



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transferred: 08/30/2006 (By: ARG)




Appendix A ... Part 01 of 06




The 2005 drafting file for LRB-4848

has been transferred to the drafting file for

2007 LRB-0011

 This cover sheet, the final request sheet, and the final version of the 2005 draft were copied on yellow paper, and returned to the original 2005 drafting file.

 The attached 2005 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2005 DRAFTING REQUEST

"Guts" moved to 2007

LRB-0011

ARG

8/30/06

Bill

Received: 03/22/2006

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Transportation

By/Representing: Erin Egan

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - driver licenses

Extra Copies: BAB

Submit via email: YES

Requester's email: Erin.Egan@dot.state.wi.us

Carbon copy (CC:) to: Kristie.Nielson@dot.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Implementing national Driver License Agreement

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 04/12/2006	wjackson 05/09/2006					S&L Revocation
/P1	agary	/P2 8/24 WJ	rschluet 05/10/2006		sbasford 05/10/2006		S&L Revocation

FE Sent For:

Handwritten signature and "8256" with "<END>" below it.

Gary, Aaron

From: Egan, Erin
Sent: Wednesday, March 15, 2006 8:40 AM
To: Gary, Aaron
Cc: Biermeier, Anna; Baetsen, Karen; Fernan, Patrick
Subject: DLA future contacts

Hi Aaron,

Anna Biermeier has been promoted to a new position here at DMV. Can you send future DLA drafts, questions, and comments to Karen Baetsen and I?

Thanks!

Erin Egan
Legislative Liaison
Division of Motor Vehicles
(608) 266-1449

05-0064

Gary, Aaron

From: Gary, Aaron
Sent: Friday, March 24, 2006 3:14 PM
To: Egan, Erin
Cc: Baetsen, Karen; Biermeier, Anna
Subject: RE: REAL ID update

Erin,
I understand and I will draft it accordingly.
As was discussed repeatedly last draft, I know that DOT does not want to burden the court to ask if someone is a resident or non-resident and that DOT understands that, as a result, a judge in Wisconsin facing a defendant licensed in another state who offends in this state will tell the defendant that his/her operating privilege is suspended/revoked and enter an order suspending/revoking that operating privilege, but that DOT will not actually take steps to effectuate that order and the consequences in this state will actually depend on what the state of licensure does with the notice forwarded from DOT.

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

From: Egan, Erin
Sent: Friday, March 24, 2006 2:48 PM
To: Gary, Aaron; Egan, Erin
Cc: Baetsen, Karen; Biermeier, Anna
Subject: RE: REAL ID update

Hi Aaron,

We do not expect the DLA draft to affect court-ordered suspensions and revocations. Courts should not have to determine if someone is a resident/non-resident. They should continue to send withdrawals to DMV, and we will determine the jurisdiction of record and forward withdrawals accordingly.

Thanks,
Erin

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

From: Gary, Aaron [<mailto:Aaron.Gary@legis.state.wi.us>]
Sent: Wednesday, March 22, 2006 11:33 AM
To: Egan, Erin
Cc: Baetsen, Karen; Biermeier, Anna
Subject: RE: REAL ID update

Erin and Karen,
Can you give me some guidance on the question in the middle paragraph? Thanks. Aaron

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

From: Gary, Aaron
Sent: Thursday, February 23, 2006 9:53 AM

To: Egan, Erin
Cc: Baetsen, Karen; Biermeier, Anna
Subject: RE: REAL ID update

Thanks Erin. I'd like to work on DLA as a separate draft for now. We can merge the two drafts later.

As I recall, when we left off last time on DLA, we were discussing whether the DLA draft should affect court-ordered suspensions and revocations. I believe DOT's position was that the draft should generally not treat these provisions. Accordingly, there might be situations where the court orders suspension or revocation of the operating privilege but DOT does not take consequent action ensuring this occurs - thereby possibly making the court's order a meaningless and ineffective gesture. Because DOA was the requester, I needed DOA sign-off on this approach. Now, DOT is the requester and has final say on the drafting instructions. Does DOT again want the DLA draft to omit treatment of court-ordered suspensions and revocations?

For the most part, I will begin the new DLA draft with a reworked version of the last one. We can proceed from there.

Aaron

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

From: Egan, Erin
Sent: Thursday, February 23, 2006 8:15 AM
To: Gary, Aaron; Egan, Erin
Cc: Baetsen, Karen; Biermeier, Anna
Subject: RE: REAL ID update

Hi Aaron,

We're still working on most of the open issues. The one thing that we have clear direction on is DLA. We will be including DLA with our REAL ID package, as it appears DLA will be a critical part of REAL ID implementation/certification. Would you like to incorporate that in the draft, or work on that separately?

Thanks,
Erin

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

From: Gary, Aaron [<mailto:Aaron.Gary@legis.state.wi.us>]
Sent: Wednesday, February 22, 2006 9:33 AM
To: Egan, Erin
Cc: Baetsen, Karen
Subject: RE: REAL ID update

Hi Erin and Karen,

I know we're having an update meeting in late March. I'm pretty close to finishing a first-cut of the draft. If you have made decisions on any of the "open" issues discussed at the kick-off meeting and want to forward those to me, I will try to incorporate them in this first-cut of the draft. Otherwise, I can work them in later.

Aaron

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

From: Baetsen, Karen

Sent: Friday, February 17, 2006 2:20 PM
To: Dyck, Jon; Gary, Aaron; Harshner, Samuel
Cc: Grinde, Kirsten; Fernan, Patrick; Hammer, Paul; Newman, Kenneth; Judd, Lynne; Prideaux-Wentz, Gary; Nilsen, Paul
Subject: REAL ID update

Last month we promised to keep LFB, LRB, and DOA in the loop regarding national developments on the implementation of the REAL ID Act of 2005, and the impacts on Wisconsin.

DMV staff have been involved in AAMVA's analysis efforts and is aware of AAMVA's discussions with the Dept. of Homeland Security, particularly with regards to the federal Rules and Regulations now being drafted. Input from NGA, NCSL and AAMVA will be provided at a meeting with Homeland Security at the end of February.

If we can find a mutually agreeable date and for those of you interesting in attending, DOT would like to provide you all the agreed upon update. Our target is the last week of March. I think one hour should cover our general update and still allow time for discussion and answer any questions.

If interested, please let me know which of the following dates and times are workable for your individual schedules. If you're not interested in an update at this time, just drop me a line!

Tuesday March 28, between 1:00 and 3:30

Wednesday March 29, after 11:00

Thursday March 30, after 1:00

Friday March 31, all day is open

I'm out of the office next week, but will sort through your responses and get back to you on Feb. 28 with a date and time. Thank you!

Karen Baetsen

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

Gary, Aaron

From: Egan, Erin
Sent: Wednesday, April 05, 2006 8:47 AM
To: Gary, Aaron
Cc: Jackson, Mary - DOT
Subject: RE: DLA Update

Hi Aaron,

The draft should follow a modified option #2. The court doesn't determine where the person is licensed, and enters the withdrawal order. The order is sent to DOT. We will determine the jurisdiction of record, and send the order to the JOR. The JOR will take licensing action.

Also, please feel free to consult with the Court system.

Thanks,
 Erin

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Monday, April 03, 2006 2:14 PM
To: Egan, Erin
Subject: RE: DLA Update

Hi Erin,

Yes, the draft will be shorter, because of the Courts issue we've discussed (ie, removing court-ordered suspensions/revocations from the draft) - I hate to sound like a broken record but I think this Courts issue could potentially be a big headache in the future and I believe it would be in everyone's interest (or at least mine) to consult with the Court System and address it now. If DOT agrees, this would seem a good opportunity.

In comments from DOT on the first-round of DLA drafting, I received competing comments to the effect that: (A) court-ordered suspensions/revocations should be removed from the draft because DOT doesn't want a court or law enforcement officer to have to determine if the defendant is licensed in or resident of another state; and (B) the Uniform Traffic Citation, which is the charging document given to the court, already contains this information. I have only two options in drafting this DLA legislation. In any proceeding where the court may or must order that the defendant's WI operating privilege is revoked or suspended (and advise the defendant of the same), this draft can:

1. Have the court determine whether the person is WI licensed or resident and suspend or revoke only if he/she is WI licensed or resident (with DOT giving notice of the underlying conviction to jurisdiction of record if defendant is licensed in another state or nonresident).

OR

2. Not have the court make such an inquiry re state of licensure/residence, proceed regardless to enter the order suspending/revoking as under current law, and then, if the person is not WI licensed or resident, have this order ignored by DOT (which will not in fact suspend or revoke the WI operating privilege of the nonresident).

The previous DLA drafting followed the process of item 1. I am redrafting it now to follow the process of item 2., per DOT's instructions. It seems to me that DOT has assumed that the Court System would rather

04/05/2006

have the specific terms of court orders disregarded than have to determine at the time of sentencing whether a person is licensed in or resident of another state. Perhaps this is a fair assumption by DOT, or not an assumption at all and is based on specific information, or is driven solely by financial/cost considerations. However, if the instructions to follow process 2. is just an assumption of what the Court System wants, perhaps the best time to verify the correctness of that assumption would be now, rather than finding out at the last minute that the Court System will object to the consequences of following process 2.

I swear, this is the last time I will raise this issue (the door was opened)

Other than this issue, the only comment I would make is that the DLA draft, as DOT has directed the drafting, does include a few items of statutory change related in subject matter to DLA but not exactly required for the state's joinder of DLA - nothing too significant but one such item is the substance of AB-51 which the Assembly passed this session but the Senate didn't.

Aaron

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

Gary, Aaron

From: Buckmaster, Carol
Sent: Wednesday, July 14, 2004 1:50 PM
To: Gary, Aaron; Hurley, Peggy
Subject: 2005-2007 Budget Drafts

Attached is a Budget Draft - Number B050704 which the department wishes to have drafted.

Thank you.



DMV drvr lic agr
chart.pdf



DMV driver license
agreement.d...

LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL

Wisconsin Department of Transportation

2005-2007 BIENNIUM

DT1586 3/2004

Instructions: Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s). Include this form with your budget submittal materials or return two completed copies to the Office of Policy & Budget (OPB), Attention: Paul Hammer. One copy will be retained by OPB and the other copy provided to the Office of General Counsel. The form is available in the department forms catalog on dotnet.

Short Title of Topic Driver License Agreement			
Type of Proposal <input checked="" type="checkbox"/> Budget <input type="checkbox"/> Non-Budget	OGC OFFICE USE ONLY "T" Number Assigned		"B" Number Assigned B050704
Date Submitted July 2004	Division(s) Motor Vehicles		
OPB Contact Person Karen Baetsen	Area Code - Telephone Number 608-266-0179		
Lead Division Contact Person Anna Biermeier	Area Code - Telephone Number 608-266-9901		
OGC Contact Person	Area Code - Telephone Number		
Define Problem Precisely The national Driver License Compact, soon to be called the Driver License Agreement (DLA), is a highway safety initiative that allows for reciprocal actions among the member states. Wisconsin is one of only two states that are not members of the Driver License Compact. Because we are not members, Wisconsin driver license documents and driver record information is not treated in the same manner as member states treat other participating members data.			
Description of Proposed Change Wisconsin should become a member of the national Driver License Agreement. Numerous changes to Chapters 340, 343, 909 and 961 are needed to comply with provisions in the various DLA Articles. The one provision Wisconsin will not adopt is "legal presence". We understand that Wisconsin can join the DLA without implementing legal presence. See the attached comparison of DLA Articles to Wisconsin Statutes for direction on Wisconsin provisions in need of modification.			
Justification for Change Recent attention to driver license fraud and security issues indicates there are many valid reasons to join the DLA. While this list is not all-inclusive, benefits for joining the DLA include: <ul style="list-style-type: none"> * Use of the same license credentials, resulting in broader acceptance of the WI driver license and identification card outside of the state. * Wisconsin residents will no longer need to post bond when stopped for an out-of-state traffic violation. * Ineligible drivers will have difficulty obtaining a license in other member states. * Out-of-state convictions would be consistently entered onto the driving record of the offender. * License withdrawals for failure to pay would be consistently treated among member states. * Driver information would be sent and received electronically among member states. 			
Describe any legislative history and related statutory language 1981 AB 490 -- Join the Non-Resident Violators Compact. This compact pre-dates the national Driver License Compact (which is soon to be replaced by the Driver License Agreement) and the bill addressed only one provision in the current DLA Articles. A public hearing was held on AB 490 but no further action occurred.			

