of a person's name or
17 address, of the name or address of a person's employer or of financial information
18 that relates to a person when requested under s. 49.22 (2m) by the department of
19 workforce development or a county child support agency under s. 59.53 (5).

20 **SECTION 104.** 344.02 (3) of the statutes is amended to read:

21 344.02 (3) Upon completion of the hearing, the department shall make findings
22 of fact, conclusions of law, and a decision, and shall, as provided in this chapter, either
23 proceed to order suspension of the person's operating privilege, or registrations, or
24 both, and may also order the impoundment of the person's motor vehicle, in

1 accordance with s. 344.14, or upon good cause appearing therefor, shall terminate the
2 proceedings.

3 **SECTION 105.** 344.08 (1m) of the statutes is created to read:

4 344.08 (1m) Notwithstanding sub. (1), the secretary may only suspend the
5 operating privilege of a nonresident for an offense specified in sub. (1) if the
6 nonresident is licensed by or resides in another jurisdiction that is not a member
7 jurisdiction or if the offense is not identified in the rules under s. 343.02 (3) (b).

8 **SECTION 106.** 344.13 (2) of the statutes is amended to read:

9 344.13 (2) The secretary shall determine the amount of security required to be
10 deposited by each person on the basis of the accident reports or other information
11 submitted. In addition to the accident reports required by law, the secretary may
12 request from any of the persons, including passengers and pedestrians, involved in
13 such accident such further information, sworn statements or other evidence relating
14 to property damage, personal injury or death in motor vehicle accidents as deemed
15 necessary to aid in determining the amount to be deposited as security under s.
16 344.14. Failure Subject to s. 344.14 (1r), failure of a person to comply with such
17 request is grounds for suspending such person's operating privilege but no
18 suspension shall be made on such grounds until one follow-up request has been
19 made and at least 20 days have elapsed since the mailing of the first request.

20 **SECTION 107.** 344.14 (1r) of the statutes is created to read:

21 344.14 (1r) Notwithstanding sub. (1), the secretary may only suspend under
22 sub. (1) or under s. 344.13 (2) the operating privilege of a nonresident for,
23 respectively, an offense specified in sub. (1) or s. 344.13 (2) if the nonresident is
24 licensed by or resides in another jurisdiction that is not a member jurisdiction or if
25 the offense is not identified in the rules under s. 343.02 (3) (b).

1 **SECTION 108.** 344.18 (1m) (a) of the statutes is amended to read:

2 344.18 **(1m)** (a) Unless 3 years have elapsed since the date that a requirement
3 under sub. (1) (a), (b), (c) or (d) has been met or unless the person is a nonresident,
4 the person whose operating privilege or registration was suspended or revoked
5 under s. 344.14 shall file with the department and maintain in effect proof of
6 financial responsibility in the amount, form and manner specified in this chapter.

7 **SECTION 109.** 344.18 (3m) (a) of the statutes is amended to read:

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

13 **SECTION 110.** 344.19 (1) of the statutes is amended to read:

14 344.19 **(1)** If the operator or the owner of a motor vehicle involved in an accident
15 within this state has no license or registration, whether because the operator or
16 owner is a nonresident or because the operator or owner is a resident who has failed
17 or neglected to obtain a license or registration in this state, the operator or owner
18 shall not be allowed a license or registration until the operator or owner has complied
19 with the requirements of this chapter to the same extent as would be necessary if,
20 at the time of the accident, the operator or owner had held a license and registration
21 in this state. Nothing in this subsection requires the department to maintain an
22 operator's record with respect to a nonresident except as provided in s. 343.23 (2m).

23 **SECTION 111.** 344.19 (2) of the statutes is renumbered 344.19 (2) (intro.) and
24 amended to read:

1 344.19 (2) (intro.) If the operating privilege or registration of a nonresident is
2 suspended under s. 344.14, the secretary shall transmit a certified copy of the record
3 of such action as follows:

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

11 **SECTION 112.** 344.19 (2) (a) of the statutes is created to read:

12 344.19 (2) (a) With respect to the operating privilege suspension, as provided
13 in s. 343.36 (3).

14 **SECTION 113.** 344.19 (3) of the statutes is amended to read:

15 344.19 (3) Upon receipt of such certification from another state to the effect
16 that the operating privilege or registration of a resident of this state has been
17 suspended or revoked in such other state under a law providing for its suspension
18 or revocation for failure to deposit security for payment of judgments arising out of
19 a motor vehicle accident, under circumstances which would require the secretary to
20 suspend a ~~nonresident's~~ person's operating privilege or registration had the accident
21 occurred in this state, or, upon notice of circumstances occurring in another
22 jurisdiction substantially similar to those described in s. 344.14 if suspension of an
23 operating privilege under circumstances substantially similar to those described in
24 s. 344.14 is an offense identified in the rules under s. 343.02 (3) (b), the secretary shall
25 suspend the operating privilege of such resident if he or she was the operator and all

