

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

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

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

10 343.34 (1) Whenever the secretary is satisfied that a person has violated a
11 restriction on ~~the~~ a license issued under this chapter and that it is in the interests
12 of public safety to suspend the license, the secretary shall suspend such license for
13 a period not exceeding one year unless the violation is cause for revocation.

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

15 343.34 (2) When a person who is a licensee under this chapter or is a resident
16 to whom another jurisdiction has not issued an operator's license has been convicted
17 under s. 343.16 (7) (b).

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

19 **343.345 Restriction, limitation or suspension of operating privilege.**
20 The department shall restrict, limit or suspend a person's the operating privilege of
21 a person who is a licensee under this chapter or is a resident to whom another
22 jurisdiction has not issued an operator's license if the person is delinquent in making
23 court-ordered payments of child or family support, maintenance, birth expenses,
24 medical expenses or other expenses related to the support of a child or former spouse,
25 or who fails to comply, after appropriate notice, with a subpoena or warrant issued

1 by the department of workforce development or a county child support agency under
2 s. 59.53 (5) and related to paternity or child support proceedings, as provided in a
3 memorandum of understanding entered into under s. 49.857.

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

5 **343.36 (title) Department to distribute suspension, revocation and**
6 **disqualification lists and nonresidents' records of conviction and notices.**

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

9 **343.36 (3) (a)** Upon Subject to s. 343.03 (7) (b) and (c), upon receiving a record
10 of conviction showing that a nonresident operator of a motor vehicle has been
11 convicted in this state of an offense which is grounds for revocation, suspension, or
12 disqualification under the laws of this state, or upon otherwise receiving any order
13 of a court in this state suspending or revoking a nonresident's operating privilege or
14 disqualifying a nonresident, the department shall forward, within 30 days of
15 receiving the record of conviction or order, a certified copy of such record or order to
16 the motor vehicle administrator in the state wherein the person so convicted is a
17 resident driver licensing agency of the person's home jurisdiction. If the department
18 subsequently receives any notice under s. 343.325 (1) or (6) related to the conviction
19 or order, the department shall forward a certified copy of the notice to the same driver
20 licensing agency.

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

22 **343.36 (3) (b)** Subject to s. 343.03 (7) (b), upon receiving any of the following
23 information with respect to a nonresident, the department shall forward, within 30
24 days of receiving the information, notice of the information to the driver licensing
25 agency of the person's home jurisdiction:

1 1. A report of positive test results under s. 343.305 (7) (a). Notice forwarded
2 by the department shall include notice of the administrative suspension under s.
3 343.305 (7) (a).

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

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

8 (c) Subject to s. 343.03 (7) (b) and (c), upon receiving a record of conviction
9 showing that a nonresident operator of a motor vehicle has been convicted in this
10 state of an offense that is identified in the rules under s. 343.02 (3) (b) but which is
11 not grounds for revocation, suspension, or disqualification under the laws of this
12 state, the department shall forward, within 30 days of receiving the record of
13 conviction, a certified copy of such record to the driver licensing agency of the person's
14 home jurisdiction. If the department subsequently receives any notice under s.
15 343.325 (1) or (6) related to the conviction, the department shall forward a certified
16 copy of the notice to the same driver licensing agency.

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

22 **SECTION 89.** 343.38 (1) (c) 2. c. of the statutes is amended to read:

23 343.38 (1) (c) 2. c. Reinstatement of an operating privilege revoked under s.
24 343.30 (1q) (b) 2. or (d), 343.305 (10) (d) or 343.31 (3) ~~(b) or~~ (bm) 2.

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

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

7 **SECTION 91.** 343.38 (4) (intro.) of the statutes is amended to read:

8 343.38 (4) FIRST ISSUANCE OF LICENSE IN WISCONSIN AFTER SUSPENSION OR
9 REVOCATION BY ANOTHER STATE. (intro.) The department may issue an operator's
10 license to a person moving to this state whose operating privileges have privilege has
11 been previously suspended or revoked in another state jurisdiction when their the
12 person's operating privilege has been reinstated or the person is eligible for
13 reinstatement in that state the other jurisdiction and the following conditions have
14 been met:

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

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

17 **SECTION 94.** 343.39 (1) (a) of the statutes is amended to read:

18 343.39 (1) (a) When, in the case of a suspended operating privilege, the period
19 of suspension has terminated, the reinstatement fee specified in s. 343.21 (1) (j) has
20 been paid to the department and, for reinstatement of an the operating privilege of
21 a resident suspended under ch. 344, the person files with the department proof of
22 financial responsibility, if required, in the amount, form and manner specified under
23 ch. 344.

