



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0011/45

ARG:wlj:pg

in 2/8

AMR

DOA:.....Kornely, BB0188 - Implementing national Driver License Agreement

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Only changes
pp. 71, 72, 75
(per CJS)

Do NOT Gen

1 AN ACT ~~relating to~~; relating to: driver licensing changes to implement the national Driver
2 License Agreement, extending the time limit for emergency rule procedures,
3 providing an exemption from emergency rule procedures, providing an
4 exemption from rule-making procedures, and requiring the exercise of
5 rule-making authority.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

This bill requires the state, through DOT, to enter into the national Driver License Agreement (DLA) that establishes standards for the treatment and exchange of driver licensing and conviction information and other data pertinent to the licensing process. 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; recognition by all states of one operator's license and one driver control record for each driver; utilization of identity verification processes in issuing operator's licenses and identification cards; consistent treatment of traffic offenses and other offenses 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.

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.

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.

Current law allows or requires DOT or a court, in a variety of circumstances, to suspend or revoke the operating privilege of any person, whether a resident or nonresident, who commits specified offenses in this state. In addition, in a variety of circumstances, current law allows or requires DOT to suspend or revoke the operating privilege of a resident for committing specified offenses in other jurisdictions and allows or requires DOT or a court to treat convictions in other jurisdictions as prior offenses. DOT may or must suspend or revoke the operating privilege of a nonresident, except with respect to a commercial driver license (CDL), upon receiving notice of a conviction for certain offences in another jurisdiction.

This bill substantially modifies, to correspond to the state's joinder of the DLA, the procedure for DOT's administrative suspensions and revocations of motor vehicle operating privileges. Under the bill, DOT may generally suspend or revoke the operating privilege only of persons who hold an operator's license issued by DOT or are residents of this state and do not hold an operator's license issued by another jurisdiction (Wisconsin licensees or residents). A nonresident who commits a violation in this state is generally subject to the penalty provided for the violation except that, in lieu of suspension or revocation of the nonresident's operating privilege in this state, notice is provided to the person's state of licensure or residency. However, 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. The bill also allows certain offenses committed in other jurisdictions that, if committed in this state, would have been violations in this state to be grounds for suspension or revocation by DOT and to be counted as prior violations for purposes of court-ordered suspensions or revocations.

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

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

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

record (the sub-driver record) for nonresidents convicted of certain violations in this state that includes the record of conviction, certain suspensions or revocations of operating privileges, and notices of OWI-related refusals, test results, and out-of-service orders.

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

Various provisions of current law control the issuance of an operator's license, or the reinstatement of an operating privilege, after suspension or revocation. This bill eliminates, as a condition of issuing an operator's license to a person moving to this state whose operating privilege was previously suspended or revoked in another state, the following requirements: that the person's operating privilege has been reinstated by another state if the person is eligible for reinstatement in the other state; that the period of suspension or revocation that would be required under the laws of this state had the offense been committed in this state has expired; and that the person submit proof of financial responsibility to DOT. This bill also eliminates the requirement that a nonresident whose operating privilege is revoked in this state obtain a valid operator's license issued by his or her resident state as a condition of reinstatement by DOT of the nonresident's operating privilege. This bill eliminates further any requirement that nonresidents provide proof of financial responsibility with respect to reinstatement of an operating privilege or registration suspended in this state as a result of failure to demonstrate financial responsibility after a motor vehicle accident or judgement arising from an accident.

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.

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

Under this bill, a court that suspends or revokes a person's operating privilege may take possession of a person's operator's license but is not required to do so. If a court does take possession of a person's operator's license, the court must destroy the license. Upon reinstatement of the person's operating privilege, instead of returning the license, DOT must issue a new license. Also, a law enforcement officer who arrests a person for OWI may not take possession of a person's operator's license. The bill also allows a person who is otherwise eligible to obtain an occupational license to do so without surrendering his or her revoked operator's license.

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

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

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.33 (13) (e) of the statutes is amended to read:

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

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

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

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

19 118.163 **(2m)** (a) A county, city, village or town may enact an ordinance
20 permitting a court to suspend the operating privilege of a person who is at least 16
21 years of age but less than 18 years of age and is a dropout. The ordinance shall
22 provide that the court may suspend the person's operating privilege until the person
23 reaches the age of 18. The court shall ~~immediately~~ may take possession of any
24 suspended license and forward it. If the court takes possession of a license, it shall

1 destroy the license. The court shall forward to the department of transportation
2 ~~together with~~ a notice stating the reason for and the duration of the suspension.

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

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

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

13 125.085 (3) (bp) When a court suspends a person's operating privilege under
14 par. (bd), the department of transportation may not disclose information concerning
15 or relating to the suspension to any person other than a court, district attorney,
16 county corporation counsel, city, village or town attorney, law enforcement agency,
17 driver licensing agency of another jurisdiction, or the person whose operating
18 privilege is suspended. A person entitled to receive information under this
19 paragraph may not disclose the information to any other person or agency.

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

21 342.12 (4) (a) The district attorney shall notify the department when he or she
22 files a criminal complaint against a person who has been arrested for violating s.
23 346.63 (1) or (2), 940.09 (1) or 940.25 and who has 2 or more prior convictions,
24 suspensions or revocations, as counted under s. 343.307 (1). Except as provided
25 under par. (c), if the department has previously issued a valid certificate of title for

1 the motor vehicle owned by the person and involved in the violation, the department
2 may not issue a certificate of title transferring ownership of ~~the motor~~ this vehicle
3 ~~owned by the person and involved in the violation~~ upon receipt of a notice under this
4 subsection until the court assigned to hear the criminal complaint issues an order
5 permitting the department to issue a certificate of title.

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

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

16 343.01 (2) (bc) "Home jurisdiction" means another jurisdiction that has most
17 recently issued an operator's license to a person or, if the person has not been issued
18 an operator's license by another jurisdiction, another jurisdiction where the person
19 resides.