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

18 **SECTION 114.** 344.24 of the statutes is amended to read:

19 **344.24 Applicability of sections relating to proof of financial**
20 **responsibility for the future.** Sections 344.29 to 344.41 are applicable in all cases
21 in which a person is required to deposit proof of financial responsibility for the future,
22 including those cases in which a person is required to deposit proof of financial
23 responsibility for the future under ss. 344.25 to 344.27, those cases in which the
24 deposit of proof of financial responsibility for the future is a condition precedent to
25 reinstatement of an operating privilege or registration suspended or revoked under

1 s. 344.14, 344.18 (3) or 344.19 (3) and those cases in which the deposit of proof of
2 financial responsibility for the future is a condition precedent to issuance of an
3 operator's license under s. 343.38 (4) or reinstatement of an operating privilege
4 revoked under ch. 343.

5 **SECTION 115.** 344.25 (7) of the statutes is created to read:

6 344.25 (7) Notwithstanding sub. (5), the secretary shall only suspend the
7 operating privilege of a nonresident if the nonresident is licensed by or resides in
8 another jurisdiction that is not a member jurisdiction or if operating privilege
9 suspension under circumstances substantially similar to those described in this
10 subchapter is not identified in the rules under s. 343.02 (3) (b).

11 **SECTION 116.** 344.26 (1) of the statutes is amended to read:

12 344.26 (1) Subject to the exceptions stated in ss. 344.25 (2) and 344.27 (2), any
13 operating privilege or registration suspended or revoked under s. 344.25 shall
14 remain suspended or revoked until every judgment mentioned in s. 344.25 is stayed,
15 satisfied, or discharged and, unless 3 years have elapsed since the date on which the
16 judgment was stayed, satisfied, or discharged or unless the person is a nonresident,
17 until the person whose operating privilege and registration was suspended or
18 revoked furnishes and maintains in effect proof of financial responsibility for the
19 future.

20 **SECTION 117.** 344.27 (2) of the statutes is amended to read:

21 344.27 (2) The secretary shall not suspend the operating privilege or
22 registration and shall restore any operating privilege or registration suspended
23 following nonpayment of a judgment when the judgment debtor obtains such order
24 permitting the payment of the judgment in installments and, unless 3 years have
25 elapsed since the date on which the order permitting the payment of the judgment

1 in installments is filed with the secretary or unless the judgment debtor is a
2 nonresident, furnishes and maintains proof of financial responsibility for the future.

3 **SECTION 118.** 344.27 (3) of the statutes is amended to read:

4 344.27 (3) If the judgment debtor fails to pay any installment as specified by
5 such order, the secretary, upon notice of such default, shall immediately suspend the
6 operating privilege, if permitted under this subchapter, and registrations of the
7 judgment debtor until such judgment is satisfied as provided in s. 344.26.

8 **SECTION 119.** 344.29 of the statutes is amended to read:

9 **344.29 Proof of financial responsibility for the future required.** Proof
10 of financial responsibility for the future shall be furnished by any person required
11 to give such proof under ss. 344.25 to 344.27, those cases in which the deposit of proof
12 of financial responsibility for the future is a condition precedent to reinstatement of
13 an operating privilege or registration suspended or revoked under s. 344.14, 344.18
14 (3) or 344.19 (3) and in those cases in which the deposit of proof of financial
15 responsibility for the future is a condition precedent to issuance of an operator's
16 license under s. 343.38 (4) or reinstatement of an operating privilege revoked under
17 ch. 343.

18 **SECTION 120.** 344.30 (1) of the statutes is amended to read:

19 344.30 (1) Certification of insurance as provided in s. 344.31 ~~or 344.32~~; or

20 **SECTION 121.** 344.32 of the statutes is repealed.

21 **SECTION 122.** 344.33 (1) of the statutes is amended to read:

22 344.33 (1) CERTIFICATION. In this chapter, "motor vehicle liability policy" means
23 a motor vehicle policy of liability insurance, certified as provided in s. 344.31 ~~or~~
24 ~~344.32~~ as proof of financial responsibility for the future, and issued, ~~except as~~
25 ~~otherwise provided in s. 344.32~~, by an insurer authorized to do an automobile

1 liability business in this state to or for the benefit of the person named in the policy
2 as the insured.

3 **SECTION 123.** 344.34 of the statutes is amended to read:

4 **344.34 Notice of cancellation or termination of certified policy.** When
5 an insurer has certified a motor vehicle liability policy under s. 344.31, a policy under
6 s. 344.32 or a bond under s. 344.36, the insurance so certified shall not be canceled
7 or terminated until at least 10 days after a notice of cancellation or termination of
8 the insurance so certified has been filed in the office of the secretary. No insurance
9 so certified may be canceled or terminated by the insurer prior to the expiration of
10 90 days from the effective date of the certification on the grounds of failure to pay a
11 premium when due. Such a certified policy or bond subsequently procured shall, on
12 the effective date of its certification, terminate the insurance previously certified.
13 Any certification or recertification filed by the same insurer following cancellation
14 shall be accompanied by a fee of \$3 payable by the insurer.