24 **SECTION 95.** 343.39 (2) of the statutes is amended to read:

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

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

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

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

24 343.44 (1) (b) *Operating while revoked.* No person whose operating privilege
25 has been duly revoked under the laws of this state or, if the person is not a resident,

1 under the laws of the person's home jurisdiction, may knowingly operate a motor
2 vehicle upon any highway in this state during the period of revocation or in violation
3 of any restriction on an occupational license issued to the person during the period
4 of revocation. In this paragraph, "restriction on an occupational license" means
5 restrictions imposed under s. 343.10 (5) (a) as to hours of the day, area, routes or
6 purpose of travel, vehicles allowed to be operated, use of an ignition interlock device,
7 sobriety or use of alcohol, controlled substances or controlled substance analogs.

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

9 343.44 (1) (c) *Operating while ordered out-of-service.* No person may operate
10 a commercial motor vehicle while the person or the commercial motor vehicle is
11 ordered out-of-service under the law of this state or another jurisdiction or under
12 federal law.

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

14 343.44 (2) (am) Any person who violates sub. (1) (b) before May 1, 2002, may
15 be required to forfeit not more than \$600, except that, if the person has been
16 convicted of a previous violation of sub. (1) (b), ~~or of operating a motor vehicle in~~
17 ~~violation of s. 343.44 (1), 1997 stats., with an operating privilege that is revoked,~~
18 within the preceding 5-year period, the penalty under par. (b) shall apply.

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

20 343.44 (2r) **PRIOR CONVICTIONS.** For purposes of determining prior convictions
21 under this section, the 5-year period shall be measured from the dates of the
22 violations that resulted in the convictions and each conviction under sub. (2) shall
23 be counted. ~~Convictions of s. 343.44 (1), 1997 stats., other than for operating a~~
24 ~~commercial motor vehicle while ordered out-of-service~~ under the law of another

1 jurisdiction for offenses therein which, if committed in this state, would have been
2 violations of this section shall be counted under this section as prior convictions.

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

4 343.44 (2s) CITATIONS. Within 30 days after receipt by the department of a
5 report from a law enforcement officer under s. 343.305 (7) or a court order under s.
6 343.28 of a violation committed by a person operating a commercial motor vehicle
7 while subject to an out-of-service order under s. 343.305 (7) (b) or (9) (am), a traffic
8 officer employed under s. 110.07 may prepare a uniform traffic citation under s.
9 345.11 for a violation of sub. (1) (c) or (d) and serve it on the person. The citation may
10 be served anywhere in this state and shall be served by delivering a copy to the
11 person personally or by leaving a copy at the person's usual place of abode with a
12 person of discretion residing therein or by mailing a copy to the person's last-known
13 residence address, including, if the person is not a resident, an address in another
14 jurisdiction. The venue for prosecution may be the county where the alleged offense
15 occurred or, if the person is a resident, in the person's county of residence.

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

17 343.44 (4r) VIOLATION OF OUT-OF-SERVICE ORDER. In addition to other penalties
18 for violation of this section, if a person has violated this section after ~~he or she~~ the
19 person or the commercial motor vehicle operated by the person was ordered
20 out-of-service under the law of this state or another jurisdiction or under federal
21 law, the violation shall result in disqualification under s. 343.315 (2) (h) or (i).

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

23 343.50 (8) (b) The department may not disclose any record or other information
24 concerning or relating to an applicant or identification card holder to any person
25 other than a court, district attorney, county corporation counsel, city, village, or town

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

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

12 344.02 (3) Upon completion of the hearing, the department shall make findings
13 of fact, conclusions of law, and a decision, and shall, as provided in this chapter, either
14 proceed to order suspension of the person's operating privilege, or registrations, or
15 both, and may also order the impoundment of the person's motor vehicle, in
16 accordance with s. 344.14, or upon good cause appearing therefor, shall terminate the
17 proceedings.

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

19 344.08 (1m) Notwithstanding sub. (1), the secretary may only suspend the
20 operating privilege of a nonresident for an offense specified in sub. (1) if the
21 nonresident is licensed by or resides in another jurisdiction that is not a member
22 jurisdiction or if the offense is not identified in the rules under s. 343.02 (3) (b).

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

24 344.13 (2) The secretary shall determine the amount of security required to be
25 deposited by each person on the basis of the accident reports or other information

1 submitted. In addition to the accident reports required by law, the secretary may
2 request from any of the persons, including passengers and pedestrians, involved in
3 such accident such further information, sworn statements or other evidence relating
4 to property damage, personal injury or death in motor vehicle accidents as deemed
5 necessary to aid in determining the amount to be deposited as security under s.
6 344.14. Failure Subject to s. 344.14 (1r), failure of a person to comply with such
7 request is grounds for suspending such person's operating privilege but no
8 suspension shall be made on such grounds until one follow-up request has been
9 made and at least 20 days have elapsed since the mailing of the first request.