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

21 343.01 (2) (bm) "Member jurisdiction" means another jurisdiction that has
22 entered into the driver license agreement, as described in s. 343.02 (3) (a).

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

24 343.02 (3) (a) To promote the efficient administration and enforcement of the
25 provisions of this chapter, this state, through the department, shall join the

1 agreement facilitated by the American Association of Motor Vehicle Administrators
2 that, as of the effective date of this paragraph [revisor inserts date], is known as
3 the "Driver License Agreement" that establishes standards among participating
4 jurisdictions for the treatment and exchange of driver licensing and conviction
5 information and other data pertinent to the licensing process.

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

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

19 **SECTION 10.** 343.027 of the statutes, as affected by 2005 Wisconsin Acts 25 and
20 59, is repealed and recreated to read:

21 **343.027 Confidentiality of signatures.** Any signature collected under this
22 chapter may be maintained by the department and shall be kept confidential, except
23 that the department shall release a signature or a facsimile of a signature to the
24 department of revenue for the purposes of administering state taxes and collecting
25 debt, to the person to whom the signature relates, to a court, district attorney, county

1 corporation counsel, city, village, or town attorney, law enforcement agency, or to the
2 driver licensing agency of another jurisdiction.

3 **SECTION 11.** 343.03 (5) (a) of the statutes is amended to read:

4 343.03 (5) (a) Before issuing or renewing any license under this chapter, the
5 department shall obtain driver record information from the national driver registry
6 and commercial driver license information system to determine whether the
7 applicant holds a commercial driver license, or a license that is revoked, suspended
8 or canceled, or is otherwise disqualified. If the applicant is currently licensed in
9 another state jurisdiction, the department shall obtain information on the
10 applicant's license status with the state jurisdiction of licensure before issuing a
11 license, including requesting transfer to the department of the applicant's driver
12 record information from the other jurisdiction if that jurisdiction is a member
13 jurisdiction.

14 **SECTION 12.** 343.05 (1) (a) of the statutes is amended to read:

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

23 **SECTION 13.** 343.05 (5) (b) 1. of the statutes is amended to read:

24 343.05 (5) (b) 1. Except as provided in subd. 2. and sub. (6), any person who
25 violates sub. (3) (a) may be required to forfeit not more than \$200 for the first offense,

1 may be fined not more than \$300 and imprisoned for not more than 30 days for the
2 2nd offense occurring within 3 years, and may be fined not more than \$500 and
3 imprisoned for not more than 6 months for the 3rd or subsequent offense occurring
4 within 3 years. A violation of a local ordinance in conformity with this section ~~or a~~
5 ~~violation of~~, a law of a federally recognized American Indian tribe or band in this
6 state in conformity with this section, or the law of another jurisdiction for an offense
7 therein which, if committed in this state, would have been a violation under this
8 section, shall count as a previous offense.

9 **SECTION 14.** 343.06 (1) (bm) of the statutes is created to read:

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

17 **SECTION 15.** 343.06 (2) of the statutes is amended to read:

18 343.06 (2) The department shall not issue a commercial driver license,
19 including a renewal or reinstated license, to any person during any period of
20 disqualification under s. 343.315 or 49 CFR 383.51 or the law of another jurisdiction
21 in substantial conformity therewith, as the result of one or more disqualifying
22 offenses committed on or after July 1, 1987, or to any person whose operating
23 privilege is revoked, suspended, or canceled. Any With respect to any person who is
24 known to the department to be subject to disqualification as described in s. 343.44

1 (1) (d), the department shall be disqualified by the department as provided order the
2 person disqualified or provide notice as specified in s. 343.315.

3 **SECTION 16.** 343.085 (4) of the statutes is amended to read:

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

12 **SECTION 17.** 343.10 (2) (a) 3. of the statutes is repealed.

13 **SECTION 18.** 343.14 (2j) of the statutes, as affected by 2005 Wisconsin Acts 25
14 and 59 and 2007 Wisconsin Act (this act), is repealed and recreated to read:

15 343.14 (2j) Except as provided in sub. (2g) (b) and as otherwise required to
16 administer and enforce this chapter, the department of transportation may not
17 disclose a social security number obtained from an applicant for a license under sub.
18 (2) (bm) to any person except to the department of children and families for the sole
19 purpose of administering s. 49.22, to the department of revenue for the purposes of
20 administering state taxes and collecting debt, or to the driver licensing agency of
21 another jurisdiction.

****NOTE: This is reconciled s. 343.14 (2j). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0003, LRB-0011, and LRB-1261.

22 **SECTION 19.** 343.16 (5) (a) of the statutes is amended to read:

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

25 **SECTION 20.** 343.20 (1) (e) 1. of the statutes is amended to read:

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

4 **SECTION 21.** 343.23 (2) (a) (intro.) of the statutes, as affected by 2007 Wisconsin
5 Act (this act), is amended to read:

6 343.23 (2) (a) (intro.) The department shall maintain a file for each licensee ~~or~~
7 ~~other person~~ identified in par. (am) 1. c. containing the information specified in par.
8 (am) 1. c. and for each person who is a licensee under this chapter or is a resident to
9 whom another jurisdiction has not issued an operator's license containing the
10 application for license, permit or endorsement, a record of reports or abstract of
11 convictions, any notice received from another jurisdiction of the revocation,
12 suspension, or cancellation of the person's operating privilege in that other
13 jurisdiction, any demerit points assessed under authority of s. 343.32 (2), the
14 information in all data fields printed on any license issued to the person, any notice
15 received from the federal transportation security administration concerning the
16 person's eligibility for an "H" endorsement specified in s. 343.17 (3) (d) 1m., the status
17 of the person's authorization to operate different vehicle groups, a record of any
18 out-of-service orders issued under s. 343.305 (7) (b) or (9) (am), a record of the date
19 on which any background investigation specified in s. 343.12 (6) (a) or (d) was
20 completed, a record of the date on which any verification specified in s. 343.165 (1)
21 and (3) was completed, all documents required to be maintained under s. 343.165 (2)
22 (a), and a record of any reportable accident in which the person has been involved,
23 including specification of any type of license and endorsements issued under this
24 chapter under which the person was operating at the time of the accident and an
25 indication whether or not the accident occurred in the course of any of the following:

****NOTE: This is reconciled s. 343.23 (2) (a) (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-0003 and LRB-0011.

1 **SECTION 22.** 343.23 (2) (b) of the statutes, as affected by 2007 Wisconsin Act ...
2 (this act), is amended to read:

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

1 to s. 343.23 (3m), 5 years after a licensee transfers residency to another state such
2 record may be transferred to another state of licensure of the licensee if that state
3 accepts responsibility for maintaining a permanent record of convictions for
4 disqualifying offenses. Such reports and records may be cumulative beyond the
5 period for which a license is granted, but the secretary, in exercising the power of
6 suspension granted under s. 343.32 (2) may consider only those reports and records
7 entered during the 4-year period immediately preceding the exercise of such power
8 of suspension. The department shall maintain the digital images of documents
9 specified in s. 343.165 (2) (a) for at least 10 years.

***NOTE: This is reconciled s. 343.23 (2) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0003 and LRB-0011.

10 **SECTION 23.** 343.23 (2m) of the statutes is created to read:

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

15 1. A record of reports or abstract of convictions resulting from any offense
16 specified in s. 343.305 (10) (em) or 343.307.

17 2. A record of any suspension or revocation by the department of the person's
18 operating privilege under par. (b) or as provided under s. 344.08 (1m), 344.14 (1r),
19 or 344.25 (7).

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

1 (b) The department may use the file under par. (a), and the file specified in sub.
2 (2) (a) if updated as provided in sub. (3m) (b), to suspend or revoke the operating
3 privilege of, or to disqualify, a nonresident if any of the following apply:

4 1. The person is licensed by or resides in another jurisdiction that is not a
5 member jurisdiction.

6 2. The offense for which the suspension, revocation, or disqualification occurs
7 was committed in this state and is not an offense identified in the rules under s.
8 343.02 (3) (b).

9 (c) Nothing in this subsection requires the department to maintain a record of
10 any conviction other than a conviction for an offense specified in s. 343.305 (10) (em)
11 or 343.307 if, at the time of the conviction, the person was licensed in or resided in
12 another jurisdiction.

13 **SECTION 24.** 343.23 (3m) of the statutes is created to read:

14 343.23 (3m) (a) Subject to s. 343.03 (7), upon receiving notice that a person for
15 whom the department maintains a file under sub. (2) (a) has applied for or been
16 issued an operator's license in another jurisdiction or has transferred residency to
17 another jurisdiction, the department shall transfer to the other jurisdiction all file
18 information specified in sub. (2) (a) and (am) within 30 days of receiving such notice
19 if the other jurisdiction is a member jurisdiction or if the other jurisdiction accepts
20 responsibility for maintaining the person's operator's record. Subject to par. (b),
21 upon such transfer, the department shall not update the file described in sub. (2) (a)
22 with any information described in sub. (2) (a) and (am) except as provided under sub.
23 (2) (am) 1. c. and except as required under federal law.

24 (b) If the department transfers the operator's record file information to another
25 jurisdiction as provided in par. (a), and that other jurisdiction is not a member

1 jurisdiction, the department may continue to update the file specified in sub. (2) (a)
2 with respect to any conviction or other information described in sub. (2) (a) and (am)
3 related to an offense committed in this state that is not recorded by the other
4 jurisdiction on the person's operator's record.

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

15 **SECTION 25.** 343.23 (4) (b) of the statutes is amended to read:

16 343.23 (4) (b) Any record of issuance of an out-of-service order under s. 343.305
17 (7) (b) or (9) (am) upon receipt of a report from the court hearing the action arising
18 out of the same incident or occurrence that the action has been dismissed or the
19 person has been found innocent of the charge of violating s. 346.63 (7) arising out of
20 that incident or occurrence. ~~In the case of a nonresident, the department shall also~~
21 ~~inform the state of licensure of the dismissal or finding of innocence.~~

22 **SECTION 26.** 343.235 (3) (a) of the statutes is amended to read:

23 343.235 (3) (a) A law enforcement agency, a state authority, a district attorney,
24 a driver licensing agency of another jurisdiction, or a federal governmental agency,
25 to perform a legally authorized function.

1 **SECTION 27.** 343.237 (2) of the statutes is amended to read:

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

8 **SECTION 28.** 343.237 (3) (intro.) of the statutes is amended to read:

9 343.237 (3) (intro.) The department shall provide a Wisconsin law enforcement
10 agency or a federal law enforcement agency with a print or electronic copy of a
11 photograph taken on or after September 1, 1997, of an applicant under s. 343.14 (3)
12 or 343.50 (4), or a printed or electronic copy of a fingerprint taken of an applicant
13 under s. 343.12 (6) (b), if the department receives a written request on the law
14 enforcement agency's letterhead that contains all of the following:

15 **SECTION 29.** 343.24 (3) of the statutes is amended to read:

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

21 **SECTION 30.** 343.24 (4) (c) 1. of the statutes is amended to read:

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

25 **SECTION 31.** 343.28 (2) of the statutes is amended to read:

1 343.28 (2) Whenever a person is convicted of any offense for which s. 343.31
2 makes mandatory the revocation by the secretary of such person's operating
3 privilege, the court in which the conviction occurred shall may require the surrender
4 to it of any license then held by such person. If the court requires surrender of a
5 license, the court shall destroy the license. The clerk of the court, or the justice, judge
6 or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the
7 department the record of conviction ~~and any surrendered licenses.~~ ~~The record of~~
8 ~~conviction forwarded to the department, which~~ shall state whether the offender was
9 involved in an accident at the time of the offense, whether the offender was operating
10 a commercial motor vehicle at the time of the offense and, if so, whether the offender
11 was transporting hazardous materials requiring placarding or any quantity of a
12 material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle
13 designed to carry, or actually carrying, 16 or more passengers, including the driver.