15 **SECTION 124.** 344.42 of the statutes is amended to read:

16 **344.42 Submission of certifications and recertifications by insurers.**

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

23 **SECTION 125.** 345.23 (2) (c) of the statutes is amended to read:

24 **345.23 (2) (c)** Deposits the person's valid Wisconsin operator's license with the
25 officer. If the license is deposited with the officer, the officer shall issue to the licensee

1 a receipt which shall be valid as a driver's license through the date specified on the
2 receipt, which shall be the same as the court appearance date, and the officer shall,
3 at the earliest possible time prior to the court appearance date, deposit the license
4 with the court.

5 **SECTION 126.** 345.28 (5) (b) 1. of the statutes is amended to read:

6 345.28 (5) (b) 1. If a person fails to respond to the notices under par. (a) within
7 the time specified in the notice, a warrant that substantially complies with the
8 mandatory provisions under s. 968.04 (3) (a) may be issued for the person, except that
9 the warrant shall direct the officer to accept the person's deposit of money or his or
10 her valid Wisconsin operator's license, as provided under subd. 2. a., in lieu of serving
11 the warrant and arresting the person.

12 **SECTION 127.** 345.28 (5) (b) 2. a. of the statutes is amended to read:

13 345.28 (5) (b) 2. a. The officer shall accept a deposit of money or a deposit of the
14 person's valid Wisconsin operator's license in lieu of serving the warrant and
15 arresting the person. If the license is deposited with the officer, the officer shall issue
16 to the licensee a receipt, on a form provided by the department, which is valid as an
17 operator's license through a date specified on the receipt, not to exceed 30 days from
18 the date of contact, which shall be the same as the court appearance date and the
19 officer shall at the earliest possible time prior to the court appearance date deposit
20 the license with the court. If a deposit of money is made, s. 345.26 (1) (a) and (2) to
21 (5) applies. The officer shall notify the person who deposits money or his or her
22 license, in writing, of the specific actions which the authority and the courts are
23 authorized to take under this section if the person fails to appear in court at the time
24 specified by the officer, not to exceed 30 days from the date of contact, or at any
25 subsequent court appearance for the nonmoving traffic violation citation. If the

1 person makes a deposit of money or deposits his or her valid Wisconsin operator's
2 license, the officer shall return the warrant to the court or judge who issued the
3 warrant and the court or judge shall vacate the warrant.

4 **SECTION 128.** 345.47 (1) (c) of the statutes is amended to read:

5 345.47 (1) (c) If a court or judge suspends an operating privilege under this
6 section, the court or judge ~~shall immediately~~ may take possession of, and if
7 possession is taken, shall destroy, the suspended license and the court or judge shall
8 forward ~~it~~ to the department ~~together with~~ the notice of suspension, which shall
9 clearly state that the suspension was for failure to pay a forfeiture, plus costs, fees,
10 and surcharges imposed under ch. 814. The notice of suspension and the suspended
11 license, ~~if it is available~~, shall be forwarded to the department within 48 hours after
12 the order of suspension. If the forfeiture, plus costs, fees, and surcharges imposed
13 under ch. 814, are paid during a period of suspension, the court or judge shall
14 immediately notify the department. ~~Upon receipt of the notice and payment of the~~
15 ~~reinstatement fee under s. 343.21 (1) (j), the department shall return the~~
16 ~~surrendered license.~~

17 **SECTION 129.** 345.48 (2) of the statutes is amended to read:

18 345.48 (2) If the defendant is found guilty of a traffic violation for which
19 revocation of his or her operating privilege is mandatory under s. 343.31, or for which
20 the court revokes or suspends his or her operating privilege under s. 343.30, the court
21 ~~shall immediately~~ may take possession of, and if possession is taken, shall destroy,
22 the suspended or revoked license. The revocation or suspension is effective
23 immediately. The court ordered suspension or revocation shall be included as part
24 of the report of conviction under sub. (1m).

25 **SECTION 130.** 345.48 (3) of the statutes is repealed.

1 **SECTION 131.** 345.48 (4) of the statutes is amended to read:

2 345.48 (4) If notice of appeal is filed the court shall, within 5 working days after
3 it is filed, forward to the department a certificate stating that a notice of appeal has
4 been filed and shall return any surrendered license. Thereafter, the court shall
5 notify the department as required under s. 343.325 (1) (b) and (c).

6 **SECTION 132.** 346.65 (2c) of the statutes is amended to read:

7 346.65 (2c) In sub. (2) (am) 2., 3., 4., and 5., the time period shall be measured
8 from the dates of the refusals or violations that resulted in the revocation or
9 convictions. If a person has a suspension, revocation, or conviction for any offense
10 under a local ordinance or a state statute of another state jurisdiction that would be
11 counted under s. 343.307 (1), that suspension, revocation, or conviction shall count
12 as a prior suspension, revocation, or conviction under sub. (2) (am) 2., 3., 4., and 5.