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

11 344.14 (1r) Notwithstanding sub. (1), the secretary may only suspend under
12 sub. (1) or under s. 344.13 (2) the operating privilege of a nonresident for,
13 respectively, an offense specified in sub. (1) or s. 344.13 (2) if the nonresident is
14 licensed by or resides in another jurisdiction that is not a member jurisdiction or if
15 the offense is not identified in the rules under s. 343.02 (3) (b).

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

17 344.18 (1m) (a) Unless 3 years have elapsed since the date that a requirement
18 under sub. (1) (a), (b), (c) or (d) has been met or unless the person is a nonresident,
19 the person whose operating privilege or registration was suspended or revoked
20 under s. 344.14 shall file with the department and maintain in effect proof of
21 financial responsibility in the amount, form and manner specified in this chapter.

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

23 344.18 (3m) (a) Unless 3 years have elapsed since the date that a requirement
24 under sub. (3) (a) or (b) has been met or unless the person is a nonresident, the person
25 whose operating privilege or registration was suspended or revoked under sub. (3)

1 shall file with the department and maintain in effect proof of financial responsibility
2 in the amount, form and manner specified in this chapter.

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

4 344.19 (1) If the operator or the owner of a motor vehicle involved in an accident
5 within this state has no license or registration, whether because the operator or
6 owner is a nonresident or because the operator or owner is a resident who has failed
7 or neglected to obtain a license or registration in this state, the operator or owner
8 shall not be allowed a license or registration until the operator or owner has complied
9 with the requirements of this chapter to the same extent as would be necessary if,
10 at the time of the accident, the operator or owner had held a license and registration
11 in this state. Nothing in this subsection requires the department to maintain an
12 operator's record with respect to a nonresident except as provided in s. 343.23 (2m).

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

15 344.19 (2) (intro.) If the operating privilege or registration of a nonresident is
16 suspended under s. 344.14, the secretary shall transmit a certified copy of the record
17 of such action as follows:

18 (b) With respect to the registration suspension, to the administrator of the
19 division of motor vehicles or equivalent official of the state in which that person
20 resides if the law of the state in which that person resides provides for similar action
21 by the administrator or equivalent official of that state in the event that a resident
22 of this state has a nonresident's ~~operating privilege or~~ registration in that state
23 suspended or revoked for failure to comply with the safety responsibility law of that
24 state.

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

1 344.19 (2) (a) With respect to the operating privilege suspension, as provided
2 in s. 343.36 (3).

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

4 344.19 (3) Upon receipt of such certification from another state to the effect
5 that the operating privilege or registration of a resident of this state has been
6 suspended or revoked in such other state under a law providing for its suspension
7 or revocation for failure to deposit security for payment of judgments arising out of
8 a motor vehicle accident, under circumstances which would require the secretary to
9 suspend a ~~nonresident's~~ person's operating privilege or registration had the accident
10 occurred in this state, or, upon notice of circumstances occurring in another
11 jurisdiction substantially similar to those described in s. 344.14 if suspension of an
12 operating privilege under circumstances substantially similar to those described in
13 s. 344.14 is an offense identified in the rules under s. 343.02 (3) (b), the secretary shall
14 suspend the operating privilege of such resident if he or she was the operator and all
15 of his or her registrations if he or she was the owner of a motor vehicle involved in
16 such accident. The department may accept a certification which is in the form of a
17 combined notice of required security and suspension order, but shall not suspend a
18 resident's operating privilege or registration on the basis of such order until at least
19 30 days have elapsed since the time for depositing security in the other state expired.
20 A suspension or revocation of operating privilege under this section shall continue
21 until such resident furnishes evidence of his or her compliance with the law of the
22 other state relating to the deposit of security, pays the fee required under s. 343.21
23 (1) (j) and complies with the applicable provisions of s. 343.38. A suspension or
24 revocation of registration under this section shall continue until such resident
25 furnishes evidence of his or her compliance with the law of the other state relating

1 to the deposit of security, pays the fee required under s. 341.36 (1m) and satisfies the
2 requirements of sub. (3m). The secretary may not suspend an operating privilege
3 under this subsection if the period of suspension or revocation in the state from which
4 the certification is received has expired or if, at the time of the circumstances
5 occurring in the other jurisdiction, the person was licensed in or resided in another
6 jurisdiction.

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

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

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

20 344.25 (7) Notwithstanding sub. (5), the secretary shall only suspend the
21 operating privilege of a nonresident if the nonresident is licensed by or resides in
22 another jurisdiction that is not a member jurisdiction or if operating privilege
23 suspension under circumstances substantially similar to those described in this
24 subchapter is not identified in the rules under s. 343.02 (3) (b).

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

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

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

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

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

18 344.27 (3) If the judgment debtor fails to pay any installment as specified by
19 such order, the secretary, upon notice of such default, shall immediately suspend the
20 operating privilege, if permitted under this subchapter, and registrations of the
21 judgment debtor until such judgment is satisfied as provided in s. 344.26.