(Division Administrator Signature)

(Date)

(Division Administrator Signature)

(Date)

(Division Administrator Signature)

(Date)

DLA Articles	Statutory Changes Needed:
Article II Driver Control	
A. A member jurisdiction shall not issue a license to a person unless it or another jurisdiction has utilized a recognized verification process to identify the applicant, as specified in the Rules; and	None.
B. A member jurisdiction shall not issue a license to a person unless it has determined that the person's license is not withdrawn by any other member jurisdiction, as evidenced by the Driver Control Record, for convictions or administrative actions, as specified in the DLA Code, including failures to comply.	S.343.31(2) and (2m), Wis. Stats. need to be changed so that the Department is not required to act on the conviction in another state by non-resident/non-licensed drivers (applicants). The Wisconsin DOT would deny based on "bad" status, but would not need to revoke or suspend for the conviction.
C. Except as provided in paragraph E of Article IX, a licensing authority may, but is not required to, issue a license after the expiration of five years from the effective date of the most recent withdrawal.	Add statutory authority to license after the expiration of five years from the effective date of the most recent failure to comply withdrawal (including failure to pay). Limit to failure to comply.
D. In the case of a withdrawal for failure to comply, a licensing authority may, but is not required to, issue a license to the applicant if it is satisfied that the applicant has made all reasonable efforts to comply but has been unable to do so.	Make statutory change above (Article II, C) so that no research is necessary to determine "reasonable efforts." The department would have the authority to license based on a set period of time -- five years from the effective date of the most recent failure to comply.
E. A withdrawal of a commercial driver license shall not preclude the issuance of a non-commercial driver license unless such withdrawal is based on conduct which would have resulted in the withdrawal of a non-commercial driver license.	None.

DLA Articles	Statutory Changes Needed:
F. If an applicant is the holder of a license issued by another jurisdiction, no member jurisdiction shall issue a license to the applicant unless the applicant surrenders the license.	None - covered by s. 343.11(1), Wis. Stats. It may also be possible to eliminate s.343.17(5), Wis. Stats.
G. The Jurisdiction of Record shall maintain the Driver Control Record for any person who is issued a license by that jurisdiction. No member jurisdiction shall create a Driver Control Record for a person for whom a Driver Control Record already exists.	Change s. 340.01(9r), Wis. Stats. to include convictions from other jurisdictions in the definition of conviction. Change s.343.23(2), Wis. Stats. from "The department shall maintain a file for each licensee or other person..." to "The department shall maintain a file for each Wisconsin resident or Wisconsin licensee..." Change s.343.31 and 343.38, Wis. Stats. so Wisconsin is not required to take an action on convictions in other states of Wisconsin residents or licensees -- if the conviction occurred while the person was a resident of other other jurisdiction and the revocation or suspensions period has expired. Change s. 343.32(1) and s.961.50, Wis.

	Stats. so that person is replaced with Wisconsin resident or licensee." Add Mexico to s.343.32(1m)(a), Wis. Stats.: definition of "another jurisdiction." Change Wisconsin law to eliminate the requirement that Wisconsin record and take action on convictions or Failure to Comply in Wisconsin of drivers who are residents or licensees of other jurisdictions. Eliminate s.344.32, Wis. Stats. requiring certification by nonresidents.
H. If a person has not been issued a license, the jurisdiction of the person's address indicated on the citation or report shall create and maintain a record, until such time as a jurisdiction shall issue a license to such person. At the time of licensure by a jurisdiction, all other jurisdictions maintaining records shall transfer the information specified in paragraph J of this article to the licensing authority in accordance with the provisions of the Agreement.	Same as change above.
DLA Articles	Statutory Changes Needed:
I. The Driver Control Record shall be transferred to the licensing authority of a member jurisdiction within 30 days of receipt of notification of issuance of a license.	None.
J. The Driver Control Record shall include at a minimum:	No law changes needed to collect and store this information in the Driver Control Record held by Wisconsin. If Wisconsin wants to share signature, photo or medical/alcohol data with other states, the following laws need to be changed: s. 343.027-signatures; s. 343.237-photos; plus law covering medical/alcohol 343.16 (5) (c). This data is already part of the customer, product, and incident databases.
1. full legal name and name history;	
2. birth date;	
3. gender;	
4. driver license number;	
5. Social Security number or comparable identifying number (when available);	
6. any other unique identifier;	
7. address;	
8. the date the last license was issued and the expiration date;	
9. withdrawal information;	
10. accident information (when available);	
11. convictions and administrative actions as specified in the DLA Code, with dates of offense and conviction or administrative action;	
12. driver license restrictions, classes and endorsements;	
13. medical restrictions and conditions (when available); and	
14. for each identification card issued, the jurisdiction that issued the card, the date of issuance and expiration, and the card number, if any.	
K. The Jurisdiction of Record shall take any action permitted by the jurisdiction's laws and regulations against any person for whom it maintains the Driver Control Record upon notification of a conviction or administrative action as specified in the DLA Code which occurred in another member jurisdiction.	None. Requires Wisconsin to do what is permitted by Wisconsin's laws.

DLA Articles	Statutory Changes Needed:
L. When a license has been withdrawn for the period of	No statutory change. Note: Wisconsin may

DLA Articles	Statutory Changes Needed:
<p><u>time specified by the Jurisdiction of Record and the person applies for a license from another member jurisdiction, the new jurisdiction may issue a license to that person notwithstanding the person's failure to fulfill the reinstatement requirements of proof of financial responsibility and alcohol or drug education or treatment programs of the previous Jurisdiction of Record. If that person returns to the previous Jurisdiction of Record, and applies for a license, the jurisdiction may impose any reinstatement requirement permitted by the laws of the jurisdiction.</u></p>	<p>choose not to license if alcohol/drug education/treatment program was not completed. If the person completed what was necessary for licensing in the other state -- the individual is VAL or ELG -- then Wisconsin would not begin the "after app" on a drug case.</p>
<p>M. Except as provided in paragraph D of Article IX, nothing in the Agreement shall be construed to prohibit a jurisdiction from maintaining its own driver records on any person and taking withdrawal actions permitted by the jurisdiction's law on any conduct occurring within that jurisdiction.</p>	<p>None. Wisconsin would not create a record for a non-resident/non-licensee, but Wisconsin would create a record for a resident/licensee or would add to a record, created when the person was a resident or licensee.</p>
Article III Identification Cards	
<p><u>The licensing authority of a member jurisdiction that issues identification cards shall:</u></p>	
<p>1. <u>Only issue an identification card that meets the security standards required for licenses under Article IV;</u></p>	<p>No statute changes. Change Trans Rule 102.</p>
<p>2. <u>Verify the identity of the applicant for an identification card in the same manner as required for issuance of a license and determine if there is a Jurisdiction of Record for the applicant;</u></p>	<p>None.</p>
<p>DLA Articles Statutory Changes Needed:</p>	
<p>3. <u>Report to the Jurisdiction of Record, if any, within 30 days of such action, the following information:</u></p>	<p>None.</p>
<p>a. <u>full legal name and name history;</u></p>	
<p>b. <u>birth date;</u></p>	
<p>c. <u>gender;</u></p>	
<p>d. <u>address;</u></p>	
<p>e. <u>Social Security number, if any;</u></p>	
<p>f. <u>any other unique identifier;</u></p>	
<p>g. <u>the jurisdiction that issued the identification card;</u></p>	
<p>h. <u>the date of card issuance and expiration, if any;</u></p>	
<p>i. <u>the card number, if any; and</u></p>	
<p>j. <u>the date of cancellation, if any.</u></p>	
<p>4. <u>Maintain a record for the applicant that includes, at a minimum:</u></p>	
<p>a. <u>full legal name and name history;</u></p>	
<p>b. <u>birth date;</u></p>	
<p>c. <u>gender;</u></p>	
<p>d. <u>address;</u></p>	
<p>e. <u>Social Security number, if any;</u></p>	
<p>f. <u>any other unique identifier;</u></p>	
<p>g. <u>the jurisdiction of record, and driver license number if any;</u></p>	

DLA Articles	Statutory Changes Needed:
h. <u>the date of card issuance and expiration, if any;</u>	
i. <u>the card number, if any; and</u>	
j. <u>the date of cancellation, if any.</u>	
DLA Articles	Statutory Changes Needed:
Article IV Document Security and Integrity	
<u>A member jurisdiction shall, as specified in the rules:</u>	
1. <u>Train its employees and agents to recognize and detect fraud;</u>	None.
2. <u>Maintain internal controls to identify and minimize fraud;</u>	None.
3. <u>Assign a unique identifier to each person issued a license or identification card; and</u>	None.
4. <u>Incorporate security and design elements into each license or identification card issued.</u>	None.
DLA Articles	Statutory Changes Needed:
Article VIII Driver License Agreement (DLA) Code	
A. The intent of this article is to identify the kinds of offenses reflecting conduct to be reported under the Agreement. The Driver License Agreement (DLA) Code shall include, but not be limited to, convictions and administrative actions relating to:	Statute change: authority for law enforcement, the courts, and DOT to act on DLA Code convictions regardless of where they occurred. May need specific language for law enforcement to consider priors from other jurisdictions. May need language in s. 343.30, s.343.31 and s.343.32, Wis. Stats. to allow for court action, DMV recording of incidents and/or taking administrative action when specific out-of-state convictions or administrative actions are received for WI residents/licensee. Examples of incidents: IC,OAR/OWS (fourth), ADL, LOL, IUL, UAO, VOR, SVO, BAC. May need to clarify administrative review process for BAC test failure in another state by Wisconsin resident/licensee.
1. operation of a motor vehicle at or above a specified blood alcohol concentration or while under the influence of alcohol or drugs or a combination thereof;	<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <p>Covered by statement in A.</p> </div>
2. manslaughter involving a motor vehicle, vehicular homicide, vehicular assault or any other similar conviction or administrative action;	
3. a felony in the commission of which a motor vehicle was used;	
4. leaving the scene of an accident or failing to stop and render aid in the event of a motor vehicle accident or collision resulting in the death or personal injury of another or similar conviction or administrative action;	
5. driving while unlicensed or while the license is suspended, revoked or canceled;	
6. driving over a prescribed or posted speed limit;	
7. failure to obey a red light, stop sign or flashing yellow light;	
8. improper passing while operating a motor vehicle or following too closely to another vehicle;	
9. improper or unsafe turning movements of a vehicle;	