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

14 346.65 (2e) If the court determines that a person does not have the ability to
15 pay the costs and fine or forfeiture imposed under sub. (2) (am), (f), or (g), the court
16 may reduce the costs, fine, and forfeiture imposed and order the person to pay, toward
17 the cost of the assessment and driver safety plan imposed under s. 343.30 (1q) (c), if
18 applicable, the difference between the amount of the reduced costs and fine or
19 forfeiture and the amount of costs and fine or forfeiture imposed under sub. (2) (am),
20 (f), or (g).

21 **SECTION 134.** 346.65 (6) (a) 3. of the statutes is amended to read:

22 346.65 (6) (a) 3. The court shall notify the department, in a form and manner
23 prescribed by the department, that an order to seize a motor vehicle has been
24 entered. The If the motor vehicle is registered in this state under ch. 341 and the
25 department has issued a valid certificate of title for the vehicle under ch. 342, the

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

10 **SECTION 135.** 346.65 (6) (km) of the statutes is amended to read:

11 346.65 (6) (km) If a person purchases a motor vehicle in good faith and without
12 knowledge that the motor vehicle was subject to immobilization or seizure or to
13 equipping with an ignition interlock device under this subsection and the
14 department has no valid reason for not issuing a certificate of title other than the
15 prohibition under par. (k), the department shall issue a new certificate of title in the
16 name of the person requesting the new certificate of title if at the time of the purchase
17 of the motor vehicle the certificate of title did not contain the notation stamped on
18 the certificate of title by the clerk of circuit court under par. (a) 2m. and, if the person
19 submits the affidavit required under s. 342.12 (4) (c) 1. c., and if the department has
20 previously issued a valid certificate of title for the motor vehicle.

21 **SECTION 136.** 350.11 (3) (d) of the statutes is amended to read:

22 350.11 (3) (d) *Alcohol, controlled substances or controlled substance analogs;*
23 *assessment.* In addition to any other penalty or order, a person who violates s.
24 350.101 (1) or (2) or 350.104 (5) or who violates s. 940.09 or 940.25 if the violation
25 involves the operation of a snowmobile, shall be ordered by the court to submit to and

1 comply with an assessment by an approved public treatment facility for an
2 examination of the person's use of alcohol, controlled substances or controlled
3 substance analogs. The assessment order shall comply with s. 343.30 (1q) (c) 1. a.
4 to e. Intentional failure to comply with an assessment ordered under this paragraph
5 constitutes contempt of court, punishable under ch. 785.

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

7 351.02 (1) (intro.) "Habitual traffic offender" means any person, ~~resident or~~
8 ~~nonresident~~, whose record, as maintained by the department, shows that the person
9 has accumulated the number of convictions for the separate and distinct offenses,
10 regardless of the class or type of motor vehicle being operated, under par. (a) or (b)
11 committed within a 5-year period as follows:

12 **SECTION 138.** 351.02 (1m) of the statutes is amended to read:

13 351.02 (1m) "Repeat habitual traffic offender" means any person, ~~resident or~~
14 ~~nonresident~~, whose record, as maintained by the department, shows that the person
15 has been convicted of 2 offenses under sub. (1) (b) committed within one year
16 following issuance of an occupational license to the person pursuant to s. 351.07 or
17 whose record, as maintained by the department, shows that the person has been
18 convicted of one offense under sub. (1) (a) or 4 offenses under sub. (1) (b) committed
19 within 3 years following issuance of an occupational license to the person pursuant
20 to s. 351.07, regardless of the license under which the person was operating a motor
21 vehicle or the classification of the vehicle being operated.

22 **SECTION 139.** 351.025 (1) of the statutes is renumbered 351.025 (1) (a) and
23 amended to read:

24 351.025 (1) (a) The Except as provided in par. (b), the secretary shall revoke
25 a person's, for a period of 5 years, the operating privilege for a period of 5 years of a

1 person who is a licensee under ch. 343 or is a resident to whom another jurisdiction
2 has not issued an operator's license upon receipt of a record of conviction which
3 brings the person within the definition of a habitual traffic offender or repeat
4 habitual traffic offender.

5 **SECTION 140.** 351.025 (1) (b) of the statutes is created to read:

6 351.025 (1) (b) The department may not revoke a person's operating privilege
7 under par. (a) based, in whole or part, upon any conviction for an offense committed
8 in another jurisdiction if at the time of the conviction the person was licensed in or
9 resided in another jurisdiction unless, after the person has become licensed under
10 ch. 343 or transferred residency to this state, the person is convicted of an offense
11 under s. 351.02 (1) (a) or (b) committed in this state.