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

23 **344.29 Proof of financial responsibility for the future required.** Proof
24 of financial responsibility for the future shall be furnished by any person required
25 to give such proof under ss. 344.25 to 344.27, those cases in which the deposit of proof

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

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

8 344.30 (1) Certification of insurance as provided in s. 344.31 or 344.32; or

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

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

11 344.33 (1) CERTIFICATION. In this chapter, "motor vehicle liability policy" means
12 a motor vehicle policy of liability insurance, certified as provided in s. 344.31 or
13 344.32 as proof of financial responsibility for the future, and issued, ~~except as~~
14 ~~otherwise provided in s. 344.32,~~ by an insurer authorized to do an automobile
15 liability business in this state to or for the benefit of the person named in the policy
16 as the insured.

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

18 **344.34 Notice of cancellation or termination of certified policy.** When
19 an insurer has certified a motor vehicle liability policy under s. 344.31, ~~a policy under~~
20 ~~s. 344.32~~ or a bond under s. 344.36, the insurance so certified shall not be canceled
21 or terminated until at least 10 days after a notice of cancellation or termination of
22 the insurance so certified has been filed in the office of the secretary. No insurance
23 so certified may be canceled or terminated by the insurer prior to the expiration of
24 90 days from the effective date of the certification on the grounds of failure to pay a
25 premium when due. Such a certified policy or bond subsequently procured shall, on

1 the effective date of its certification, terminate the insurance previously certified.
2 Any certification or recertification filed by the same insurer following cancellation
3 shall be accompanied by a fee of \$3 payable by the insurer.

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

5 **344.42 Submission of certifications and recertifications by insurers.**

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

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

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

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

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

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

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

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

345.47 (1) (c) If a court or judge suspends an operating privilege under this section, the court or judge shall immediately may take possession of, and if possession is taken, shall destroy, the suspended license and the court or judge shall forward it to the department together with the notice of suspension, which shall clearly state that the suspension was for failure to pay a forfeiture, plus costs, fees, and surcharges imposed under ch. 814. The notice of suspension and the suspended license, if it is available, shall be forwarded to the department within 48 hours after

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1 the order of suspension. If the forfeiture, plus costs, fees, and surcharges imposed
2 under ch. 814, are paid during a period of suspension, the court ~~or judge~~ shall ^{strike}
3 immediately notify the department. ~~Upon receipt of the notice and payment of the~~
4 ~~reinstatement fee under s. 343.21 (1) (j), the department shall return the~~
5 ~~surrendered license.~~

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

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

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

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

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

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

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

1 counted under s. 343.307 (1), that suspension, revocation, or conviction shall count
2 as a prior suspension, revocation, or conviction under sub. (2) (am) 2., 3., 4., and 5.

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

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

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

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

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

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

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

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

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

22 351.02 (1) (intro.) "Habitual traffic offender" means any person, ~~resident or~~
23 ~~nonresident,~~ whose record, as maintained by the department, shows that the person
24 has accumulated the number of convictions for the separate and distinct offenses,

1 regardless of the class or type of motor vehicle being operated, under par. (a) or (b)
2 committed within a 5-year period as follows:

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

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

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

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

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

22 351.025 (1) (b) The department may not revoke a person's operating privilege
23 under par. (a) based, in whole or part, upon any conviction for an offense committed
24 in another jurisdiction if at the time of the conviction the person was licensed in or
25 resided in another jurisdiction unless, after the person has become licensed under

1 ch. 343 or transferred residency to this state, the person is convicted of an offense
2 under s. 351.02 (1) (a) or (b) committed in this state.

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

4 351.027 (2) If the person denies that he or she is a habitual traffic offender or
5 repeat habitual traffic offender subject to operating privilege revocation under s.
6 351.025 (1), the person may file with the circuit court for the county in which the
7 person resides or, in the case of a nonresident, with the circuit court for Dane County
8 a petition for a hearing and determination by the court that the person is not a
9 habitual traffic offender or repeat habitual traffic offender subject to operating
10 privilege revocation under s. 351.025 (1). The scope of the hearing shall be limited
11 to whether or not the person is the same person named in the record and, whether
12 or not the person was convicted of each offense shown by the record ² ₈ and, whether the
13 provisions of s. 351.025 (1) (b) prohibit revocation. The clerk of the court in which
14 the petition is filed shall forward a copy of the petition to the secretary.