DLA Articles	Statutory Changes Needed:
10. failure to yield when required;	
11. unsafe or hazardous stopping of a motor vehicle;	
DLA Articles	Statutory Changes Needed:
12. failure to stop for a school bus with its flashing lights in operation;	
13. those required to be reported by federal law;	
14. unsafe operation of a motor vehicle;	
15. the functional ability to safely operate a motor vehicle;	
16. driving without insurance, failure to provide adequate security following an accident or failure to satisfy a judgment following an accident;	
17. use of seat belts and child safety restraints;	
18. <u>to display, cause or permit to be displayed or have in unlawful possession any surrendered, canceled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license or identification card; and</u>	
19. <u>to provide a false or fictitious name or date of birth to any police officer or in any application for a driver license or identification card, knowingly make a false statement, knowingly conceal a material fact, or otherwise make a misrepresentation in any such application.</u>	
B. The licensing authority shall obtain from every court, tribunal or agency within its jurisdiction, conviction and administrative action information for offenses specified in the DLA Code.	None.
Article IX Failure to Comply	
A. This article applies only to those offenses specified in the DLA Code.	
B. A law enforcement officer or judicial official issuing a citation to a person licensed by another member jurisdiction shall not require the person to post collateral or bond to secure the person's appearance. However, collateral or bond may be required:	None.
1. if the jurisdiction in which the person is cited imposes a mandatory court appearance for all persons charged with the offense for which the person is cited; or	None.
DLA Articles	Statutory Changes Needed:
2. if the offense for which the person is cited is one for which withdrawal of the person's license is mandatory.	None.
C. When a person who has been issued a citation by a member jurisdiction fails to comply with the terms of the citation, the court, tribunal or agency having jurisdiction over the citation shall submit to the administrator for the member jurisdiction in which the offense occurred, a notice that the person has failed to comply.	Needs further clarification.
D. Upon receipt of a notice of failure to comply, the jurisdiction that issued the citation shall not withdraw the license and shall notify the Jurisdiction of Record, in accordance with the rules.	Change s.343.23(2), Wis. Stats. from "The department shall maintain a file for each licensee or other person..." to "The department shall maintain a file for each Wisconsin resident or Wisconsin licensee..." Change s.343.31 and 343.38, Wis. Stats. so Wisconsin is not required to take an action on

DLA Articles	Statutory Changes Needed:
	<p>convictions in other states of Wisconsin residents or licensees -- if the conviction occurred while the person was a resident of other jurisdiction and the revocation or suspensions period has expired. Change s. 343.32(1) and s.961.50, Wis. Stats. so that person is replaced with Wisconsin resident or licensee." Add Mexico to s.343.32(1m)(a), Wis. Stats: definition of "another jurisdiction." Change Wisconsin law to eliminate the requirement that Wisconsin record and take action on convictions or Failure to Comply in Wisconsin of drivers who are residents or licensees of other jurisdictions. Eliminate s.344.32, requiring certification by nonresidents.</p>
<p>E. Upon notification, the Jurisdiction of Record shall notify the person and shall withdraw the license. Except as provided in paragraph D of Article II, a withdrawal of a license under this Article shall continue until the Jurisdiction of Record receives satisfactory evidence of compliance from the person or the jurisdiction that issued the citation.</p>	<p>None</p>
DLA Articles	Statutory Changes Needed:
<p>F. No notification of failure to comply shall be transmitted to the Jurisdiction of Record more than six months after the date the court, tribunal or agency determines the person has failed to comply.</p>	<p>None</p>
Article X Information Exchange	
<p>A. The licensing authority of the Jurisdiction of Record shall give the same effect to the conduct reported to it under the Driver License Agreement as it would if such conduct had occurred in the Jurisdiction of Record. If the laws of the Jurisdiction of Record do not provide for offenses denominated or described in precisely the words employed in the statute of the reporting jurisdiction, the Jurisdiction of Record shall construe such denominations and descriptions as being applicable to and identifying those offenses concerning conduct of a substantially similar nature set forth in the laws of the Jurisdiction of Record. The laws shall be broadly construed so that full force and effect is given to this section.</p>	<p>Change s.343.23(2), Wis. Stats. from "The department shall maintain a file for each licensee or other person..." to "The department shall maintain a file for each Wisconsin resident or Wisconsin licensee..." Change s.343.31 and 343.38, Wis. Stats. so Wisconsin is not required to take an action on convictions in other states of Wisconsin residents or licensees -- if the conviction occurred while the person was a resident of other jurisdiction and the revocation or suspensions period has expired. Change s. 343.32(1) and s.961.50, Wis. Stats. so that person is replaced with Wisconsin resident or licensee." Add Mexico to s.343.32(1m)(a), Wis. Stats.: definition of "another jurisdiction." Change Wisconsin law to eliminate the requirement that Wisconsin record and take action on convictions or Failure to Comply in Wisconsin of drivers who are residents or licensees of other jurisdictions. Eliminate s.344.32, Wis. Stats. requiring certification by nonresidents.</p>
<p>B. The licensing authority of a member jurisdiction shall report to the licensing authority of the Jurisdiction of Record within 30 days of receipt each conviction and administrative action as designated in the DLA Code, as well as failures to comply. Such report shall identify the person involved and shall include any other information as may be specified in the</p>	<p>The following statutes need to be changed to allow other jurisdictions access: s. 343.50(8)(b), Wis. Stats. ID access: 343.237 Photo access; 343.027 Signature access</p>

DLA Articles	Statutory Changes Needed:
rules.	
C. All information required to be exchanged by the Agreement shall be complete and accurate and transmitted by electronic or other means in a manner that is secure and intelligible, as may be specified in the rules.	The following statutes need to be changed to allow other jurisdictions access: 343.50(8)(b) ID access: 343.237 Photo access; 343.027 Signature access

DLA Articles	Statutory Changes Needed:
D. A jurisdiction receiving information transmitted in an electronic format may provide for the elaboration or translation of coded information or its compression or encryption as necessary for any authorized or lawful use.	None.
Article XI Evidence	
A. A copy of a record of any conviction, administrative action, license and identification card issuance, withdrawal or status, transmitted and received by electronic means or other means, when certified, shall be admissible in evidence in all courts and administrative proceedings without further proof. Such evidence shall constitute proof of the facts contained therein, in the absence of evidence to the contrary. Contrary evidence shall be limited to clerical and identification errors.	None.
B. Any duplicate, photocopy, microfilm or electronically digitized copy or reproduction of a record, when satisfactorily identified, shall be deemed an original and shall be admissible in evidence in all courts or administrative proceedings without further proof.	None
C. A record may be certified by electronic means in an electronic format. Such record may, when permitted by jurisdictional law, be filed in a court or administrative proceeding by direct electronic transmission and shall be admissible in evidence without further proof. Any record so transmitted and certified shall be proof of the facts contained therein, in the absence of evidence to the contrary.	Consistent with an effort by DMV to automate certifications. Requires specific language for driver records in s. 909.02
D. As used in this Article, the term "record" includes, but is not limited to, any papers, documents, facsimile information, micro-photographically stored information, electronically generated or electronically recorded information, or digitized images, deposited or filed with the jurisdiction.	None

Gary, Aaron

From: Baetsen, Karen
Sent: Friday, September 03, 2004 10:02 AM
To: Hurley, Peggy; Gary, Aaron
Cc: Buckmaster, Carol; Hammer, Paul; Morehouse, Alice
Subject: DOT statutory budget request

Peggy and Aaron:
Carol asked me to relay the attached document to you directly.

In July you received a request for drafting statutory language changes on DOT budget issue, Driver License Agreement (DLA), tracking # B050704. At that time, Carol also sent a comparative chart between DLA Articles and desired Wisconsin statute changes.

I just received another chart that may be useful that also describes the desired language changes, and it's attached below. DMV noted that the chart may not be all-inclusive. They were also uncertain if we need new language simply authorizing the state to join the Driver License Agreement? They also assumed changes may be needed in other cross-referenced statutes.



statutes_DECISION
.doc

If you need further clarification, let me know!

Karen Baetsen
Department Of Transportation
Office of Policy & Budget
Room 132B Hill Farms
608/ 266-0179
karen.baetsen@dot.state.wi.us

Statutes Identified as Needing Review for DLA	Possible Statutory Changes
<p>340.01(9r) "Conviction" or "convicted" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of property deposited to secure the person's appearance in court, a plea of guilty or no contest accepted by the court, the payment of a fine or court cost, or violation of a condition of release without the deposit of property, regardless of whether or not the penalty is rebated, suspended, or probated, in this state or any other jurisdiction. It is immaterial that an appeal has been taken. . . .</p>	<p>Amend s. 340.01(9r), Wis. Stats. to confirm that the definition of convictions includes convictions from other jurisdictions. This change is needed to allow law enforcement, the courts, and the department to count prior convictions of substantially similar offenses regardless of where the offense occurred. This language will need to cover convictions in s. 343, 345, 346, and 347.</p>
<p>343.027 Confidentiality of signatures. Any signature collected under this chapter may be maintained by the department and shall be kept confidential. The department may release a signature or a facsimile of a signature only to the person to whom the signature relates.</p>	<p>Amend to permit sharing of signature files with other motor vehicle jurisdictions</p>
<p>343.03(5) Inquiries before issuance. Before issuing a license under this chapter, the department shall obtain driver record information from the national driver registry and commercial driver license information system to determine whether the applicant holds a commercial driver license, or a license that is revoked, suspended or canceled, or is otherwise disqualified. If the applicant is currently licensed in another state, the department shall obtain information on the applicant's license status with the state of licensure before issuing a license.</p>	<p>May be sufficient for DLA. Needs further review.</p>
<p>343.06 (1) The department shall not issue a license: (b) To any person whose operating privilege has been suspended or revoked or is subject to immediate mandatory suspension or revocation under this chapter, except as otherwise expressly provided in this chapter.</p>	<p>Create a reference to license withdrawals for actions specified in the Driver License Agreement Code.</p>
<p>(bm) To any person whose operating license is withdrawn by another jurisdiction for convictions or administrative actions, as specified in the Driver License Agreement Code. (bn) To any person whose operating license is withdrawn by another jurisdiction for failure to comply, as specified in the Driver License Agreement, unless five years have expired since the effective date of the failure to comply withdrawal.</p>	<p>Create a section to permit licensing after five years have passed since the effective date of the failure to comply. This establishes a measurable period of time rather than requiring staff time for research.</p>

<p>(j) To any person applying for his or her first license or identification card or for a reinstated license in this state unless the person has submitted satisfactory proof of his or her name and date of birth.</p> <p>(k) To any person who is not a resident.</p>	<p>Amend to require proof of identity consistent with DLA.</p>
<p>343.03(6) Release of records. The department shall, upon request, provide to the commercial driver license information system and the driver licensing agencies of other states any applicant or driver record information maintained by the department.</p>	<p>Appears to provide sufficient authority to transfer the "Driver Control Record" to another jurisdiction. May need additional review.</p>
<p>Medical or other special examinations</p> <p>343.16(5)(c) All reports, records or information furnished by or on behalf of an applicant or licensed operator under this subsection are confidential and shall be for the sole use of the department, the applicant or licensed driver, the review board and the courts in administering this section and are not admissible as evidence for any other purpose in any civil or criminal action. The applicant or licensed driver may give informed written consent for release of this information to others.</p>	<p>Amend to permit the transfer of information to a new jurisdiction of record, when a Wisconsin licensee moves to another state and applies for a license.</p>
<p>343.23 Records to be kept by the department.</p> <p>343.23(2)</p> <p>(a) The department shall maintain a file for each <u>Wisconsin resident or Wisconsin licensee</u> or other person containing 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 any out-of-service orders issued under s. 343.305 (7) (b) or (9) (am) and a record of any reportable accident in which the person has been involved, including specification of any type of license and endorsements issued under this chapter under which the person was operating at the time of the accident and an indication whether or not the accident occurred in the course of any of the following:</p>	<p>Amend to confirm that the department is only required to maintain records for Wisconsin residents.</p>
<p>(b) The information specified in par. (a) must be filed by the department so that the complete operator's record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled or withheld in the interest of public safety. The record of suspensions, revocations and convictions that would be counted under s. 343.307 (2) shall be maintained for 10 years, except that if there are 2 or more suspensions, revocations or convictions within any 10-year period, the record</p>	<p>Amend to meet DLA requirements for the timely transfer of records between states when a person is no longer a resident of Wisconsin.</p>

shall be maintained permanently. The record of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension granted under s. 343.32 (2) may consider only those reports and records entered during the 4-year period immediately preceding the exercise of such power of suspension.