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

13 351.027 (2) If the person denies that he or she is a habitual traffic offender or
14 repeat habitual traffic offender subject to operating privilege revocation under s.
15 351.025 (1), the person may file with the circuit court for the county in which the
16 person resides ~~or, in the case of a nonresident, with the circuit court for Dane County~~
17 a petition for a hearing and determination by the court that the person is not a
18 habitual traffic offender or repeat habitual traffic offender subject to operating
19 privilege revocation under s. 351.025 (1). The scope of the hearing shall be limited
20 to whether or not the person is the same person named in the record ~~and, whether~~
21 ~~or not the person was convicted of each offense shown by the record and, whether the~~
22 provisions of s. 351.025 (1) (b) prohibit revocation. The clerk of the court in which
23 the petition is filed shall forward a copy of the petition to the secretary.

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

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

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

13 **351.04 District attorney or attorney general to represent secretary.**

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

18 **SECTION 144.** 351.05 of the statutes is amended to read:

19 **351.05 Habitual traffic offender or repeat habitual traffic offender**
20 **determination by the court.** The court in which the petition under s. 351.027 is
21 filed shall determine whether the person is a habitual traffic offender or repeat
22 habitual traffic offender subject to operating privilege revocation under s. 351.025
23 (1). If the person denies he or she was convicted or found in violation of any offense
24 necessary for a holding that he or she is a habitual traffic offender or repeat habitual
25 traffic offender subject to operating privilege revocation under s. 351.025 (1), and if

1 the court is not able to make the determination on the evidence before it, the court
2 may certify the decision of the issue to the court in which the conviction or finding
3 of violation was made. The court to which the certification was made shall conduct
4 a hearing to determine the issue and send a certified copy of its final order
5 determining the issue to the court in which the petition was filed.

6 **SECTION 145.** 351.06 of the statutes is amended to read:

7 **351.06 Order of court.** If the court finds that the person before it is not the
8 same person named in the record or that he or she is not a habitual traffic offender
9 or repeat habitual traffic offender subject to operating privilege revocation under s.
10 351.025 (1), the court shall order the secretary to reinstate the person's Wisconsin
11 operating privilege. If the court finds that the person is the same person named in
12 the record and that he or she is a habitual traffic offender or repeat habitual traffic
13 offender subject to operating privilege revocation under s. 351.025 (1), the court shall
14 deny the person's petition for a determination that the person is not a habitual traffic
15 offender or repeat habitual traffic offender subject to operating privilege revocation
16 under s. 351.025 (1). The clerk of the court shall file a copy of the order or denial of
17 the petition with the department which shall become a part of the records of the
18 department.

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

20 631.37 (4) (e) *Motor vehicle liability policy.* Section 344.34 applies to motor
21 vehicle liability policies certified under s. 344.31 ~~and to policies certified under s.~~
22 ~~344.32.~~

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

24 800.09 (1) (c) The court may suspend the defendant's operating privilege, as
25 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments

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

11 **SECTION 148.** 938.17 (2) (d) 2. of the statutes is amended to read:

12 938.17 (2) (d) 2. If a court suspends a license or privilege under subd. 1., the
13 court shall immediately take possession of the applicable license ~~and forward it if~~
14 issued under ch. 29 or, if the license is issued under ch. 343, the court may take
15 possession of, and if possession is taken, shall destroy, the license. The court shall
16 forward to the department that issued the license, ~~together with~~ the notice of
17 suspension stating that the suspension is for failure to pay a forfeiture imposed by
18 the court, together with any license issued under ch. 29 of which the court takes
19 possession. If the forfeiture is paid during the period of suspension, the court shall
20 immediately notify the department, which shall then, if the license is issued under
21 ch. 29, return the license to the person.

22 **SECTION 149.** 938.34 (8) of the statutes is amended to read:

23 938.34 (8) Impose a forfeiture based upon a determination that this disposition
24 is in the best interest of the juvenile and the juvenile's rehabilitation. The maximum
25 forfeiture that the court may impose under this subsection for a violation by a

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

21 **SECTION 150.** 938.34 (8d) (d) of the statutes is amended to read:

22 938.34 (8d) (d) If the juvenile fails to pay the surcharge under par. (a), the court
23 may vacate the surcharge and order other alternatives under this section, in
24 accordance with the conditions specified in this chapter; or the court may suspend
25 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or

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

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

14 938.34 (14m) Restrict or suspend the operating privilege, as defined in s.
15 340.01 (40), of a juvenile who is adjudicated delinquent under a violation of any law
16 in which a motor vehicle is involved. If the court suspends a juvenile's operating
17 privilege under this subsection, the court ~~shall immediately~~ may take possession of,
18 and if possession is taken, shall destroy, the suspended license and forward it. The
19 court shall forward to the department of transportation ~~together with~~ a notice
20 stating the reason for and duration of the suspension. If the court limits a juvenile's
21 operating privilege under this subsection, the court shall immediately notify the
22 department of transportation of that limitation.

23 **SECTION 152.** 938.34 (14r) (a) of the statutes is amended to read:

24 938.34 (14r) (a) In addition to any other dispositions imposed under this
25 section, if the juvenile is found to have violated ch. 961, the court shall suspend the

1 juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months
2 nor more than 5 years. The court ~~shall immediately~~ may take possession of, and if
3 possession is taken, shall destroy, any suspended license and forward it. The court
4 shall forward to the department of transportation ~~together with~~ the notice of
5 suspension stating that the suspension or revocation is for a violation of ch. 961.