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

16 **351.03 Secretary to certify copy of conviction record.** Upon receipt of the
17 copy of the petition under s. 351.027, the secretary shall certify the record of
18 conviction of any person whose record brings him or her within the definition of a
19 habitual traffic offender or repeat habitual traffic offender subject to operating
20 privilege revocation under s. 351.025 (1) to the court and to the district attorney of
21 the county in which the person resides or to the attorney general if the person is not
22 a resident of this state. ^{delete strike = plain} The certified record shall be prima facie evidence that the
23 person named therein was duly convicted by the court wherein the conviction or
24 finding was made, of each offense shown by the record. If the person denies any of

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1 the facts as stated in the record, he or she shall have the burden of proving that the
2 fact is false.

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

4 **351.04 District attorney ~~or attorney general~~ to represent secretary.**

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

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

10 **351.05 Habitual traffic offender or repeat habitual traffic offender**
11 **determination by the court.** The court in which the petition under s. 351.027 is
12 filed shall determine whether the person is a habitual traffic offender or repeat
13 habitual traffic offender subject to operating privilege revocation under s. 351.025
14 (1). If the person denies he or she was convicted or found in violation of any offense
15 necessary for a holding that he or she is a habitual traffic offender or repeat habitual
16 traffic offender subject to operating privilege revocation under s. 351.025 (1), and if
17 the court is not able to make the determination on the evidence before it, the court
18 may certify the decision of the issue to the court in which the conviction or finding
19 of violation was made. The court to which the certification was made shall conduct
20 a hearing to determine the issue and send a certified copy of its final order
21 determining the issue to the court in which the petition was filed.

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

23 **351.06 Order of court.** If the court finds that the person before it is not the
24 same person named in the record or that he or she is not a habitual traffic offender
25 or repeat habitual traffic offender subject to operating privilege revocation under s.

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

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

11 631.37 (4) (e) *Motor vehicle liability policy.* Section 344.34 applies to motor
 12 vehicle liability policies certified under s. 344.31 ~~and to policies certified under s.~~
 13 ~~344.32.~~

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

15 800.09 (1) (c) The court may suspend the defendant's operating privilege, as
 16 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
 17 and costs are paid, if the defendant has not done so within 60 days after the date the
 18 restitution or payments or both are to be made under par. (a) and has not notified the
 19 court that he or she is unable to comply with the judgment, as provided under s.
 20 800.095 (4) (a), except that the suspension period may not exceed 2 years. The court
 21 shall ~~may~~ take possession of, ~~and if possession is taken, shall destroy,~~ the suspended
 22 license ~~and shall.~~ The court shall forward the license, along with a notice of the
 23 suspension clearly stating that the suspension is for failure to comply with a
 24 judgment of the court, to the department of transportation. This paragraph does not

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1 apply if the forfeiture is assessed for violation of an ordinance that is unrelated to the
2 violator's operation of a motor vehicle.

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

4 938.17 (2) (d) 2. If a court suspends a license or privilege under subd. 1., the
5 court shall immediately take possession of the applicable license ~~and forward it if~~
6 issued under ch. 29 or, if the license is issued under ch. 343, the court may take
7 possession of, and if possession is taken, shall destroy, the license. The court shall
8 forward to the department that issued the license, ~~together with the notice of~~
9 suspension stating that the suspension is for failure to pay a forfeiture imposed by
10 the court, together with any license issued under ch. 29 of which the court takes
11 possession. If the forfeiture is paid during the period of suspension, the court shall
12 immediately notify the department, which shall then, if the license is issued under
13 ch. 29, return the license to the person.

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

15 938.34 (8) Impose a forfeiture based upon a determination that this disposition
16 is in the best interest of the juvenile and the juvenile's rehabilitation. The maximum
17 forfeiture that the court may impose under this subsection for a violation by a
18 juvenile is the maximum amount of the fine that may be imposed on an adult for
19 committing that violation or, if the violation is applicable only to a person under 18
20 years of age, \$100. The order shall include a finding that the juvenile alone is
21 financially able to pay the forfeiture and shall allow up to 12 months for payment.
22 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
23 other alternatives under this section; or the court may suspend any license issued
24 under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's
25 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. If the court

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

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

14 938.34 (8d) (d) If the juvenile fails to pay the surcharge under par. (a), the court
15 may vacate the surcharge and order other alternatives under this section, in
16 accordance with the conditions specified in this chapter; or the court may suspend
17 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or
18 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less
19 than 30 days nor more than 5 years. If the court suspends any license under this
20 subsection, the clerk of the court shall immediately take possession of the suspended
21 license and forward it if issued under ch. 29 or, if the license is issued under ch. 343,
22 the court may take possession of, and if possession is taken, shall destroy, the license.
23 The court shall forward to the department which issued the license, ~~together with~~
24 a notice of suspension stating that the suspension is for failure to pay a surcharge
25 imposed by the court, together with any license issued under ch. 29 of which the court

1 takes possession. If the surcharge is paid during the period of suspension, the
2 suspension shall be reduced to the time period which has already elapsed and the
3 court shall immediately notify the department which shall then, if the license is
4 issued under ch. 29, return the license to the juvenile.