343.237 Access to license and identification card photographs.

Amend to permit sharing of photo images with other motor vehicle jurisdictions.

Suspension and revocation by the courts.

343.30(1g)(b)

(b) A court shall revoke a person's operating privilege upon the person's conviction for violating s. 343.44 (1) (a), (b) or (d) or a local ordinance in conformity therewith if the person has been convicted of 3 or more prior violations of s. 343.44 (1) (a), (b) or (d), or similar violations under s. 343.44 (1), 1997 stats., or a local ordinance in conformity therewith or under the law of another jurisdiction, within the 5-year period preceding the violation. The revocation shall be for a period of 6 months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.

If the definition of conviction is changed to include convictions in other jurisdictions, determine whether it is necessary to make changes such as in these examples in specific sections of state law.

343.30(2j)

(a) A court may revoke a person's operating privilege upon the person's first conviction for violating s. 346.44 or 346.62 (2m) and shall revoke a person's operating privilege upon the person's 2nd or subsequent conviction within a 5-year period for violating s. 346.44 or 346.62 (2m) under the law of another jurisdiction. The revocation shall be for a period of 6 months. For purposes of determining prior convictions for purposes of this paragraph, the 5-year period shall be measured from the dates of the violations that resulted in the convictions. Each conviction under s. 346.44 or 346.62 (2m) shall be counted,

<p>except that convictions under s. 346.44 and 346.62 (2m) arising out of the same incident or occurrence shall be counted as a single conviction.</p> <p>343.30 (2m) A court may suspend a person's operating privilege upon conviction of the person for violating s. 346.93 <u>or the law of another jurisdiction</u>. Such suspension shall be for a period of not less than 30 days or more than one year.</p>	
<p>343.30(1q)(c)1b. and c. and 343.305(10) (c)1b. and c</p> <p>b. If the person is a nonresident, refer the person to an approved public treatment facility in this state. The order shall provide that the facility named in the order may refer the person to an appropriate treatment facility in the state in which the person resides for assessment and development of a driver safety plan for the person satisfying the requirements of that state.</p> <p>c. Require a person who is referred to a treatment facility in another state under subd. 1. a. or b. to furnish the department written verification of his or her compliance from the agency which administers the assessment and driver safety plan program. The person shall provide initial verification of compliance within 60 days after the date of his or her conviction. The requirement to furnish verification of compliance may be satisfied by receipt by the department of such verification from the agency which administers the assessment and driver safety plan program.</p>	<p>Amend so that the conviction of the non-resident is forwarded to the jurisdiction of record. Eliminate the requirement to take action in Wisconsin.</p>
<p>343.307 (1) The court shall count the following to determine the length of a revocation under s. 343.30 (1q) (b) and to determine the penalty under s. 346.65 (2): (a) Convictions for violations under s. 346.63 (1), or a local ordinance in conformity with that section. (b) Convictions for violations of a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1). (c) Convictions for violations under s. 346.63 (2) or 940.25, or s. 940.09 where the offense involved the use of a vehicle. (d) Convictions under the law of another jurisdiction that prohibits refusal of chemical testing or use of a motor vehicle while intoxicated or under the influence of a controlled substance or controlled substance analog, or a</p>	<p>Appears to meet the requirements of the DLA. May need further review.</p>

<p>combination thereof, or with an excess or specified range of alcohol concentration, or under the influence of any drug to a degree that renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws.</p> <p>(e) Operating privilege suspensions or revocations under the law of another jurisdiction arising out of a refusal to submit to chemical testing.</p> <p>(f) Revocations under s. 343.305 (10)</p>	<p>343.307(2)</p> <p>(2) The court shall count the following to determine the length of a revocation under s. 343.305 (10) and to determine the penalty under s. 346.65 (2j) and to determine the prohibited alcohol concentration under s. 340.01 (46m):</p> <p>(a) Convictions for violations under s. 346.63 (1) or (5), or a local ordinance in conformity with either section.</p> <p>(b) Convictions for violations of a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) or (5).</p> <p>(c) Convictions for violations under s. 346.63 (2) or (6).</p> <p>(d) Convictions under the law of another jurisdiction that is in substantial conformity with 49 CFR 383.51 (b) (2) (i) or (ii) or both.</p> <p>(e) Convictions under the law of another jurisdiction that prohibits refusal of chemical testing or use of a motor vehicle while intoxicated or under the influence of a controlled substance or controlled substance analog, or a combination thereof, or with an excess or specified range of alcohol concentration, or under the influence of any drug to a degree that renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws.</p> <p>(f) Operating privilege suspensions or revocations under the law of another jurisdiction arising out of a refusal to submit to chemical testing.</p> <p>(g) Revocations under s. 343.305 (10).</p> <p>(h) Convictions for violations under s. 940.09 (1) or 940.25.</p>	<p>Amend statutes to allow for administrative withdrawals when specific out-of-state convictions or administrative withdrawals are recorded on the Wisconsin Driver Record, if the convictions or withdrawals are identified in the DLA Code.</p> <p>Amend statutes to ensure that the period of withdrawal for an out-of-state conviction by a Wisconsin resident or licensee is the same as the period required if the violation occurred in the state of Wisconsin. Need to eliminate</p>
<p>combination thereof, or with an excess or specified range of alcohol concentration, or under the influence of any drug to a degree that renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws.</p>	<p>343.307(2)</p> <p>(2) The court shall count the following to determine the length of a revocation under s. 343.305 (10) and to determine the penalty under s. 346.65 (2j) and to determine the prohibited alcohol concentration under s. 340.01 (46m):</p> <p>(a) Convictions for violations under s. 346.63 (1) or (5), or a local ordinance in conformity with either section.</p> <p>(b) Convictions for violations of a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) or (5).</p> <p>(c) Convictions for violations under s. 346.63 (2) or (6).</p> <p>(d) Convictions under the law of another jurisdiction that is in substantial conformity with 49 CFR 383.51 (b) (2) (i) or (ii) or both.</p> <p>(e) Convictions under the law of another jurisdiction that prohibits refusal of chemical testing or use of a motor vehicle while intoxicated or under the influence of a controlled substance or controlled substance analog, or a combination thereof, or with an excess or specified range of alcohol concentration, or under the influence of any drug to a degree that renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws.</p> <p>(f) Operating privilege suspensions or revocations under the law of another jurisdiction arising out of a refusal to submit to chemical testing.</p> <p>(g) Revocations under s. 343.305 (10).</p> <p>(h) Convictions for violations under s. 940.09 (1) or 940.25.</p>	<p>Amend statutes to allow for administrative withdrawals when specific out-of-state convictions or administrative withdrawals are recorded on the Wisconsin Driver Record, if the convictions or withdrawals are identified in the DLA Code.</p> <p>Amend statutes to ensure that the period of withdrawal for an out-of-state conviction by a Wisconsin resident or licensee is the same as the period required if the violation occurred in the state of Wisconsin. Need to eliminate</p>

Revocations and Suspensions by the department.

343.31(1) The department shall revoke a person's operating privilege upon receiving a record of conviction showing that the person has been convicted of any of the following offenses under a state law or under a local ordinance which is in conformity therewith, or under the laws of another jurisdiction, or under a law of a federally recognized American Indian tribe or band in this state which is in conformity with state law:

reference to different length withdrawal periods for convictions in another state.

343.31 (2) Except for a person whose privilege was suspended or revoked in another jurisdiction for the same offense and the period of revocation or suspension has expired, the department shall revoke or suspend, respectively, the operating privilege of any resident upon receiving notice of the conviction of such person in another jurisdiction for an offense therein which, if committed in this state, would have been cause for revocation ~~23~~ under this section or under s. 343.30(1q). Such offenses shall include violation of any law of another jurisdiction that prohibits use of a motor vehicle while intoxicated or under the influence of a controlled substance or controlled substance analog, or a combination thereof, or with an excess or specified range of alcohol concentration or under the influence of any drug to a degree that renders the person incapable of safely driving, as those or substantially similar terms are used in that jurisdiction's laws. ~~Upon receiving similar notice with respect to a non-resident, the department shall revoke or suspend, respectively, the privilege of the non-resident to operate a motor vehicle in this state. Such suspension or revocation shall not apply to the operation of a commercial motor vehicle by a non-resident who holds a valid commercial driver license issued by another state. The department may not revoke the operating privilege of any resident upon receiving notice of the conviction of such person in another jurisdiction while the person was a resident of the other jurisdiction.~~

343.31

(2m) Except for a person whose privilege was suspended or revoked in another jurisdiction for the same offense and the period of revocation or suspension has expired, the department may suspend or revoke, respectively, the operating privilege of any resident upon receiving notice of the conviction of that person under a law of another jurisdiction or a federally recognized American Indian tribe or band in this state for an offense which, if the person had committed the offense in this state and been convicted of the offense under the laws of this state, would have permitted suspension or revocation of the person's operating privilege under s. 343.30 (1q). ~~Upon receiving similar notice with respect to a non-resident, the department may suspend or revoke the privilege of the non-resident to operate a motor vehicle in this state. The suspension or revocation shall not apply to the operation of a commercial motor vehicle by a non-resident who holds a valid commercial driver license issued by another state. A suspension or revocation under this subsection~~

.Amend s.343.31(2) and (2m), Wis. Stats. so that the Department is not required to act on the conviction in another state by non-resident/non-licensed driver (includes applicants). The Wisconsin DOT would deny based on "bad" status, but would not revoke or suspend for the conviction.

<p>shall be for any period not exceeding 6 months. <u>The department may not suspend or revoke the operating privilege of any resident upon receiving notice of the conviction of such person in another jurisdiction while the person was a resident of the other jurisdiction.</u></p>	
<p>343.32(1) (1) The secretary shall revoke a person's operating privilege whenever one or more of the following conditions exist:</p>	<p>Amend to clarify "person" is "Wisconsin resident or Wisconsin licensee" or define elsewhere.</p>
<p>343.32(1)(c) Notice has been received of the conviction of such person in another jurisdiction for a an offense therein which, if committed in this state, would have required revocation of such person's operating privilege under this subsection.</p>	<p>Repeal 343.31(1)(c) and cover out-of-state convictions under 343.32(1s).</p>
<p>343.32(1s) The secretary shall suspend the operating privilege of any person who has been convicted under state law or under a local ordinance which is in conformity therewith or under the laws of another jurisdiction or under a law of a federally recognized American Indian tribe or band in this state which is in conformity with state law of altering the person's license, loaning the person's license to another or unlawfully or fraudulently using or permitting an unlawful or fraudulent use of a license.</p>	<p>Amend to include laws of another jurisdiction or clarify through a general statement elsewhere.</p>
<p>343.32(1m)(a) In this subsection, "another jurisdiction" means any state other than Wisconsin and includes the District of Columbia, the commonwealth of Puerto Rico and any territory or possession of the United States and any province of the Dominion of Canada.</p>	<p>Amend to include Mexico.</p>
<p>343.36(3) (3) Upon receiving a record of conviction showing that a nonresident operator of a motor vehicle has been convicted in this state of an offense which is grounds for revocation, suspension or disqualification under the laws of this state, the department shall forward a certified copy of such record <u>conviction</u> to the motor vehicle administrator in the state wherein the person so convicted is a resident.</p>	<p>Amend to indicate that Wisconsin will forward a copy of the conviction, if it is a conviction consistent with the DLA Code. Wisconsin will send the conviction rather than a record, because Wisconsin will not have a record for the non-resident.</p>
<p>343.38 (2) Reinstatement of nonresident's operating privilege after revocation by Wisconsin. A nonresident's operating privilege revoked under the laws of this</p>	<p>Amend to eliminate requirement for licensing in another jurisdiction.</p>