14 **SECTION 32.** 343.30 (1g) (b) of the statutes is amended to read:

15 343.30 (1g) (b) A court shall may revoke a person's operating privilege upon the
16 person's conviction for violating s. 343.44 (1) (a), (b) or (d) or a local ordinance in
17 conformity therewith if the person has been convicted of 3 or more prior violations
18 of s. 343.44 (1) (a), (b) or (d), or of similar violations under s. 343.44 (1), 1997 stats.,
19 or a local ordinance in conformity therewith, with s. 343.44 (1) (a), (b), or (d), or the
20 law of another jurisdiction prohibiting operating a motor vehicle with a suspended
21 or revoked license or while disqualified or ordered out of service, as those terms or
22 substantially similar terms are used in that other jurisdiction's laws, within the
23 5-year period preceding the violation. The revocation shall be for a period of 6
24 months, unless the court orders a period of revocation of less than 6 months and
25 places its reasons for ordering the lesser period of revocation on the record.

1 **SECTION 33.** 343.30 (1q) (b) 4. of the statutes is amended to read:

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

12 **SECTION 34.** 343.30 (1q) (c) 1. (intro.), a. and c. of the statutes are consolidated,
13 renumbered 343.30 (1q) (c) 1. and amended to read:

14 343.30 (1q) (c) 1. Except as provided in ~~subd. 1. a. or b.~~ this subdivision, and
15 except for a first violation of s. 346.63 (1) (b), if the person who committed the
16 violation is a licensee under this chapter or is a resident to whom another jurisdiction
17 has not issued an operator's license and had a blood alcohol concentration of 0.08 or
18 more but less than 0.1 at the time of the violation, the court shall order the person
19 to submit to and comply with an assessment by an approved public treatment facility
20 as defined in s. 51.45 (2) (c) for examination of the person's use of alcohol, controlled
21 substances or controlled substance analogs and development of a driver safety plan
22 for the person. The court shall notify the department of transportation of the
23 assessment order. The court shall notify the person that noncompliance with
24 assessment or the driver safety plan will result in revocation of the person's
25 operating privilege until the person is in compliance. The assessment order shall:

1 a. If the person is a resident, refer the person to an approved public treatment facility
2 in the county in which the person resides. The facility named in the order may
3 provide for assessment of the person in another approved public treatment facility.
4 The order shall provide that if the person is temporarily residing in another state,
5 the facility named in the order may refer the person to an appropriate treatment
6 facility in that state for assessment and development of a driver safety plan for the
7 person satisfying the requirements of that state. ~~e. Require~~ The assessment order
8 shall require a person who is referred to a treatment facility in another state under
9 subd. 1. a. or b. this subdivision to furnish the department written verification of his
10 or her compliance from the agency which administers the assessment and driver
11 safety plan program. The person shall provide initial verification of compliance
12 within 60 days after the date of his or her conviction. The requirement to furnish
13 verification of compliance may be satisfied by receipt by the department of such
14 verification from the agency which administers the assessment and driver safety
15 plan program.

16 **SECTION 35.** 343.30 (1q) (c) 1. b. of the statutes is repealed.

17 **SECTION 36.** 343.30 (2j) (a) of the statutes is renumbered 343.30 (2j) and
18 amended to read:

19 343.30 (2j) A court may revoke a person's operating privilege upon the person's
20 first conviction for violating s. 346.44 or 346.62 (2m) and shall revoke a person's
21 operating privilege upon the person's ~~2nd or subsequent conviction for violating s.~~
22 346.44 or 346.62 (2m) if within a 5-year period, the person was previously convicted
23 for violating s. 346.44 or 346.62 (2m) or the law of another jurisdiction for an offense
24 therein which, if committed in this state, would have been cause for revocation under
25 this subsection. The revocation shall be for a period of 6 months. For purposes of

1 determining prior convictions for purposes of this ~~paragraph~~ subsection, the 5-year
2 period shall be measured from the dates of the violations that resulted in the
3 convictions. Each conviction under s. 346.44 or 346.62 (2m) or the applicable law of
4 another jurisdiction shall be counted, except that convictions under s. 346.44 and
5 346.62 (2m) or the applicable law of another jurisdiction arising out of the same
6 incident or occurrence shall be counted as a single conviction.

7 **SECTION 37.** 343.30 (4) of the statutes is amended to read:

8 343.30 (4) Whenever a court ~~or judge~~ suspends or revokes an operating
9 privilege under this section, the court ~~or judge~~ shall immediately may take
10 possession of any suspended or revoked license and, if the court takes possession of
11 a license, it shall destroy the license. The court shall forward it, as provided in s.
12 345.48, to the department ~~together with~~ the record of conviction and notice of
13 suspension or revocation. Whenever a court ~~or judge~~ restricts the operating privilege
14 of a person, the court ~~or judge~~ shall forward notice of the restriction to the
15 department.

16 **SECTION 38.** 343.30 (5) of the statutes is amended to read:

17 343.30 (5) No court may suspend or revoke an operating privilege except as
18 authorized by this chapter or ch. 345, 351, or 938 or s. 767.73, 800.09 (1) (c), 800.095
19 (4) (b) 4., 943.21 (3m), or 961.50. When a court revokes, suspends, or restricts a
20 juvenile's operating privilege under ch. 938, the department of transportation shall
21 not disclose information concerning or relating to the revocation, suspension, or
22 restriction to any person other than a court, district attorney, county corporation
23 counsel, city, village, or town attorney, law enforcement agency, driver licensing
24 agency of another jurisdiction, or the minor whose operating privilege is revoked,

1 suspended, or restricted, or his or her parent or guardian. Persons entitled to receive
2 this information shall not disclose the information to other persons or agencies.