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

6 938.34 (14m) Restrict or suspend the operating privilege, as defined in s.
7 340.01 (40), of a juvenile who is adjudicated delinquent under a violation of any law
8 in which a motor vehicle is involved. If the court suspends a juvenile's operating
9 privilege under this subsection, the court shall immediately may take possession of,
10 and if possession is taken, shall destroy, the suspended license and forward it. The
11 court shall forward to the department of transportation ~~together with~~ a notice
12 stating the reason for and duration of the suspension. If the court limits a juvenile's
13 operating privilege under this subsection, the court shall immediately notify the
14 department of transportation of that limitation.

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

16 938.34 (14r) (a) In addition to any other dispositions imposed under this
17 section, if the juvenile is found to have violated ch. 961, the court shall suspend the
18 juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months
19 nor more than 5 years. The court shall immediately may take possession of, and if
20 possession is taken, shall destroy, any suspended license and forward it. The court
21 shall forward to the department of transportation ~~together with~~ the notice of
22 suspension stating that the suspension or revocation is for a violation of ch. 961.

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

24 938.342 (1g) (a) Suspend the person's operating privilege, as defined in s.
25 340.01 (40), for not less than 30 days nor more than one year. The court shall

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

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

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

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

24 938.344 (2e) (b) Whenever a court suspends a juvenile's operating privilege
25 under this subsection, the court shall ~~immediately~~ may take possession of, and if

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1 possession is taken, shall destroy, any suspended license and forward it. The court
2 shall forward to the department of transportation, ~~together with the notice of~~
3 suspension stating that the suspension is for a violation under s. 961.573 (2), 961.574
4 (2) or 961.575 (2), or a local ordinance that strictly conforms to one of those statutes.

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

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

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

21 938.355 (6m) (a) 1m. Suspension or limitation on the use of the juvenile's
22 operating privilege, as defined under s. 340.01 (40), or of any approval issued under
23 ch. 29 for not more than one year. If the juvenile does not hold a valid operator's
24 license under ch. 343, other than an instruction permit under s. 343.07 or a restricted
25 license under s. 343.08, on the date of the order issued under this subdivision, the

1 court may order the suspension or limitation to begin on the date that the operator's
2 license would otherwise be reinstated or issued after the juvenile applies and
3 qualifies for issuance or 2 years after the date of the order issued under this
4 subdivision, whichever occurs first. If the court suspends a juvenile's operating
5 privilege or an approval issued under ch. 29, the court shall immediately take
6 possession of the suspended license or approval and forward it may take possession
7 of, and if possession is taken, shall destroy, the suspended license. The court shall
8 forward to the department that issued the license or approval with a notice stating
9 the reason for and the duration of the suspension, together with any approval of
10 which the court takes possession.

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

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

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

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

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

10 961.50 (2) For purposes of counting the number of convictions under sub. (1),
11 convictions under the law of a federally recognized American Indian tribe or band in
12 this state, federal law or the law of another jurisdiction, as defined in s. ~~343.32 (1m)~~
13 ~~(a) 340.01 (41m)~~, for any offense therein which, if the person had committed the
14 offense in this state and been convicted of the offense under the laws of this state,
15 would have required suspension or revocation of such person's operating privilege
16 under this section, shall be counted and given the effect specified under sub. (1). The
17 5-year period under this section shall be measured from the dates of the violations
18 which resulted in the convictions.

19 **SECTION 9148. Nonstatutory provisions; Transportation.**

20 (1) DRIVER LICENSE AGREEMENT.

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

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

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

15 (1) DRIVER LICENSE AGREEMENT.

16 (a) The treatment of sections 343.44 (1) (a), (b), and (c) and (4r) of the statutes,
17 the repeal of sections 343.30 (1q) (c) 1. b. and 343.305 (10) (c) 1. b. of the statutes, and
18 the consolidation, renumbering, and amendment of sections 343.30 (1q) (c) 1. (intro.),
19 a., and c. and 343.305 (10) (c) 1. (intro.), a., and c. of the statutes first apply to offenses
20 committed on the effective date of this paragraph, but do not preclude the counting
21 of other convictions, suspensions, or revocations as prior convictions, suspensions,
22 or revocations for purposes of administrative action by the department of
23 transportation, sentencing by a court, or revocation or suspension of motor vehicle
24 operating privileges.

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

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

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

24 (e) The treatment of sections 343.38 (2) and (4) (intro.), 343.39 (1) (a), 344.18
25 (1m) (a) and (3m) (a), 344.24, 344.26 (1), 344.27 (2), and 344.29 of the statutes and

1 the repeal of section 343.38 (4) (a) and (b) of the statutes first apply to an issuance
2 of operator's licenses or reinstatement of operating privileges or registrations on the
3 effective date of this paragraph.