<p>state is reinstated as a matter of law when the period of revocation has expired and such nonresident obtains a valid operator's license issued by the jurisdiction of the nonresident's residence and pays and the fee specified in s. 343.21 (1) (j) is paid.</p>	
<p>343.38(4) FIRST ISSUANCE OF LICENSE IN WISCONSIN AFTER SUSPENSION OR REVOCATION BY ANOTHER STATE. The department may issue an operator's license to a person moving to this state whose operating privileges have been previously suspended or revoked in another state when their operating privilege has been reinstated or they are eligible to reinstate in that state and the following conditions have been met:</p> <ul style="list-style-type: none"> (a) When the period of suspension or revocation required by law for conviction for the same traffic violation in this state has terminated. (b) Acceptable proof of financial responsibility has been filed. (c) Application for a Wisconsin operator's license has been made. (d) Any required examination has been passed. (e) The fees required for the issuance of an original license have been paid. (f) 	<p>Amend to ensure that Wisconsin is not required to revoke or suspend a person who was a non-resident (at the time of a conviction) when the non-resident has already completed the requirements in the jurisdiction of residence.</p>
<p>343.50(8)(b) The department may not disclose any record or other information concerning or relating to an applicant or identification card holder to any person other than a court, district attorney . . .</p>	<p>Amend to permit the disclosure of ID card information to other motor vehicle jurisdictions.</p>
<p>344.32 Certification furnished by nonresidents as proof.</p>	<p>Delete requirement.</p>
<p>345.47(1)(b) In lieu of imprisonment and in addition to any other suspension or revocation, that the defendant's operating privilege be suspended. The operating privilege shall be suspended for 30 days or until the person pays the forfeiture, the penalty assessment, if required by s. 757.05, the jail assessment, if required by s. 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement assessment, if required by s. 165.755, but not to exceed 2 years. Suspension under this paragraph shall not affect the power of the court to suspend or revoke under s. 343.30 or the power of the secretary to suspend or revoke the operating privilege. This paragraph does not apply if the judgment was entered solely for violation of an ordinance unrelated to the violator's operation of a motor vehicle.</p>	<p>Amend all sections of Wisconsin state law related to license suspensions for failure to pay forfeitures to permit:</p> <ul style="list-style-type: none"> - license suspensions, ordered by a court in another jurisdiction for a resident of Wisconsin, if - reported to the department by the state agency in the other jurisdiction
<p>961.50 Suspension or revocation of operating privilege.</p>	<p>Amend to change "person" to Wisconsin resident or Wisconsin licensee, so</p>

<p>Wisconsin is not required to take action on non-resident violations.</p>	<p>(1) If a person-a Wisconsin resident or Wisconsin licensee is convicted of any violation of this chapter, the court shall, in addition to any other penalties that may apply to the crime, suspend the person's operating privilege, as defined in s. 340.01 (40), for not less than 6 months nor more than 5 years. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with the record of conviction and notice of the suspension. The person is eligible for an occupational license under s. 343.10 as follows:</p>
<p>Amend to permit:</p> <ul style="list-style-type: none"> - compilations by the computer - verification using computerized business, and - secure electronic transfer within Wisconsin and to other jurisdictions 	<p>909.02(4) Certified copies of public records. A copy of an official record or report or entry therein, or of a document authorized by law to be recorded or filed and actually recorded or filed in a public office, including data compilations in any form, certified as correct by the custodian or other person authorized to make the certification, by certificate complying with sub. (1), (2) or (3) or complying with any statute or rule adopted by the supreme court.</p>

Gary, Aaron

From: Baetsen, Karen
Sent: Friday, October 22, 2004 2:06 PM
To: Gary, Aaron
Cc: Hammer, Paul; Buckmaster, Carol
Subject: RE: DOT statutory budget request

In answer to today's 9:00 questions! I simply cut and pasted in the DMV Director's response to me. By my count, we still owe you a response from your 12:00 question.

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Friday, October 22, 2004 9:13 AM
To: Baetsen, Karen
Cc: Hammer, Paul
Subject: RE: DOT statutory budget request

Thanks Karen. There's no deadline for getting back to me ... I'm just slogging through this so sooner is better but I will be proceeding (and possibly revising depending on response) in the meantime. Also, I should clarify that with regard to item 2., it might be debatable what a court *could* do, but as a *practical* matter a person is not going to be brought before a WI court for a violation of another state's law b/c the person could not be prosecuted for the violation itself in WI and it would be untenable for DOT to bring an action in court seeking only action against the driver license/privilege when DOT can accomplish the same thing administratively (does that make sense?)

[Prideaux-Wentz, Gary] Yes it makes sense, and we agree.

Also, should the draft treat CDLs and non-CDLs the same? I assume (from my work on the MCSIA draft) that, through CDLIS, CDL info. is more readily available nationwide. So, for example, if the scenario under item 3. is accurate for a non-CDL license, is it also accurate for a CDL?

[Prideaux-Wentz, Gary] Yes, CDLs and non-CDLs should be treated the same way. A new communications network for transmitting non-CDL driver data between states is planned, that would work similar to CDLIS. In the example under item 3, it would also be true for CDL holders. In fact, we were found to be in non-compliance by the feds this past summer because we are not taking administrative action against WI CDL holders in response to several types of withdrawal orders from other states. Joining the DLA would address that non-compliance.

Thanks again for your help.

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

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

From: Baetsen, Karen
Sent: Thursday, October 21, 2004 7:15 PM
To: Gary, Aaron
Cc: Hammer, Paul
Subject: RE: DOT statutory budget request

It's not a problem that you're asking, as I knew it was complex and we'd sure rather get it correct now than have the revised language really unworkable!

Because your questions below and the previous one today are so technical, I've asked the DMV Administrator and affected Bureau Director for input.

We'll be back to you soon,,,is there an absolute deadline you are working under? - Karen

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Thursday, October 21, 2004 3:59 PM
To: Baetsen, Karen
Subject: FW: DOT statutory budget request

Karen, I'm afraid I will probably be harrassing you with many questions on this draft. Here are three more:

1. Wisconsin stats don't use the term "withdrawal" for action against a license. Is this the term used by the DLA with regard to administrative (rather than court) action that would include suspension, revocation, and cancellation (and is it ok to continue using these terms in the stats)?
2. Can you confirm that the following is DOT's intent (and do you think it is accurate): Since Wisconsin courts cannot sentence for a conviction in another state, the stats will need to distinguish between court action and administrative action by DOT. A court could only act against a license for a conviction within Wisconsin (since Wis can't apply its law extraterritorially), but can count prior offenses from other states. In contrast, DOT can take admin action for a conviction in Wis. or in another state.
3. Am I correct that this is generally how the system is supposed to work: (A) If a WI licensed driver (or a person who is a resident of WI at the time of conviction) is convicted in IL, IL DOT will forward the conviction record to WI and the conviction will be placed in the WI licensee/resident's driver record. WI DOT may take admin action on the conviction as if it occurred in WI, and WI DOT and courts may count it as a prior (if applicable). (B) WI will not record convictions for persons who are not WI residents (including WI licensees) and will not take any action on such convictions. Instead, if a person who was not a WI resident at the time of conviction moves to WI and applies for a WI license, WI will have the person's driving record transferred to WI and convictions and/or license status in the former state may be a basis for denial of issuance of a WI license. (And what if the person moves to WI, does not apply for a WI license, but is convicted in WI for operating without a license - can priors for the same offense in the old jurisdiction be used?)

As you can see, I'm trying to get the "big picture" of how the system will work, which I need before I can put together the statutory details. Please fee free to call if it is easier. Thank you many-fold for your assistance with this. Aaron

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

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

From: Gary, Aaron
Sent: Thursday, October 21, 2004 3:14 PM
To: Baetsen, Karen
Subject: RE: DOT statutory budget request

Karen,

Another question: As I understand, at least 1 state other than WI is not a member of the (to be) DLA, and therefore the DLA procedures re out-of-state convictions, etc. could not be used relative to that state. If we completely switch to the new DLA procedures, will convictions from this 1 state fall through the cracks and, if so, is this okay? Or do you want me to basically create a dual system based upon DLA membership or nonmembership? We might also be able to try something like a "catch-all" that an out-of-state conviction from a nonmember state would be treated as per the "old law" (2003 stats.), but I'm not sure this would be workable until I get deeper into the draft. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)

Gary, Aaron

From: Baetsen, Karen
Sent: Friday, October 22, 2004 11:49 AM
To: Gary, Aaron
Cc: Morehouse, Alice; Hammer, Paul; Buckmaster, Carol
Subject: FW: DOT statutory budget request

Aaron, there are responses from the Division of Motor Vehicles. Gary Prideaux-Wentz is the Bureau Director of Driver Services. -- Karen Baetsen, DOT - OPB

> -----Original Message-----

> From: Prideaux-Wentz, Gary
> Sent: Friday, October 22, 2004 8:24 AM
> To: Baetsen, Karen; Larson, Beverly - DMV
> Subject: RE: DOT statutory budget request

> Answers follow each question

> -----Original Message-----

> From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
> Sent: Thursday, October 21, 2004 3:59 PM
> To: Baetsen, Karen
> Subject: FW: DOT statutory budget request

> Karen, I'm afraid I will probably be harrassing you with many questions on this draft. Here are three more:

> 1. Wisconsin stats don't use the term "withdrawal" for action against a license. Is this the term used by the DLA with regard to administrative (rather than court) action that would include suspension, revocation, and cancellation (and is it ok to continue using these terms in the stats)?
> [Prideaux-Wentz, Gary] Yes: withdrawal is a general term used since state laws vary so widely regarding the terms revocations, suspensions and cancellations. It is the action that the licensing authority (DMV) is expected to take upon notification of a conviction or order from another jurisdiction. We can continue to use the terms rev/sus and cancel in our statutes.

> 2. Can you confirm that the following is DOT's intent (and do you think it is accurate): Since Wisconsin courts cannot sentence for a conviction in another state, the stats will need to distinguish between court action and administrative action by DOT. A court could only act against a license for a conviction within Wisconsin (since Wis can't apply its law extraterritorially), but can count prior offenses from other states. In contrast, DOT can take admin action for a conviction in Wis. or in another state.
> [Prideaux-Wentz, Gary] Yes, this is DOT's intent. (We would take administrative action only against Wisconsin residents. Courts could count prior offenses in other states if statutes allow it.)