3 **SECTION 39.** 343.301 (1) (e) of the statutes is created to read:

4 343.301 (1) (e) The court shall notify the department, in a form and manner
5 prescribed by the department, that an order requiring a motor vehicle to be equipped
6 with an ignition interlock device has been entered. If the motor vehicle is registered
7 in this state under ch. 341 and the department has issued a valid certificate of title
8 for the vehicle under ch. 342, the registration records of the department shall reflect
9 that the order has been entered against the motor vehicle and remains unexecuted.
10 Any law enforcement officer may execute that order based on the information
11 provided by the department. The law enforcement agency shall notify the
12 department when an order has been executed under this paragraph and the
13 department shall amend its vehicle registration records to reflect that notification
14 if the motor vehicle is registered in this state under ch. 341 and the department has
15 issued a valid certificate of title for the vehicle under ch. 342.

16 **SECTION 40.** 343.301 (2) (d) of the statutes is amended to read:

17 343.301 (2) (d) The court shall notify the department, in a form and manner
18 prescribed by the department, that an order to immobilize a motor vehicle has been
19 entered. The If the motor vehicle is registered in this state under ch. 341 and the
20 department has issued a valid certificate of title for the vehicle under ch. 342, the
21 registration records of the department shall reflect that the order has been entered
22 against the motor vehicle and remains unexecuted. Any law enforcement officer may
23 execute that order based on the information provided by the department. The law
24 enforcement agency shall notify the department when an order has been executed
25 under this paragraph and the department shall amend its vehicle registration

1 records to reflect that notification if the motor vehicle is registered in this state under
2 ch. 341 and the department has issued a valid certificate of title for the vehicle under
3 ch. 342.

4 **SECTION 41.** 343.305 (7) (a) of the statutes is amended to read:

5 343.305 (7) (a) If a person submits to chemical testing administered in
6 accordance with this section and any test results indicate the presence of a detectable
7 amount of a restricted controlled substance in the person's blood or a prohibited
8 alcohol concentration, the law enforcement officer shall report the results to the
9 department ~~and take possession of the person's license and forward it to the~~
10 ~~department.~~ The person's operating privilege is administratively suspended for 6
11 months.

12 **SECTION 42.** 343.305 (7) (b) of the statutes is amended to read:

13 343.305 (7) (b) If a person who was driving or operating or on duty time with
14 respect to a commercial motor vehicle submits to chemical testing administered in
15 accordance with this section and any test results indicate an alcohol concentration
16 above 0.0, the law enforcement officer ~~may take possession of the person's license and~~
17 ~~retain the license for 24 hours.~~ The person may reclaim a seized license in person
18 ~~or request return of the license by mail.~~ The law enforcement officer shall issue a
19 citation for violation of s. 346.63 (7) (a) 1., issue citations for such other violations as
20 may apply and issue an out-of-service order to the person for the 24 hours after the
21 testing, and report both the out-of-service order and the test results to the
22 department in the manner prescribed by the department. ~~If the person is a~~
23 ~~nonresident, the department shall report issuance of the out-of-service order to the~~
24 ~~driver licensing agency in the person's home jurisdiction.~~

25 **SECTION 43.** 343.305 (9) (a) (intro.) of the statutes is amended to read:

1 343.305 (9) (a) (intro.) If a person refuses to take a test under sub. (3) (a), the
2 law enforcement officer shall immediately take possession of the person's license and
3 prepare a notice of intent to revoke, by court order under sub. (10), the person's
4 operating privilege. If the person was driving or operating a commercial motor
5 vehicle, the officer shall issue an out-of-service order to the person for the 24 hours
6 after the refusal and notify the department in the manner prescribed by the
7 department. The officer shall issue a copy of the notice of intent to revoke the
8 privilege to the person and submit or mail a copy with the person's license to the
9 circuit court for the county in which the arrest under sub. (3) (a) was made or to the
10 municipal court in the municipality in which the arrest was made if the arrest was
11 for a violation of a municipal ordinance under sub. (3) (a) and the municipality has
12 a municipal court. The officer shall also mail a copy of the notice of intent to revoke
13 to the attorney for that municipality or to the district attorney for that county, as
14 appropriate, and to the department. Neither party is entitled to pretrial discovery
15 in any refusal hearing, except that, if the defendant moves within 30 days after the
16 initial appearance in person or by an attorney and shows cause therefor, the court
17 may order that the defendant be allowed to inspect documents, including lists of
18 names and addresses of witnesses, if available, and to test under s. 804.09, under
19 such conditions as the court prescribes, any devices used by the plaintiff to determine
20 whether a violation has been committed. The notice of intent to revoke the person's
21 operating privilege shall contain substantially all of the following information:

22 **SECTION 44.** 343.305 (9) (am) (intro.) of the statutes is amended to read:

23 343.305 (9) (am) (intro.) If a person driving or operating or on duty time with
24 respect to a commercial motor vehicle refuses a test under sub. (3) (am), the law
25 enforcement officer shall immediately take possession of the person's license, issue

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

19 **SECTION 45.** 343.305 (10) (b) 3. of the statutes is amended to read:

20 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions
21 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
22 convictions, suspensions, and revocations counted under s. 343.307 (2) within a
23 10-year period, equals 2, the court shall revoke the person's operating privilege for
24 2 years. After the first 90 days of the revocation period or, if the total number of
25 convictions, suspensions, and revocations counted under this subdivision within any

1 5-year period equals 2 or more, after one year of the revocation period has elapsed,
2 the person is eligible for an occupational license under s. 343.10 if he or she has
3 completed the assessment, if applicable, and is complying with the driver safety
4 plan, if applicable.

5 **SECTION 46.** 343.305 (10) (b) 4. of the statutes is amended to read:

6 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions
7 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
8 convictions, suspensions, and revocations counted under s. 343.307 (2), equals 3 or
9 more, the court shall revoke the person's operating privilege for 3 years. After the
10 first 120 days of the revocation period or, if the total number of convictions,
11 suspensions, and revocations counted under this subdivision within any 5-year
12 period equals 2 or more, after one year of the revocation period has elapsed, the
13 person is eligible for an occupational license under s. 343.10 if he or she has
14 completed the assessment, if applicable, and is complying with the driver safety
15 plan, if applicable.