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

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

8 (1) DRIVER LICENSE AGREEMENT.

9 (a) The treatment of sections 23.33 (13) (e), 118.163 (2) (a) and (2m) (a), 125.07
10 (4) (cm), 125.085 (3) (bp), 342.12 (4) (a) and (b), 343.01 (2) (bc) and (bm), 343.02 (3)
11 (a) and (c), 343.027, 343.03 (5) (a) and (6) (a), 343.05 (1) (a) and (5) (b) 1., 343.06 (1)
12 (bm) and (j) and (2), 343.085 (4), 343.10 (2) (a) 3., 343.14 (2j) (b), 343.16 (5) (a), 343.20
13 (1) (e) 1., 343.23 (2) (a) (intro.) and (b), (2m), (3m), and (4) (b), 343.235 (3) (a), 343.237
14 (2) and (3) (intro.), 343.24 (3) and (4) (c) 1., 343.28 (2), 343.30 (1g) (b), (1q) (b) 4., (4),
15 and (5), 343.301 (1) (e) and (2) (d), 343.305 (7) (a) and (b), (9) (a) (intro.) and (am)
16 (intro.), (10) (b) 3. and 4., and (11), 343.31 (1) (intro.) and (hm), (2), (2m), (2r), (2z),
17 and (3) (a), (b), (bg), (bm) (intro.), (c), (d) (intro.), (e), (f), (i), and (j), 343.315 (2) (f) 7.,
18 (fm), (h), and (j) (intro.) and (3) (a), (b), (bm), and (d), 343.32 (1), (1m) (a) and (b)
19 (intro.), (1s), (1v), and (2) (a), 343.325 (4), 343.34 (1) and (2), 343.345, 343.36 (title),
20 343.38 (1) (c) 2. c., (2), and (4) (intro.), (a), and (b), 343.39 (1) (a) and (2), 343.44 (1)
21 (a), (b), and (c), (2) (am), (2r), (2s), and (4r), 343.50 (8) (b), 344.02 (3), 344.08 (1m),
22 344.13 (2), 344.14 (1r), 344.18 (1m) (a) and (3m) (a), 344.19 (1) and (3), 344.24, 344.25
23 (7), 344.26 (1), 344.27 (2) and (3), 344.29, 344.30 (1), 344.32, 344.33 (1), 344.34,
24 344.42, 345.23 (2) (c), 345.28 (5) (b) 1. and 2. a., 345.47 (1) (c), 345.48 (2), (3), and (4),
25 346.65 (2c), (2e), and (6) (a) 3. and (km), 350.11 (3) (d), 351.02 (1) (intro.) and (1m),

1 351.027 (2), 351.03, 351.04, 351.05, 351.06, 631.37 (4) (e), 800.09 (1) (c), 938.17 (2)
2 (d) 2., 938.34 (8), (8d) (d), (14m), and (14r) (a), 938.342 (1g) (a), 938.343 (2), 938.344
3 (2e) (b), 938.355 (6) (d) 2. and (6m) (a) 1m., 938.396 (4), and 961.50 (1) (intro.) and
4 (2) of the statutes, the repeal of Sections 343.30 (1q) (c) 1. b. and 343.305 (10) (c) 1.
5 b. of the statutes, the renumbering and amendment of sections 343.30 (2j) (a), 343.36
6 (3), 344.19 (2), and 351.025 (1) of the statutes, the consolidation, renumbering, and
7 amendment of sections 343.30 (1q) (c) 1. (intro.), a. and c. and 343.305 (10) (c) 1.
8 (intro.), a. and c. of the statutes, the creation of sections 343.36 (3) (b), (c), and (d),
9 344.19 (2) (a), and 351.025 (1) (b) of the statutes, and SECTION 9348 (1) of this act take
10 effect on July 1, 2009.

11 (b) The treatment of section 343.02 (3) (b) of the statutes and SECTION 9148 (1)
12 of this act take effect on January 1, 2009.

13 (END)

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0011/2dn

ARG:1:...

WLJ

ATTN: Sara Kornely

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

One issue raised in the supervisory review relates to the treatment of disqualifications, which has been a subject of discussion with DOT since I began working on the DLA draft. In an effort to ^{clarify} make clearer the distinction between disqualifications occurring as a matter of law (which affects residents and nonresidents alike) and disqualifications occurring by DOT administrative action (taken only against residents), I have slightly modified the language in created s. 343.315 (3) (bm) 1. and two related provisions. With this modification, instead of referring to DOT disqualifying, the statutory language refers to DOT issuing an order disqualifying. The substance is the same; the language change is intended to make the draft less confusing in the area of disqualifications. I debated whether to refer to DOT's administrative action as an order or a notice. I elected to use the term "order," despite DOT's feedback that it refers to administrative action as a "notice of disqualification," because the term "order" is used in s. 343.315 (3) (d) and I'm not sure "notice" accurately captures the kind of administrative action I am trying to identify in the provision. If DOT believes that I have made s. 343.315 (3) (bm) 1. inaccurate, I can revise it. *