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

7 938.342 (1g) (a) Suspend the person's operating privilege, as defined in s.
8 340.01 (40), for not less than 30 days nor more than one year. The court ~~shall~~
9 immediately may take possession of, and if possession is taken, shall destroy, the
10 suspended license and forward it. The court shall forward to the department of
11 transportation ~~together with~~ a notice stating the reason for and duration of the
12 suspension.

13 **SECTION 154.** 938.343 (2) of the statutes is amended to read:

14 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum
15 forfeiture that may be imposed on an adult for committing that violation or, if the
16 violation is only applicable to a person under 18 years of age, \$50. The order shall
17 include a finding that the juvenile alone is financially able to pay and shall allow up
18 to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may
19 suspend any license issued under ch. 29 or suspend the juvenile's operating privilege,
20 as defined in s. 340.01 (40), for not more than 2 years. The court shall immediately
21 take possession of the suspended license ~~and forward it~~ if issued under ch. 29 or, if
22 the license is issued under ch. 343, the court may take possession of, and if possession
23 is taken, shall destroy, of the license. The court shall forward to the department
24 which issued the license, ~~together with~~ the notice of suspension stating that the
25 suspension is for failure to pay a forfeiture imposed by the court, together with any

1 license issued under ch. 29 of which the court takes possession. If the forfeiture is
2 paid during the period of suspension, the court shall immediately notify the
3 department, which shall, if the license is issued under ch. 29, return the license to
4 the person. Any recovery under this subsection shall be reduced by the amount
5 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

6 **SECTION 155.** 938.344 (2e) (b) of the statutes is amended to read:

7 938.344 (2e) (b) Whenever a court suspends a juvenile's operating privilege
8 under this subsection, the court ~~shall immediately~~ may take possession of, and if
9 possession is taken, shall destroy, any suspended license and forward it. The court
10 shall forward to the department of transportation, ~~together with~~ the notice of
11 suspension stating that the suspension is for a violation under s. 961.573 (2), 961.574
12 (2) or 961.575 (2), or a local ordinance that strictly conforms to one of those statutes.

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

14 938.355 (6) (d) 2. Suspension of or ~~limitation~~ restriction on the use of the
15 juvenile's operating privilege, as defined under s. 340.01 (40), or of any approval
16 issued under ch. 29 for a period of not more than 3 years. If the juvenile does not hold
17 a valid operator's license under ch. 343, other than an instruction permit under s.
18 343.07 or a restricted license under s. 343.08, on the date of the order issued under
19 this subdivision, the court may order the suspension to begin on the date that the
20 operator's license would otherwise be reinstated or issued after the juvenile applies
21 and qualifies for issuance or 2 years after the date of the order issued under this
22 subdivision, whichever occurs first. If the court suspends the juvenile's operating
23 privileges or an approval issued under ch. 29, the court shall immediately take
24 possession of the suspended license or approval and ~~forward it~~ may take possession
25 of, and if possession is taken, shall destroy, the suspended license. The court shall

1 forward to the department that issued it, together with the license or approval the
2 notice of suspension, together with any approval of which the court takes possession.

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

4 938.355 (6m) (a) 1m. Suspension or limitation on the use of the juvenile's
5 operating privilege, as defined under s. 340.01 (40), or of any approval issued under
6 ch. 29 for not more than one year. If the juvenile does not hold a valid operator's
7 license under ch. 343, other than an instruction permit under s. 343.07 or a restricted
8 license under s. 343.08, on the date of the order issued under this subdivision, the
9 court may order the suspension or limitation to begin on the date that the operator's
10 license would otherwise be reinstated or issued after the juvenile applies and
11 qualifies for issuance or 2 years after the date of the order issued under this
12 subdivision, whichever occurs first. If the court suspends a juvenile's operating
13 privilege or an approval issued under ch. 29, the court shall immediately take
14 possession of the suspended license or approval and forward it may take possession
15 of, and if possession is taken, shall destroy, the suspended license. The court shall
16 forward to the department that issued the license or approval with a notice stating
17 the reason for and the duration of the suspension, together with any approval of
18 which the court takes possession.

19 **SECTION 158.** 938.396 (4) of the statutes is amended to read:

20 938.396 (4) OPERATING PRIVILEGE RECORDS. When a court assigned to exercise
21 jurisdiction under this chapter and ch. 48 or a municipal court exercising jurisdiction
22 under s. 938.17 (2) revokes, suspends, or restricts a juvenile's operating privilege
23 under this chapter, the department of transportation may not disclose information
24 concerning or relating to the revocation, suspension, or restriction to any person
25 other than a court assigned to exercise jurisdiction under this chapter and ch. 48, a

1 municipal court exercising jurisdiction under s. 938.17 (2), a district attorney, county
2 corporation counsel, or city, village, or town attorney, a law enforcement agency, a
3 driver licensing agency of another jurisdiction, the juvenile whose operating
4 privilege is revoked, suspended, or restricted, or the juvenile's parent or guardian.
5 Persons entitled to receive this information may not disclose the information to other
6 persons or agencies.