16 **SECTION 47.** 343.305 (10) (c) 1. (intro.), a. and c. of the statutes are consolidated,
17 renumbered 343.305 (10) (c) 1. and amended to read:

18 343.305 (10) (c) 1. Except as provided in subd. 1. a. or b. this subdivision, if the
19 person is a licensee under this chapter or is a resident to whom another jurisdiction
20 has not issued an operator's license, the court shall order the person to submit to and
21 comply with an assessment by an approved public treatment facility as defined in s.
22 51.45 (2) (c) for examination of the person's use of alcohol, controlled substances or
23 controlled substance analogs and development of a driver safety plan for the person.
24 The court shall notify the person and the department of transportation of the
25 assessment order. The court shall also notify the person that noncompliance with

1 assessment or the driver safety plan will result in license suspension until the person
2 is in compliance. The assessment order shall: ~~a. If the person is a resident, refer the~~
3 ~~person to an approved public treatment facility in the county in which the person~~
4 ~~resides. The facility named in the order may provide for assessment of the person~~
5 ~~in another approved public treatment facility. The order shall provide that if the~~
6 ~~person is temporarily residing in another state, the facility named in the order may~~
7 ~~refer the person to an appropriate treatment facility in that state for assessment and~~
8 ~~development of a driver safety plan for the person satisfying the requirements of that~~
9 ~~state. e. Require~~ The assessment order shall require a person who is referred to a
10 treatment facility in another state under ~~subd. 1. a. or b.~~ this subdivision to furnish
11 the department written verification of his or her compliance from the agency which
12 administers the assessment and driver safety plan program. The person shall
13 provide initial verification of compliance within 60 days after the date of his or her
14 conviction. The requirement to furnish verification of compliance may be satisfied
15 by receipt by the department of such verification from the agency which administers
16 the assessment and driver safety plan program.

17 **SECTION 48.** 343.305 (10) (c) 1. b. of the statutes is repealed.

18 **SECTION 49.** 343.305 (11) of the statutes is amended to read:

19 343.305 (11) RULES. The department shall promulgate rules under ch. 227
20 necessary to administer this section. The rules shall include provisions relating to
21 the expeditious exchange of information under this section between the department
22 and law enforcement agencies, circuit courts, municipal courts, attorneys who
23 represent municipalities, ~~and district attorneys,~~ and driver licensing agencies of
24 other jurisdictions. The rules may not affect any provisions relating to court
25 procedure.

1 **SECTION 50.** 343.31 (1) (intro.) of the statutes is amended to read:

2 343.31 (1) (intro.) The department shall revoke ~~a person's~~ the operating
3 privilege of a person who is a licensee under this chapter or is a resident to whom
4 another jurisdiction has not issued an operator's license upon receiving a record of
5 conviction showing that the person has been convicted of any of the following offenses
6 under a state law or under a local ordinance which is in conformity therewith or
7 under a law of a federally recognized American Indian tribe or band in this state
8 which is in conformity with state law:

9 **SECTION 51.** 343.31 (1) (hm) of the statutes is repealed.

10 **SECTION 52.** 343.31 (2) of the statutes is amended to read:

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

1 ~~nonresident to operate a motor vehicle in this state. Such revocation shall not apply~~
2 ~~to the operation of a commercial motor vehicle by a nonresident who holds a valid~~
3 ~~commercial driver license issued by another state. This subsection does not apply~~
4 ~~if the other jurisdiction in which the offense was committed suspended or revoked~~
5 ~~the person's operating privilege in that other jurisdiction as a result of the conviction~~
6 ~~and the period of suspension or revocation in that other jurisdiction has expired or~~
7 ~~if, at the time of the conviction, the person was licensed in or resided in another~~
8 ~~jurisdiction.~~

9 **SECTION 53.** 343.31 (2m) of the statutes is repealed.

10 **SECTION 54.** 343.31 (2r) of the statutes is amended to read:

11 343.31 (2r) The department shall suspend ~~a person's~~ the operating privilege
12 ~~of a person who is a licensee under this chapter or is a resident to whom another~~
13 ~~jurisdiction has not issued an operator's license~~ upon receiving a record of conviction
14 showing that the person has been convicted of perjury or the making of a false
15 affidavit or the making of a false statement or certification to the department under
16 this chapter or any other law relating to the ownership or operation of motor vehicles.

17 **SECTION 55.** 343.31 (2z) of the statutes is created to read:

18 343.31 (2z) (a) The department shall revoke, in the manner provided in sub.
19 (1), the operating privilege of a nonresident upon receiving a record of the person's
20 conviction of committing in this state any offense specified in sub. (1) if the person
21 is licensed by or resides in another jurisdiction that is not a member jurisdiction or
22 if the offense specified in sub. (1) is not an offense identified in the rules under s.
23 343.02 (3) (b).

24 (b) The department shall suspend, in the manner provided in sub. (2r), the
25 operating privilege of a nonresident upon receiving a record of the person's conviction

1 of committing in this state an offense specified in sub. (2r) if the person is licensed
2 by or resides in another jurisdiction that is not a member jurisdiction or if the offense
3 specified in sub. (2r) is not an offense identified in the rules under s. 343.02 (3) (b).

4 **SECTION 56.** 343.31 (3) (a) of the statutes is amended to read:

5 343.31 (3) (a) Except as otherwise provided in this subsection or sub. (2m), (2s),
6 or (2x), all revocations or suspensions under this section shall be for a period of one
7 year.

8 **SECTION 57.** 343.31 (3) (b) of the statutes is repealed.

9 **SECTION 58.** 343.31 (3) (bg) of the statutes is created to read:

10 343.31 (3) (bg) The period of suspension or revocation under sub. (2) shall be
11 the same as if the person were convicted of the offense in this state.