> 3. Am I correct that this is generally how the system is supposed to work: (A) If a WI licensed driver (or a person who is a resident of WI at the time of conviction) is convicted in IL, IL DOT will forward the conviction record to WI and the conviction will be placed in the WI licensee/resident's driver record. WI DOT may take admin action on the conviction as if it occurred in WI, and WI DOT and courts may count it as a prior (if applicable). (B) WI will not record convictions for persons who are not WI residents (including WI licensees) and will not take any action on such convictions. Instead, if a person who was not a WI resident at the time of conviction moves to WI and applies for a WI

> license, WI will have the person's driving record transferred to WI and
> convictions and/or license status in the former state may be a basis for
> denial of issuance of a WI license. (And what if the person moves to WI,
> does not apply for a WI license, but is convicted in WI for operating
> without a license - can priors for the same offense in the old
> jurisdiction be used?)
>
> [Prideaux-Wentz, Gary] A. Correct. B. This is correct for non
> residents. The convictions will be forwarded to the individuals home
> jurisdiction, where they will take administrative action, if appropriate.
> I'm not sure what is meant by "including WI licensees". If they hold a
> Wisconsin license, we remain the state of record until they apply for or
> are issued a license in their new state of residency. The record is then
> transferred to that state. If someone moves to Wisconsin, we would not
> become the state of record until they apply for a license, whether they
> are eligible or not. If they have a valid license to surrender, they
> would be eligible for a Wisconsin license regardless of the convictions on
> their record. (No double jeopardy.) In answer to the last question: if
> someone moves here, doesn't apply for a license, and is convicted of
> operating without a license, that conviction would still be sent to the
> state of record. They would take appropriate administrative action. So
> the Wisconsin courts wouldn't have access to any record of prior
> convictions. Administratively, we have no way of determining how long
> someone is staying in Wisconsin, and whether or not they are declaring
> they are permanent residents. It keeps things simple for all states if we
> rely on the application for a license as the trigger to transfer records.
> Each state has residency and licensing requirements. Sooner or later,
> enforcement/courts will result in the individual declaring residency and
> applying for a license where they live.
>
> If someone moves here, but doesn't apply for a license and is convicted of
> operating without a license,
> As you can see, I'm trying to get the "big picture" of how the system will
> work, which I need before I can put together the statutory details.
> Please fee free to call if it is easier. Thank you many-fold for your
> assistance with this. Aaron

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

> -----Original Message-----
> From: Gary, Aaron
> Sent: Thursday, October 21, 2004 3:14 PM
> To: Baetsen, Karen
> Subject: RE: DOT statutory budget request

> Karen,
> Another question: As I understand, at least 1 state other than WI
> is not a member of the (to be) DLA, and therefore the DLA procedures re
> out-of-state convictions, etc. could not be used relative to that state.
> If we completely switch to the new DLA procedures, will convictions from
> this 1 state fall through the cracks and, if so, is this okay? Or do you
> want me to basically create a dual system based upon DLA membership or
> nonmembership? We might also be able to try something like a "catch-all"
> that an out-of-state conviction from a nonmember state would be treated as
> per the "old law" (2003 stats.), but I'm not sure this would be workable
> until I get deeper into the draft. Aaron

DMV response: We would want to handle convictions from every
state the same whether they were a DLA member or not. We would not want to
treat them as we treat convictions today.

> Aaron R. Gary

Gary, Aaron

From: Gary, Aaron
Sent: Friday, October 22, 2004 4:10 PM
To: Baetsen, Karen
Subject: RE: DLA question

Thanks for the clarifications. I think I'm clear.

Do you want the administrative record of OWI convictions to be set out in the statutes, or do you want to leave that as "substatutory", ie no treatment in this draft? (If I'm overlooking it in existing stats, please let me know.)

Also, for purposes of clarification, as I have thus far set up the draft, upon conviction of an out-of-state licensee, the court will forward the record of conviction to DOT but no withdrawal order would be made. DOT would then forward the record of conviction to the home state for appropriate action. Is that okay?

Have a good weekend.

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

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

From: Baetsen, Karen
Sent: Friday, October 22, 2004 3:46 PM
To: Gary, Aaron
Subject: DLA question

Here's the latest responses from DMV. I'll try to locate printable files of the various DLA material.

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

From: Prideaux-Wentz, Gary
Sent: Friday, October 22, 2004 3:26 PM
To: Baetsen, Karen
Subject: RE: DLA question - 2 responses; are we ok?

Its consistent.....I also added a "OWI" in the last paragraph. I'm not sure its necessary.

This is how I understand it will all work. Anna could confirm it next week when she gets back from the DLA meeting.....

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

From: Baetsen, Karen
Sent: Friday, October 22, 2004 3:20 PM
To: Prideaux-Wentz, Gary
Subject: DLA question - 2 responses; are we ok?
Importance: High

Here's the LRB question from around 12:00:

What if the person is licensed in another state and convicted of a violation in Wisconsin? For example, under existing s. 343.305 (9) (a), what is the intent of this draft if a person licensed in IL or, particularly a person with a CDL issued out-of-state, is stopped and refuses to blow while driving in Wisconsin. Will this non-licensed, non-resident's operating privilege be revoked in WI if he/she is convicted in WI (so DOT will need to maintain record of this).

And Aaron responded with the following:

I think Gary's answer also covers my last question with regard to treatment of out-of-state licensees who violate within WI. As I understand it, if an IL resident and

IL licensee violates in WI, the person may be cited and convicted by the WI court and sentenced according to applicable law. But upon receiving the notice of conviction from the court, WI DOT will NOT take action against the violator, but will rather simply forward notice of conviction to the violator's home state and assume that appropriate action will be taken there. Is that right? (So I think the stats will have to distinguish WI licensee/residents from "others" in numerous provisions where they do not do so now.)

Your response from earlier today that LRB thinks answered his inquiry:

B. This is correct for non residents. The convictions will be forwarded to the individuals home jurisdiction, where they will take administrative action, if appropriate. I'm not sure what is meant by "including WI licensees". If they hold a Wisconsin license, we remain the state of record until they apply for or are issued a license in their new state of residency. The record is then transferred to that state. If someone moves to Wisconsin, we would not become the state of record until they apply for a license, whether they are eligible or not. If they have a valid license to surrender, they would be eligible for a Wisconsin license regardless of the convictions on their record. (No double jeopardy.) In answer to the last question: if someone moves here, doesn't apply for a license, and is convicted of operating without a license, that conviction would still be sent to the state of record. They would take appropriate administrative action. So the Wisconsin courts wouldn't have access to any record of prior convictions. Administratively, we have no way of determining how long someone is staying in Wisconsin, and whether or not they are declaring they are permanent residents. It keeps things simple for all states if we rely on the application for a license as the trigger to transfer records. Each state has residency and licensing requirements. Sooner or later, enforcement/courts will result in the individual declaring residency and applying for a license where they live.

Your last answer, and I added the 'administrative' wording:

If the driver stopped is from out of state, and is charged with refusal (or any OWI related charge for that matter), the conviction and the withdrawal order will be sent to the jurisdiction of record (their home state) for action. We will NOT create a driver record for that non-resident. However, since the purge laws of the states vary so widely, we will maintain an administrative record of **OWI** related convictions so that that in the event that person ever moves to Wisconsin, we can make sure the conviction remains on his/her record the required 55 years.

Question: Is this consistent and should be sent to the drafter?

Karen Baetsen

Department Of Transportation

Office of Policy & Budget

Room 132B Hill Farms

608/ 266-0179

karen.baetsen@dot.state.wi.us

Gary, Aaron

From: Baetsen, Karen
Sent: Monday, November 01, 2004 2:49 PM
To: Gary, Aaron
Subject: RE: Clarification of DLA issue

Here's the response from Anna Biermeier, in DMV

We send convictions and withdrawals of out-state residents to their "home" state today even though we are not members of the Driver Licensing Compact (DLC). Other states send us convictions and withdrawals.

Right now, under the DLC (vs. the DLA), many other states do not have statutory authority to post and take a withdrawal action on the full range of convictions and withdrawals from Wisconsin (e.g. failure to pay) and the DLC does not require them to do so. Wisconsin also does not have statutory authority to take action on all convictions/withdrawals from another state.

We will continue to send convictions/withdrawals to other states whether they are a DLA member or not. It is easy for us to meet that standard since we do it now. Once we have statutory authority to post everything and take action on it, we can treat FPs and other convictions/withdrawals from all states the same for our licensees/residents. The problem will be that we will need to continue to take action on failure to pay (and other stuff) for out-of-state residents until we are sure that other states are members of the DLA and able to take that action for their own residents.

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Thursday, October 28, 2004 10:37 AM
To: Baetsen, Karen
Subject: FW: Clarification of DLA issue

Karen,

Thank you for forwarding the DLA documents. I took a look at them yesterday (while home with a sick child), and they were quite helpful. As a follow up to the e-mail below, I'm not clear what the following provision of the DLA means, and I'm wondering if Anna can provide some guidance. Article XIV, part E, states, "A member jurisdiction shall follow the Agreement when dealing with a non-member jurisdiction." In the e-mail below, I understood that we should not only distinguish between DLA Code violation and non-DLA Code violations, but also DLA member states and non-member states. So, for example, I thought that an out-of-state licensee who is licensed in a state that is not a DLA member jurisdiction, upon conviction in a WI court, could/would have operating privilege revoked by WI court and it would be recorded on WI record. First, is this consistent with what you want to do in this draft (ie, distinguish between DLA and non-DLA states as well as between DLA Code violations and non-DLA Code violations? Second, if so, do you think this is permitted under the language of the DLA?

As always, thanks. Aaron

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

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

From: Gary, Aaron
Sent: Tuesday, October 26, 2004 11:15 AM
To: Baetsen, Karen
Subject: RE: Clarification of DLA issue

So if I have this right, for each conviction, we need to ask 3 questions (and stats may need to recognize distinctions):

1. Is the violator a WI licensee/resident or not?
2. Is the violation for a DLA code violation or not?
3. If answer to item 1. is "not," is violator licensed in or resident of DLA member jurisdiction or not?

Is this an accurate breakdown?

Also, there is a question of timing. For item 1., do you want to ask question as of the time of the offense or the time of the conviction? Offense may seem more intuitive, but if person moves to a new state and applies for license between offense and conviction, your goal may not be accomplished here. Similar question for item 3. - I assume we're looking at whether jurisdiction is DLA member *at the time of conviction*.

Thanks. Aaron

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

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

From: Baetsen, Karen
Sent: Monday, October 25, 2004 11:18 AM
To: Gary, Aaron
Subject: Clarification of DLA issue

Aaron, Anna Beirmeier in DMV's Bureau of Driver Services is the Section Chief of DL revocations and suspension. Her section is the most impacted by the DLA. She was gone last week to attend a DLA related meeting. Today she reviewed all the Q/A that occurred last week and noted the below. If this creates new questions, just let us know!

Karen,

We may have forwarded some incorrect information last week. Here's a description that may be useful to Aaron.

Wisconsin Licensees (or residents without licenses)

When Wisconsin is the Jurisdiction of Record, we will create a customer (record) and put on the record all court convictions and withdrawals and administrative actions from Wisconsin. We will add to the record all DLA Code court convictions and withdrawals plus administrative actions from other states. We will not be required to put on the record non-DLA code convictions, withdrawals, or administrative actions from other states.

Out-of-state Drivers

- When a driver moves to another state and is licensed, we will forward to the JOR the Driver Control Record. We will not take a withdrawal action in Wisconsin for a DLA Code violation forwarded to another state. We will not add any DLA Code violations to the record. The record will be retained in Wisconsin until our record authorization allows it to be purged. If the person has a non-DLA Code withdrawal, we will still add that to the record and label it non-Driver Control Record.
- If a driver has a conviction in Wisconsin, but is not a resident/licensee, we will forward DLA Code convictions/withdrawals to the JOR. If the person has a non-DLA Code withdrawal, we will create a record and take the action. We will need to label this record as non-Driver Control Record.

Under this method, we will not create or add to existing records DLA Code Violations/Withdrawals for out of state licensees/residents.

We will want, however, to audit whether the DLA is working. We will maintain sufficient data in our

citation audit to check whether the other state has added the conviction/withdrawal or to add the conviction/withdrawal to a record in Wisconsin if the person returns here and a lifetime OWI has been purged by the JOR. If the other state does not add the DLA violation/withdrawal we send, we will pursue that with the other jurisdiction and the DLA board, if necessary.

Another issue that we need to add to statutory consideration is the ability to phase in the DLA. As states sign the agreement, we would want the ability to forward DLA convictions/withdrawals to them. Until a state signs the agreement, we would need the ability to retain the record in Wisconsin.