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

8 961.50 (1) (intro.) If a person is convicted of any violation of this chapter, the
9 court shall, in addition to any other penalties that may apply to the crime, suspend
10 the person's operating privilege, as defined in s. 340.01 (40), for not less than 6
11 months nor more than 5 years. The court ~~shall immediately~~ may take possession of,
12 and if possession is taken, shall destroy, any suspended license ~~and forward it~~. The
13 court shall forward to the department of transportation ~~together with~~ the record of
14 conviction and notice of the suspension. The person is eligible for an occupational
15 license under s. 343.10 as follows:

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

17 961.50 (2) For purposes of counting the number of convictions under sub. (1),
18 convictions under the law of a federally recognized American Indian tribe or band in
19 this state, federal law or the law of another jurisdiction, as defined in s. ~~343.32(1m)~~
20 ~~(a)~~ 340.01 (41m), for any offense therein which, if the person had committed the
21 offense in this state and been convicted of the offense under the laws of this state,
22 would have required suspension or revocation of such person's operating privilege
23 under this section, shall be counted and given the effect specified under sub. (1). The
24 5-year period under this section shall be measured from the dates of the violations
25 which resulted in the convictions.

CS DRIVER LICENSE AGREEMENT (a) B 9148

B Transportation

1 SECTION 161. Nonstatutory provisions.

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

6 (b) (2) Using the emergency rules procedure under section 227.24 of the statutes,
7 the department of transportation shall promulgate the rules required under section
8 343.02 (3) (b) of the statutes, as created by this act, for purposes of implementing this
9 act, for the period before the effective date of the rules submitted under subsection

10 (a) (1) The department shall promulgate these emergency rules no later than the first
11 day of the 6th month beginning after the effective date of this subsection.
12 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these emergency rules
13 may remain in effect until July 1, 2009, or the date on which permanent rules take
14 effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the
15 statutes, the department is not required to provide evidence that promulgating a rule
16 under this subsection as an emergency rule is necessary for the preservation of the
17 public peace, health, safety, or welfare and is not required to provide a finding of
18 emergency for a rule promulgated under this subsection.

19 B 9348 SECTION 162. Initial applicability

20 (1) DRIVER LICENSE AGREEMENT.
21 (a) The treatment of sections 343.44 (1) (a), (b), and (c) and (4r) of the statutes,
22 the repeal of sections 343.30 (1q) (c) 1. b. and 343.305 (10) (c) 1. b. of the statutes, and
23 the consolidation, renumbering, and amendment of sections 343.30 (1q) (c) 1. (intro.),
24 a., and c. and 343.305 (10) (c) 1. (intro.), a., and c. of the statutes first apply to offenses
25 committed on the effective date of this paragraph, but do not preclude the counting

1 of other convictions, suspensions, or revocations as prior convictions, suspensions,
2 or revocations for purposes of administrative action by the department of
3 transportation, sentencing by a court, or revocation or suspension of motor vehicle
4 operating privileges.

5 (b) The treatment of sections 125.07 (4) (cm), 125.085 (3) (bp), 342.12 (4) (a) and
6 (b), 343.06 (2), 343.085 (4), 343.23 (2m), 343.31 (1) (intro.), (2), (2r), and (3) (bm)
7 (intro.), (c), (d) (intro.), (e), (f), (i), and (j), 343.315 (2) (fm), (h), and (j) (intro.) and (3)
8 (bm) and (d), 343.32 (1m) (b) (intro.) and (1s), 343.34 (2), 343.44 (2s), 344.13 (2),
9 344.19 (3), 346.65 (6) (a) 3. and (km), and 351.02 (1) (intro.) and (1m), 351.027 (2),
10 351.03, 351.04, 351.05, and 351.06 of the statutes, the repeal of sections 343.31 (1)
11 (hm) and (2m) and 343.32 (1) of the statutes, the renumbering and amendment of
12 sections 343.36 (3) and 351.025 (1) of the statutes, and the creation of sections 343.31
13 (2z) and (3) (bg), 343.32 (1v), 343.36 (3) (b), (c), and (d), 344.08 (1m), 344.14 (1r),
14 344.25 (7), and 351.025 (1) (b) of the statutes first apply with respect to offenses or
15 refusals for which records, reports, or notices are received by the department of
16 transportation on the effective date of this paragraph, but do not preclude the
17 counting of other convictions, suspensions, or revocations as prior convictions,
18 suspensions, or revocations for purposes of administrative action by the department
19 of transportation, sentencing by a court, or revocation or suspension of motor vehicle
20 operating privileges.