12 **SECTION 59.** 343.31 (3) (bm) (intro.) of the statutes is amended to read:

13 343.31 (3) (bm) (intro.) For any person who is a licensee under this chapter or
14 is a resident to whom another jurisdiction has not issued an operator's license and
15 who is convicted under a law of a federally recognized American Indian tribe or band
16 in this state in conformity with s. 346.63 (1):

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

18 343.31 (3) (c) Any person who is a licensee under this chapter or is a resident
19 to whom another jurisdiction has not issued an operator's license, or who is subject
20 to revocation of the person's operating privilege under sub. (2z) (a), and who is
21 convicted under s. 940.09 of causing the death of another or of an unborn child by the
22 operation or handling of a motor vehicle shall have his or her operating privilege
23 revoked for 5 years. If there was a minor passenger under 16 years of age or an
24 unborn child, as defined in s. 939.75 (1), in the motor vehicle at the time of the

1 violation that gave rise to the conviction under s. 940.09, the revocation period is 10
2 years.

3 **SECTION 61.** 343.31 (3) (d) (intro.) of the statutes is amended to read:

4 343.31 (3) (d) (intro.) Any person who is a licensee under this chapter or is a
5 resident to whom another jurisdiction has not issued an operator's license, or who
6 is subject to revocation of the person's operating privilege under sub. (2z) (a), and who
7 is convicted of knowingly fleeing or attempting to elude a traffic officer under s.
8 346.04 (3) shall have his or her operating privilege revoked as follows:

9 **SECTION 62.** 343.31 (3) (e) of the statutes is amended to read:

10 343.31 (3) (e) Any person who is a licensee under this chapter or is a resident
11 to whom another jurisdiction has not issued an operator's license, or who is subject
12 to revocation of the person's operating privilege under sub. (2z) (a), and who is
13 convicted under s. 346.63 (2) shall have his or her operating privilege revoked for not
14 less than one year nor more than 2 years. If there was a minor passenger under 16
15 years of age in the motor vehicle at the time of the violation that gave rise to the
16 conviction under s. 346.63 (2), the minimum and maximum revocation periods are
17 doubled.

18 **SECTION 63.** 343.31 (3) (f) of the statutes is amended to read:

19 343.31 (3) (f) Any person who is a licensee under this chapter or is a resident
20 to whom another jurisdiction has not issued an operator's license, or who is subject
21 to revocation of the person's operating privilege under sub. (2z) (a), and who is
22 convicted under s. 940.25 shall have his or her operating privilege revoked for 2
23 years. If there was a minor passenger under 16 years of age or an unborn child, as
24 defined in s. 939.75 (1), in the motor vehicle at the time of the violation that gave rise
25 to the conviction under s. 940.25, the revocation period is 4 years.

1 **SECTION 64.** 343.31 (3) (i) of the statutes is amended to read:

2 343.31 (3) (i) If a person who is a licensee under this chapter or is a resident
3 to whom another jurisdiction has not issued an operator's license, or who is subject
4 to revocation of the person's operating privilege under sub. (2z) (a), and who is
5 convicted for a violation of s. 346.67 (1) where the accident involved great bodily
6 harm, the period of revocation is 2 years.

7 **SECTION 65.** 343.31 (3) (j) of the statutes is amended to read:

8 343.31 (3) (j) If a person who is a licensee under this chapter or is a resident
9 to whom another jurisdiction has not issued an operator's license, or who is subject
10 to revocation of the person's operating privilege under sub. (2z) (a), and who is
11 convicted for a violation of s. 346.67 (1) where the accident involved death, the period
12 of revocation is 5 years.

13 **SECTION 66.** 343.315 (2) (f) 7. of the statutes is amended to read:

14 343.315 (2) (f) 7. Operating a commercial motor vehicle when the person does
15 not have in his or her immediate possession the person's commercial driver license
16 document, including any special restrictions cards that, if the commercial driver
17 license is issued under this chapter, are issued under s. 343.10 (7) (d) or 343.17 (4),
18 unless the person produces in court or in the office of the law enforcement officer that
19 issued the citation, by the date that the person must appear in court or pay any fine
20 or forfeiture with respect to the citation, a commercial driver license document
21 issued to the person prior to the date of the citation and valid at the time of the
22 citation.

23 **SECTION 67.** 343.315 (2) (fm) of the statutes is amended to read:

24 343.315 (2) (fm) A person is disqualified for a period of 60 days from operating
25 a commercial motor vehicle if convicted of violating s. 343.14 (5) or 345.17 or the law

1 of another jurisdiction for an offense therein which, if committed in this state, would
2 have been a violation of s. 343.14 (5) or 345.17, if the violation relates to an
3 application for a commercial driver license.

4 **SECTION 68.** 343.315 (2) (h) of the statutes is amended to read:

5 343.315 (2) (h) Except as provided in par. (i), a person is disqualified for a period
6 of 90 days from operating a commercial motor vehicle if convicted of an
7 out-of-service violation, or one year if convicted of 2 out-of-service violations, or 3
8 years if convicted of 3 or more out-of-service violations, arising from separate
9 occurrences committed within a 10-year period while driving or operating a
10 commercial motor vehicle. A disqualification under this paragraph shall be in
11 addition to any penalty imposed under s. 343.44. In this paragraph, "out-of-service
12 violation" means violating s. 343.44 (1) (c) or a law of another jurisdiction for an
13 offense therein which, if committed in this state, would have been a violation of s.
14 343.44 (1) (c), by operating a commercial motor vehicle while the operator or vehicle
15 is ordered out-of-service under the law of this state or another jurisdiction or under
16 federal law.