Thanks,
Anna

Karen Baetsen

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

Gary, Aaron

From: Baetsen, Karen
Sent: Monday, October 25, 2004 2:04 PM
To: Gary, Aaron
Subject: FW: Wis. violations that are unique to the state

Another response from the technical DMV staff. We are still working on your q. #11....Karen

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

From: Biermeier, Anna
Sent: Monday, October 25, 2004 12:27 PM
To: Baetsen, Karen; Prideaux-Wentz, Gary
Subject: RE: Wis. violations that are unique to the state

We will do a chart of all statute numbers (as indicated in my e-mail below), but until then this shorter chart may be useful. In the column showing points, those that have a small "m" mandate an action. I don't think there are any mandates that are not also DLA Code violations. <http://www.dot.wisconsin.gov/drivers/docs/bds109.pdf>

When we look at all statutes, we will double check that there are no administrative actions related to non-DLA Code violations.

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

From: Biermeier, Anna
Sent: Monday, October 25, 2004 12:19 PM
To: Baetsen, Karen; Prideaux-Wentz, Gary
Subject: RE: Wis. violations that are unique to the state

answers below

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

From: Baetsen, Karen
Sent: Monday, October 25, 2004 10:25 AM
To: Prideaux-Wentz, Gary; Biermeier, Anna
Subject: FW: Wis. violations that are unique to the state
Importance: High

Here's the next set of related questions from LRB about how to handle Wisconsin laws that are outside of the DLA Code.

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Monday, October 25, 2004 10:20 AM
To: Baetsen, Karen
Subject: RE: Wis. violations that are unique to the state

Hi Karen,

I'll need some follow up on this. I'm sure you realize, but the only drafting issue is the issue of withdrawal, as an out-of-state resident is subject to punishment (forfeiture, fine, imprisonment) for all violations committed here. I'm guessing that DMV wants this because the way the law works in practice may differ from the way it works in theory (ie, a FL resident may be cited here and subject to fine, forfeiture, imprisonment for a conviction, but if the FL resident, after being cited, goes back to FL, does not show for court appearance, has judgment entered against him/her and is sentenced in absentia, then never returns again to WI, and offense is not a DLA offense, what "happens" to the person may be nothing if WI cannot also revoke operating privilege and give something for FL DMV to act on -- is this an accurate description of the concern?)

I think you have stated it accurately. The state where the driver is licensed (or, if not licensed,

resides) is not required to post non-DLA convictions and/or take non-DLA withdrawal action. If our legislature passes a law, such as failure to pay for gasoline at pumps, we expect the legislature wants to see the conviction posted and an action taken. The only way we can be sure of doing that is to create a record in Wisconsin. If the person is suspended in Wisconsin and drives while suspended, Wisconsin can forward the Operating While Suspended conviction to the other state and expect this DLA code violation to be posted to the Driver Control Record. If the JOR's law requires a withdrawal action for Operating While Suspended, the JOR will take that action.

If DOT wants to take admin. action on a non-DCR record for one of these offenses by a non-resident, there will have to be a statutory recognition of the DOT record and statutory recognition of the withdrawal authority, and I will need DOT to advise me of each offense (including statutory section) for which DOT wants to allow such admin action against the operating privilege. If DOT does not want to take such action (but allow sentence for conviction to be enough punishment), the non-DCR record could be sub-statutory (not mentioned in the stats) and the process could be completely administrative (in which case I don't need to know anything about it).

We can double check, but these non-DLA Code violations are generally court ordered, not administrative actions. We will review the statutes to see if there are any that are administrative actions. If possible, we will work on a chart this week of all statute numbers that result in a violation or withdrawal being posted to a driver record. We will indicate on the chart **DLA Code** or **non-DLA Code** plus court ordered or department ordered. Part of this work has been done already, so we should be able to get back to you a little later in the week.

Thanks. Aaron

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

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

From: Baetsen, Karen
Sent: Monday, October 25, 2004 9:55 AM
To: Gary, Aaron
Subject: Wis. violations that are unique to the state

Aaron, here's another thought on what needs to happen when a non-Wisconsin resident receive a conviction for a Wisconsin incident which may be unique to the state....

Wisconsin has some laws that are not part of the DLA Code, for example, theft of gas at a pump.

For these non-DLA Code convictions and withdrawals, we would continue to need to create a customer (record) in Wisconsin for out-of-state residents and take action. This record cannot be the Driver Control Record (and needs to be labeled as non-DCR), but it is a necessary and allowable record under DLA. Without this ability, states would be unable to implement non-traffic laws.

Karen Baetsen

Department Of Transportation
Office of Policy & Budget
Room 132B Hill Farms
608/ 266-0179

DRIVER LICENSING ABBREVIATION CODES WITH CHARGE POINTS

BDS109 9/2004

Wisconsin Department of Transportation

Charge Code	Charge Code	Description	Demerit			Charge Code	Description	Demerit			
			Points	HTO	Note			Points	HTO	Note	
005	ADL	Altering Driver License 343.43(1)(g)	0-m	-		150	CPI	Comm. Passing Illegally 346.07, 346.08, 346.09, 346.10, 346.24(3), 346.48(3)	3	MINOR	
021	AEO	Attempt to Elude Officer - owner 346.175(1)(a)	0	-		151	CRD	Comm. Reckless Driving 346.62,(2),(2m),(3)	6	MAJOR	
021	AEO	Attempt to Elude Officer 346.04(2t)	6	MINOR	4	152	CSE	Comm. Speeding Excess (20 or more over) 346.57(4)(ak),(5)	6	MINOR	
021	AEO	Attempt to Elude Officer 346.04(3)	6-m	MAJOR		153	CSI	Comm. Speeding Intermediate (15-19 over) 346.57(4)(ak),(5)	4	MINOR	
211	AFA	Appear for Exam for Another 343.16(7)(b)	0	-		106	CSR	Child Safety Restraint 347.48(4)(a)1,(4)(a)2	0	-	
006	AV	Arterial Violations	3	-		154	CTF	Comm. Too Fast for Conditions 346.57(3)	4	MINOR	
007	BI	Backing Illegally 346.87	2	MINOR		155	CUL	Comm. Unlawful License 343.05(2)	3	MINOR	
008	BO	Boulevard Ordinance 346.04(2)	0	MINOR	5	156	CVF	Comm. Vehicle used in Commission of Felony	0-m	MAJOR	
130	CA	Commercial Alcohol 346.63(5)(a)	0	MINOR		157	CWI	Comm. Operating while Intoxicated 346.63(1)(a)	6-m	MAJOR	
132	CAD	Comm. Alcohol Causing Death 940.09(1)(bm)	0-m	MAJOR		188	D	Drug Conviction Ch. 961 17 yrs or older on dt of viol	0	-	
133	CAH	Comm. Alcohol Causing Great Bodily Harm 940.25(1)(bm)	0-m	MAJOR		015	DAT	Driving against Traffic (one way street) 346.04(2)	3	MINOR	5
134	CAI	Comm. Alcohol Causing Injury 346.63(6)(a)	6-m	MINOR		013	DLT	Deviating from Lane of Traffic 346.13(1),(2),(3), 346.34(1)(a)3	4	MINOR	
135	CBH	Comm. OWI Causing Great Bodily Harm 940.25	0-m	MAJOR		014	DOW	Driving over Walk 346.12, 346.94(1),(12)	2	MINOR	
136	CCD	Comm. Careless Driving (out-of-state only)	0	-		181	DPM	Delivery of Drug Paraphernalia to Minor. Ch. 961	0	-	1
137	CCF	Comm. Controlled Substance Felony	0-m	MAJOR		081	DS	Defective Speedometer 347.41	2	MINOR	
138	CCS	Comm. OWI Controlled Substance 346.63(1)(a)	6-m	MAJOR		189	DSP	Duty Upon Striking Property 346.69	0	-	
010	CD	Careless Driving (out-of-state only)	0	-		016	DWS	Driving on Wrong Side of Highway 346.05(1),(3), 346.06, 346.15	4	MINOR	
139	CDL	Comm. Deviating from Lane of Traffic 346.13, 346.34(1)(a)3	4	MINOR		094	FA	Falsified App (Mandatory only if DL or Reg Related) 343.19(2), 343.14(5), 345.17	0	MAJOR	
190	CDS	Comm. Duty Upon Striking Property 346.69	0	-		017	FAR	Falsified Accident Report 346.70(5)	0	-	
140	CFC	Comm. Following Too Closely 346.14(2)(a)	3	MINOR		018	FD	Found Delinquent 938.355(2)(b)7, 938.34(14m)	0	-	
009	CFH	Crossing Fire Hose 346.91	2	MINOR		019	FDL	Failure to Dim Lights 347.12(1),(2)	3	MINOR	
141	CFR	Comm. Failure to Report Accident 346.70(1)	0	-		114	FFS	Failure to Fasten Seat Belt 347.48(2m)(b),(c),(d)	0	-	
142	CFS	Comm. Failure to Stop after Accident (Att Veh) 346.67(1)	6-m	MAJOR		020	FGS	Failure to give Signal 346.07(1),(obsolete 12-31-97), 346.34(1)(b),(2), 346.48(2)(a)	3	MINOR	
185	CFU	Comm. Failure to Stop after Accident (Unatt Veh) 346.68	6	MINOR		022	FOS	Failure to Obey Traffic Sign or Signal 346.485(1)	0	-	
143	CHI	Comm. Negligent Homicide Intoxicated 940.09(1)(bm)	0-m	MAJOR		022	FOS	Failure to Obey Traffic Sign or Signal 346.44(1),(2) Railroad	6	MINOR	
144	CIC	Comm. Implied Consent 343.305(9)(a),(9)(am),(10),(10)(b)	0	MAJOR		022	FOS	Failure to Obey Traffic Sign or Signal 346.04(1),(2), 346.16(1),(2)(a)(moped only) 346.37(1)(b),(c)1,(c)3,(d)1, 346.39(1), 346.45(1),(2), 346.48(1), 2,(2m),(3),(4)(a), 346.79(5), 346.80(4)(moped only)	3	MINOR	
145	CII	Comm. OWI Causing Injury 346.63(2)(a)1, (2)(a)2	6-m	MAJOR		024	FRA	Failure to Report Accident 346.70(1)	0	-	
146	CIN	Comm. Implied Consent - Not a Drop	0	-		025	FSA	Fail to Stop after Acc (Att Veh) (Mand if personal Injury) 346.67(1)	6-m	MAJOR	
147	CIS	Comm. Imprudent Speed 346.57(2)	4	MINOR							
148	COO	Comm. 0.0 - Not a Drop 346.63(7)(a)1,2	0	-							
149	CPB	Comm. Possession of Intox. Beverage 346.63(7)(a)3	3	MINOR							

Footnotes

- 1 Obsolete as of 1-1-93, violations appear under Drug Convictions, Ch. 961. All drug convictions are coded 17800 if under 17 years of age on the date of violation and 18800 if 17 or older.
- 2 (horn, mirrors, windshield wipers, fenders, mudguards, trailer hitch, no flag or lamp on load or vehicle train)
- 3 (spinning donuts, exhibition of power, squealing tires)
- 4 Effective 02-01-03.
- 5 Effective 08-01-00, obsolete
- 6 Obsolete as of 08-03-98, now coded as FOS.