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

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

INSERT ANAL-A:

(no P) The DLA is developed, facilitated, and promoted by the American Association of Motor Vehicle Administrators. The general purpose statement of the DLA espouses the national interest that all states participate in a reciprocal program of cooperation to promote highway safety, to provide for the fair and impartial treatment of drivers operating within their respective borders, and to implement minimum identification and security standards for operator's licenses and identification cards. The DLA identifies its core principles as including the following: cooperation among all states to promote compliance with traffic citations in all states; reciprocal recognition of operator's licenses and offenses among states; one operator's license and one driver control record for each driver, *recognized by all states*; utilization of identity verification processes in issuing operator's licenses and identification cards; *consistent* treatment of traffic offenses and other offenses *consistently* among states for purposes of driver control records and penalties; and uniformity among states concerning the exchange of operator's license, identification card, conviction, and other records and data.

Recognition by all States of

The DLA requires all participating states to recognize certain kinds of violations relating mostly to operating motor vehicles and the administrative actions taken in response to those violations, such as suspension or revocation of a person's operating privilege by the appropriate state agency (DLA Code violations). Under the DLA, when a person who is licensed in one state that is a party to the DLA commits a DLA Code violation in another party state, the licensing state takes any administrative action in response to the violation, based on information provided by the state in which the violation occurred. Any administrative action by a party state is recognized by all other party states. The DLA also generally provides that records concerning a licensed driver are maintained only by the licensing state.

(i) This bill requires DOT to promulgate rules that identify the violations and administrative actions under this state's laws that the DLA requires to be recognized as DLA Code violations and that describe the equivalent violations and administrative actions under the laws of other member states that DOT must recognize as DLA Code violations when the offense is not committed in this state.

INSERT ANAL-B:

(no P) However, if the nonresident's state of licensure or residency is not a member of the DLA, or if the offense is not a DLA code violation, DOT may suspend or revoke the nonresident's operating privilege.

INSERT ANAL-C:

✓ This bill substantially modifies, to correspond to the state's joinder of the DLA, the procedure for record keeping related to both DOT's administrative and court-ordered suspensions or revocations.

INSERT ANAL-D:

The bill also limits, to vehicles titled and registered in this state, a requirement that DOT's vehicle registration records reflect court orders in OWI cases that vehicles be equipped with ignition interlock devices, immobilized, or seized. The bill further limits, to vehicles title by DOT, a provision prohibiting DOT from transferring title to a vehicle if the vehicle owner has been arrested for certain OWI-related offenses.

INSERTS 7-11 and 7-20:

(no P)

If the court takes possession of a license, it shall destroy the license.

INSERT 15-9:

(no P)

identified in par. (am) 1. c. containing the information specified in par. (am) 1.

c. and for each person

INSERT 24-4:

(no P)

If the court takes possession of a license, it shall destroy the license.

INSERT 37-24:

2. If the person is a nonresident, the department shall provide notice to the person's home jurisdiction as required under s. 343.36 (3). Subject to s. 343.23 (2) (am) 3., if the person is a nonresident, the department may not issue an order disqualifying the person, record the disqualification under s. 343.23 (1), or take any other administrative action against the person on the disqualification.

OAA

(no P)

INSERT 56-21:

If the court takes possession of a license, it shall destroy the license. The

INSERT 57-11:

(no P) If the court takes possession of a license, it shall destroy the license.

INSERT 61-7:

(no P) person resides, or, in the case of a nonresident, with the circuit court for Dane County person who moves from this state after the person's operating privilege is revoked under s. 351.025 (1) the county in which the person resided at the time the operating privilege was revoked,

INSERT 61-22:

(no P) , if the person moves from this state after the person's operating privilege is revoked under s. 351.025 (1) the county in which the person resided at the time the operating privilege was revoked

INSERT 62-5:

(no P) , or if the person moves from this state after the person's operating privilege is revoked under s. 351.025 (1) the county in which the person resided at the time the operating privilege was revoked,

INSERT 63-22:

(no P) If the court takes possession of a license, it shall destroy the license.

INSERT 66-10:

(no P) If the court takes possession of a license, it shall destroy the license.

INSERT 66-20:

(no P) If the court takes possession of a license, it shall destroy the license.

INSERT 67-2:

(no P) If the court takes possession of a license, it shall destroy the license.

INSERT 68-1:

(no P) If the court takes possession of a license, it shall destroy the license.

INSERT 70-5:

(w. R)

If the court takes possession of a license, it shall destroy the license.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0011/2dn
ARG:wlj:rs

December 20, 2006

ATTN: Sara Kornely

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

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