17 **SECTION 69.** 343.315 (2) (j) (intro.) of the statutes is amended to read:

18 343.315 (2) (j) (intro.) A person is disqualified for a period of 60 days from
19 operating a commercial motor vehicle if convicted of a railroad crossing violation, or
20 120 days if convicted of 2 railroad crossing violations or one year if convicted of 3 or
21 more railroad crossing violations, arising from separate occurrences committed
22 within a 3-year period while driving or operating a commercial motor vehicle. In this
23 paragraph, "railroad crossing violation" means a violation of a federal, state, or local
24 law, rule, or regulation, including the law of another jurisdiction, relating to any of
25 the following offenses at a railroad crossing:

1 **SECTION 70.** 343.315 (3) (a) of the statutes is amended to read:

2 343.315 (3) (a) Notwithstanding s. 343.39, and subject to par. (bm), if a person's
3 license or operating privilege is revoked or suspended as the result of an offense
4 committed after March 31, 1992, which results in disqualification under sub. (2), the
5 department shall immediately disqualify the person from operating a commercial
6 motor vehicle for the period required under sub. (2). The person's authorization to
7 operate a commercial motor vehicle shall not be reinstated upon expiration of the
8 period of revocation or suspension unless the period of disqualification has also
9 expired. During any period of disqualification in which the person's license or
10 operating privilege is not revoked or suspended, the department may issue an
11 operator's license to the person for the operation of vehicles other than commercial
12 motor vehicles.

13 **SECTION 71.** 343.315 (3) (b) of the statutes, as affected by 2007 Wisconsin Act
14 (this act), is amended to read:

15 343.315 (3) (b) If a person's license or operating privilege is not otherwise
16 revoked or suspended as the result of an offense committed after March 31, 1992,
17 which results in disqualification under sub. (2) (a) to (f), (h), (i), or (j), the department
18 shall, subject to par. (bm), immediately disqualify the person from operating a
19 commercial motor vehicle for the period required under sub. (2) (a) to (f), (h), (i), or
20 (j). Upon proper application by the person and payment of the fees specified in s.
21 343.21 (1) (L) and (n), the department may issue a separate license authorizing only
22 the operation of vehicles other than commercial motor vehicles. Upon expiration of
23 the period of disqualification, the person may apply for authorization to operate
24 commercial motor vehicles under s. 343.26.

****NOTE: This is reconciled s. 343.315 (3) (b). This SECTION has been affected by drafts with the following LRB numbers: LRB-0011 and LRB-0973.

1 **SECTION 72.** 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 issue an order
8 disqualifying the person and record the disqualification under s. 343.23 (1). The
9 department may take any other applicable administrative action against the
10 licensee or resident on the disqualification.

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

17 **SECTION 73.** 343.315 (3) (d) of the statutes is amended to read:

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

21 **SECTION 74.** 343.32 (1) of the statutes is repealed.

22 **SECTION 75.** 343.32 (1m) (a) of the statutes is repealed.

23 **SECTION 76.** 343.32 (1m) (b) (intro.) of the statutes is amended to read:

1 343.32 (1m) (b) (intro.) The secretary shall suspend a person's the operating
2 privilege of a person who is a licensee under this chapter or is a resident to whom
3 another jurisdiction has not issued an operator's license for not less than 6 months
4 nor more than 5 years whenever notice has been received of the conviction of such
5 person under federal law or the law of a federally recognized American Indian tribe
6 or band in this state or the law of another jurisdiction for any offense therein which,
7 if the person had committed the offense in this state and been convicted of the offense
8 under the laws of this state, would have required suspension of such person's
9 operating privilege under s. 961.50. This paragraph does not apply if the other
10 jurisdiction in which the offense was committed suspended or revoked the person's
11 operating privilege in that other jurisdiction as a result of the conviction and the
12 period of suspension or revocation in that other jurisdiction has expired or if, at the
13 time of the conviction, the person was licensed in or resided in another jurisdiction.

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

15 **SECTION 77.** 343.32 (1s) of the statutes is amended to read:

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

1 jurisdiction in which the offense was committed suspended or revoked the person's
2 operating privilege in that other jurisdiction as a result of the conviction and the
3 period of suspension or revocation in that other jurisdiction has expired or if, at the
4 time of the conviction, the person was licensed in or resided in another jurisdiction.

5 **SECTION 78.** 343.32 (1v) of the statutes is created to read:

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

21 **SECTION 79.** 343.32 (2) (a) of the statutes is amended to read:

22 343.32 (2) (a) The secretary may suspend a person's the operating privilege of
23 a person who is a licensee under this chapter or is a resident to whom another
24 jurisdiction has not issued an operator's license if the person appears by the records
25 of the department to be a habitually reckless or negligent operator of a motor vehicle

1 or to have repeatedly violated any of the state traffic laws, any local ordinance
2 enacted under ch. 349 or any traffic laws enacted by a federally recognized American
3 Indian tribe or band in this state if the tribal traffic laws violated strictly conform
4 to provisions in chs. 341 to 348 or, if the offense occurred on a federal military
5 installation located in this state, any federal law which is in strict conformity with
6 a state traffic law, or any law of another jurisdiction for an offense therein which, if
7 committed in this state, would have been cause for demerit point assessment under
8 this subsection. The secretary may not consider, for purposes of this paragraph, any
9 offense occurring in another jurisdiction if, at the time of any conviction for the
10 offense, the person was licensed in or resided in another jurisdiction. For the purpose
11 of determining when to suspend an operating privilege under this subsection, the
12 secretary may determine and adopt by rule a method of weighing traffic convictions
13 by their seriousness and may, subject to the limitations in this subsection, change
14 such weighted scale as experience or the accident frequency in the state makes
15 necessary or desirable.

16 **SECTION 80.** 343.325 (4) of the statutes is amended to read:

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

25 **SECTION 81.** 343.34 (1) of the statutes is amended to read:

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

5 **SECTION 82.** 343.34 (2) of the statutes is amended to read:

6 343.34 (2) When a person who is a licensee under this chapter or is a resident
7 to whom another jurisdiction has not issued an operator's license has been convicted
8 under s. 343.16 (7) (b).

9 **SECTION 83.** 343.345 of the statutes, as affected by 2007 Wisconsin Act (this
10 act), is amended to read:

11 **343.345 Restriction, limitation or suspension of operating privilege.**

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

 ***NOTE: This is reconciled s. 343.345. This SECTION has been affected by drafts
with the following LRB numbers: LRB-0011 and LRB-1261.

21 **SECTION 84.** 343.36 (title) of the statutes is amended to read:

22 **343.36 (title) Department to distribute suspension, revocation and**
23 **disqualification lists and nonresidents' records of conviction and notices.**