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

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

4 (e) The treatment of sections 343.38 (2) and (4) (intro.), 343.39 (1) (a), 344.18
5 (1m) (a) and (3m) (a), 344.24, 344.26 (1), 344.27 (2), and 344.29 of the statutes and
6 the repeal of section 343.38 (4) (a) and (b) of the statutes first apply to an issuance
7 of operator's licenses or reinstatement of operating privileges or registrations on the
8 effective date of this paragraph.

9 (f) The treatment of sections 344.30 (1), 344.32, 344.33 (1), 344.34, 344.42, and
10 631.37 (4) (e) of the statutes first applies to proof of financial responsibility filed with
11 the secretary of transportation on the effective date of this paragraph.

12 **SECTION 163. Effective dates.** This act takes effect on July 1, 2009, except as
13 follows:

14 (b) (1) The treatment of section 343.02 (3) (b) of the statutes and SECTION 161 of
15 this act take effect on January 1, 2009.

16 (END)

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2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0011/lins
ARG:.....

INSERT 74-12:

SECTION 9448. Effective dates; Transportation.

(1) DRIVER LICENSE AGREEMENT.

(a) The treatment of sections 23.33 (13) (e), 118.163 (2) (a) and (2m) (a), 125.07 (4) (cm), 125.085 (3) (bp), 342.12 (4) (a) and (b), 343.01 (2) (bc) and (bm), 343.02 (3) (a) and (c), 343.027, 343.03 (5) (a) and (6) (a), 343.05 (1) (a) and (5) (b) 1., 343.06 (1) (bm) and (j) and (2), 343.085 (4), 343.10 (2) (a) 3., 343.14 (2j) (b), 343.16 (5) (a), 343.20 (1) (e) 1., 343.23 (2) (a) (intro.) and (b), (2m), (3m), and (4) (b), 343.235 (3) (a), 343.237 (2) and (3) (intro.), 343.24 (3) and (4) (c) 1., 343.28 (2), 343.30 (1g) (b), (1q) (b) 4. and (c) 1. b, (4), and (5), 343.301 (1) (e) and (2) (d), 343.305 (7) (a) and (b), (9) (a) (intro.) and (am) (intro.), (10) (b) 3. and 4. and (c) 1. b, and (11), 343.31 (1) (intro.) and (hm), (2), (2m), (2r), and (2z), and (3) (a), (b), (bg), (bm) (intro.), (c), (d) (intro.), (e), (f), (i), and (j), 343.315 (2) (f) 7., (fm), (h), and (j) (intro.) and (3) (a), (b), (bm), and (d), 343.32 (1), (1m) (a) and (b) (intro.), (1s), and (1v) and (2) (a), 343.325 (4), 343.34 (1) and (2), 343.345, 343.36 (title), 343.36 (3) (b), (c), and (d), 343.38 (1) (c) 2. c., (2), and (4) (intro.), (a), and (b), 343.39 (1) (a) and (2), 343.44 (1) (a), (b), and (c), (2) (am), (2r), (2s), and (4r), 343.50 (8) (b), 344.02 (3), 344.08 (1m), 344.13 (2), 344.14 (1r), 344.18 (1m) (a) and (3m) (a), 344.19 (1), (2) (a), and (3), 344.24, 344.25 (7), 344.26 (1), 344.27 (2) and (3), 344.29, 344.30 (1), 344.32, 344.33 (1), 344.34, 344.42, 345.23 (2) (c), 345.28 (5) (b) 1. and 2. a., 345.47 (1) (c), 345.48 (2), (3), and (4), 346.65 (2c), (2e) and (6) (a) 3. and (km), 350.11 (3) (d), 351.02 (1) (intro.) and (1m), 351.025 (1) (b), 351.027 (2),

351.03, 351.04, 351.05, 351.06, 631.37 (4) (e), 800.09 (1) (c), 938.17 (2) (d) 2., 938.34 (8), (8d) (d), (14m), and (14r) (a), 938.342 (1g) (a), 938.343 (2), 938.344 (2e) (b), 938.355 (6) (d) 2. and (6m) (a) 1m., 938.396 (4), ^{and} 961.50 (1) (intro.) and (2) of the statutes ^{CS} and Section 9348 (1) of this act, the renumbering of section 343.30 (2j) (a) of the statutes, the renumbering and amendment of sections ^{343.30(2j)(a)} 343.36 (3), 344.19 (2), and 351.025 (1) of the statutes, ^{or} and the consolidation, renumbering, and amendment of sections 343.30 (1q) (c) 1. (intro.), a. and c. and 343.305 (10) (c) 1. (intro.), a. and c. of the statutes takes effect on July 1, 2009.

and 343.305 (10)(c) 1. b.

the repeal of section ^s 343.30 (1q) (c) 1. b. of the statutes, ^{and} 344.19 (2)(c) and

and the creation of section ^s 343.36 (3)(b), (c), and (d) of the statutes

comma

351.025 (1)(b)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0011/1dn

ARG:./....

wlj

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
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