Charge Code	Description	Demerit Points	HTO	Note	Charge Code	Description	Demerit Points	HTO	Note
026	FSB Failure to Stop for School Bus 346.48(1)	4	MINOR		091	IC Implied Consent 343.305(9)(a),(9)(am),(10),(10)(b)	0	MAJOR	
026	FSB Failure to Stop for School Bus (Owner) 346.485(1)	0	-		109	ICU Implied Consent Underage 346.83(2m)	0	-	
184	FSU Failure to Stop after Accident (Unattended Vehicle) 346.68	6	MINOR		032	ID Inattentive Driving 346.89(1)	4	MINOR	
027	FTC Following too Closely 346.14(1), (2)(a), 346.90, 346.915(2)	3	MINOR		187	IDT Ignition/Immobilization Device Tampering 347.413(1), 347.417(1)	0	-	
028	FTT Failure to Transfer Title 342.15(1),(2)(a), 342.05(4)	0	-		030	IE Improper Equipment 347.15(2), 347.17(1),(2), 347.19(1),(2), 347.43(1), 347.45(1),(2),(4), 347.455(1),(4), 347.485(1)(a),(am) 347.488(1), 347.487, 347.48(1)(a),(b),(2)	0	-	
029	FVC Failure to keep Vehicle under Control 346.57(2)	4	MINOR		030	IE Improper Equipment 347.20(1),(2), 347.28, 347.29(1), 347.38(1),(2),(4), 347.40(1),(2),(3), 347.42, 347.48(1),(2), 347.47(1),(2),(3),(4), 347.485(2), 347.488(2), 347.488(1),(2),(3)	2	MINOR	
033	FYR Failure to Yield Right of Way 346.06, 346.18(1),(2),(3),(4),(5),(6),(7), 346.19 (1),(2), 346.20(1),(2),(3),(4), 346.21, 346.23(1),(2), 346.24(1), 346.26(1), 346.27, 346.28(2), 346.32, 346.37(1)(a)1,(c)3,(d)1, 346.38(1), 346.47(1),(2), 346.455(1),(2)	4	MINOR		034	IIV Intoxicant in Vehicle - Underage Person 346.93(1)	0	-	
033	FYR Failure to Yield Right of Way 346.205(1), 346.195(1) - Owner, 346.455(1), (2), 346.457(1) - Owner	0	-		035	IL No or Improper Lights 346.595(5) daylight hours, 347.13(3)	0	-	
086	GBH Great Bodily Harm 940.25	0-m	MAJOR		035	IL No or Improper Lights 346.48(2)(b)1,(2)(b)2,(2)(bm),(2)(c), 346.595(5) nighttime, 347.08(1),(3), 347.07, 347.09, 347.10(2), 347.11(1),(2),(3),(4), 347.115(night), 347.13(1), 347.14, 347.15(1), 347.16(1)(a),(b),(2)(a), 347.25(1),(1m),(1r),(a), (1s),(2),(4),(5), 347.255(1),(3),	3	MINOR	
202	GCV GDL Curfew Violation 343.43(1)(d) - Use exact description	3	MINOR		036	IM Improper Muffler 347.39(1),(2), 347.486(3)	0	-	
203	GPV GDL Passenger Violation 343.43(1)(d) - Use exact description	3	MINOR		037	IP Improper Plates 341.045, 341.15(1),(1m)(a),(b),(2), 341.61(2),(3),(4),(5)	0	-	
159	HAD Haz Comm. Alcohol Causing Death 940.09(1)(bm)	0-m	MAJOR		038	IR Illegal Riding (passenger 0 points) 346.595(1),(6), 347.487	2	MINOR	
160	HAH Haz Comm. Alcohol Causing Great Bodily Harm. 940.25(1)(bm)	0-m	MAJOR		039	IS Imprudent Speed 346.57(2)	4	MINOR	
161	HAI Haz Comm. Alcohol Causing Injury 346.63(6)(a)	6-m	MINOR		077	IT Illegal Turn 346.31(1),(2),(3),(4), 346.32, 346.33(1)(a),(b),(c),(2), 346.34(1)(a)1,2, 346.37(1)(c)3	3	MINOR	
162	HBH Haz Comm. OWI Causing Great Bodily Harm 940.25	0-m	MAJOR		041	IUL Illegal use of Operator's License 343.43(1)(a),(c),(e),(f)	0-m	-	
163	HCA Haz Comm. Alcohol 346.63(5)(e)	0	MINOR		112	IVO Intoxicant in Vehicle - operator 346.935(1), (2), (3)	0	-	
164	HCF Haz Comm. Controlled Substance Felony -	0-m	MAJOR		113	IVP Intoxicant in Vehicle - passenger 346.935(1), (2), (3)	0	-	
165	HCS Haz Comm. OWI Controlled Substance 346.63(1)(a)	6-m	MAJOR		103	JA Juvenile Alcohol 125.07(4)(a),(4)(b),125.09(2)	0	-	
191	HDS Haz Comm. Duty Upon Striking Property 346.69	0	-		178	JCS Juvenile Controlled Substances Ch. 961 Under 17 yrs. on date of violation.	0	-	
166	HFR Haz Comm. Failure to Report Accident 346.70(1)	0	-		111	JID Juvenile ID 125.085(3)(b)	0	-	
167	HFS Haz Comm. Failure to Stop after Accident (Att Vehicle) 346.67(1)	6-m	MAJOR		043	LOL Loaning of License 343.43(1)(b)	0-m	-	
168	HFU Haz Comm. Failure to Stop after Accident (Unatt Veh) 346.68	6	MINOR		177	MDD Manufacture & Delivery of Drugs Ch. 961	0	-	1
168	HHI Haz Comm. Negligent Homicide Intoxicated 940.09	0-m	MAJOR		204	MDO Miscellaneous Driving Offenses 346.15, 346.39(2), 346.90, 346.922, 346.94(13)	0	-	
169	HIC Haz Comm. Implied Consent -	0	MAJOR		180	MDP Manufacture/Delivery of Drug Paraphernalia Ch. 961	0	-	1
170	HII Haz Comm. OWI Causing Injury 346.63(2)(a)1, (2)(a)2	6-m	MAJOR						
171	HIN Haz Comm. Implied Consent (Not a Drop) -	0	-						
172	HVF Haz Comm. Vehicle Used in Commission of Felony -	0-m	MAJOR						
173	HWI Haz Comm. Operating while Intoxicated 346.63(1)(a)	6-m	MAJOR						
031	IB Improper Brakes 347.35(1),(2),(3),(4),(5), 347.36, 347.489(2)	3	MINOR						

Footnotes

- 1 Obsolete as of 1-1-93, violations appear under Drug Convictions, Ch. 961. All drug convictions are coded 17800 if under 17 years of age on the date of violation and 18800 if 17 or older.
- 2 (horn, mirrors, windshield wipers, fenders, mudguards, trailer hitch, no flag or lamp on load or vehicle train)
- 3 (spinning donuts, exhibition of power, squealing tires)
- 4 Effective 02-01-03.
- 5 Effective 08-01-00, obsolete
- 6 Obsolete as of 08-03-98, now coded as FOS.

Charge	Charge Code	Description	Demerit Points	HTO	Note	Charge	Charge Code	Description	Demerit Points	HTO	Note
040	MSC	Miscellaneous 341.03(1), 341.605(1),(2), 341.615, 343.18(7)(b) suspension, 341.335(1), 343.22(1),(2)(a),(b),(2m), 343.35(1), 344.45(1), 346.55(1), 346.94(13), 348.09(1), 348.10(1),(2),(3)(3m),(4),(5)(a),(b),(c), 347.489(3)	0	-		065	SE	Speeding Excess (20 mph or more over limit) 346.57(4)(ak),(5), 346.58	6	MINOR	
						068	SI	Speeding Intermediate (11-19 mph over limit) 346.57(4)(ak),(5), 346.58	4	MINOR	
						122	T	Truancy 118.163(2),(2m), 938.342(1)(a), 938.342(2)(a), 938.355(6-m)	0	-	
045	NH	Negligent Homicide 940.06, 940.10	0-m	MAJOR		067	TFC	Too Fast for Conditions 346.57(3)	4	MINOR	
120	NHI	Negligent Homicide Intoxicated 940.09(1)(a),(1)(b)	0-m	MAJOR		069	TPV	Transporting Person or Vehicle Illegally 348.92(1), 346.94(8),(8m),(11), (15)	2	MINOR	
044	OAR	Operating after Revocation 343.44(1)(b)	3	MINOR		060	UA	Unnecessary Acceleration (ordinance violation)	4	MINOR	
174	OCS	OWI Controlled Substance 346.63(1)(a)	6-m	MAJOR		207	UAL	Underage Alcohol 125.07(4)(a), (4)(b), 125.09(3)	0	-	
047	OEL	Operating w/expired license (OWL after 7-1-81)	-	-		108	UAO	Underage Alcohol Operation 346.63(2m)	0	MINOR	
107	OII	Operating while intoxicated causing injury 346.63(2)(a)1,(2)(a)2	6-m	MAJOR		210	UCD	Underage Consent Decree 938.32(2)(a), (c)	0	-	
175	OML	Operating with Multiple Licenses 343.05(1)	3	MINOR		208	UID	Underage ID 125.085(3)(b)	0	-	
209	ORS	Operating while Registration Suspended 341.03(1)	0	-		072	UV	Unregistered Vehicle 341.04(1),(2)	0	-	
048	OSB	Operating w/o School Bus License/Endorsement 343.12(1)(a)	3	MINOR		073	VOO	Violation of Occupational License 343.10(8)(a), 343.43(1)(d)	6	MINOR	5
049	OT	Obstructing Traffic 346.59(1),(2)	2	MINOR		074	VOR	Violation of Restriction (check description) 343.43(1)(d)	3	MINOR	
050	OV	Obstructed View or Control 346.88(1),(3),(4)	2	MINOR		075	VUF	Vehicle used in Commission of Felony (Operating w/o Owners Consent) 943.23(2),(3), 941.30(1)	0-m	MAJOR	
183	OWD	Operating While Disqualified/ Out of Service 343.44(1)(d), 343.44(1)(c)	3	MINOR							
055	OWI	Operating under influence of Intoxicant/Cont Substance 346.63(1)(a)	6-m	MAJOR							
053	OWL	Operating w/o Driver License 343.05(3)(a),(b),(c)	3	MINOR							
052	OWS	Operating while Suspended 343.44(1)(a)	3	MINOR							
056	P	Perjury	0-m	MAJOR							
212	PAC	Prohibited Alcohol Concentration 346.63(1)(b)	6	MAJOR							
176	PCS	Possession of Controlled Substances Ch. 961	0	-	1						
179	PDP	Possession of Drug Paraphernalia Ch. 961	0	-	1						
088	PI	Passing Illegally 346.07(2),(3), 346.072(1)(a),(b), 346.075(1),(2), 346.08(1),(2),(3), 346.09(1),(2),(3),(4), 346.10, 346.11, 346.24(3), 346.48(3)	3	MINOR							
059	POH	Parking on Highway (minor on or after 12/20/89) 346.475, 346.51(1), 346.52(1)(f), 347.27, 347.29(4),(5)	2	MINOR							
059	POH	Parking off Highway 346.51(1)	0	MINOR							
081	PUP	Permitting Unauthorized Person to Operate 343.45(1),(2), 346.925(1)	0	-							
082	R	Racing 346.94(2)	6	MINOR							
083	RD	Reckless Driving 346.62(2),(2m),(3)	6	MAJOR							
083	RD	Reckless Driving 346.62(4)	6-m	MAJOR							
066	S	Speeding (1-10 mph over limit) 346.57(4)(ak),(5), 346.58	3	MINOR							

Footnotes

- 1 Obsolete as of 1-1-93, violations appear under Drug Convictions, Ch. 961. All drug convictions are coded 17800 if under 17 years of age on the date of violation and 18800 if 17 or older.
- 2 (horn, mirrors, windshield wipers, fenders, mudguards, trailer hitch, no flag or lamp on load or vehicle train)
- 3 (spinning donuts, exhibition of power, squealing tires)
- 4 Effective 02-01-03.
- 5 Effective 08-01-00, obsolete
- 6 Obsolete as of 08-03-98, now coded as FOS.

Charge	Charge Code	Description	Demerit		Charge	Charge Code	Description	Demerit		Note
			Points	HTO				Points	HTO	
Withdrawals Only:										
195	AFU	DSP-Assesment Agency Follow-up Required 343.06(1)(d)	195		AFU					
198	ALC	Alcohol Related Incident Cancellation TR 107.08	198		ALC					
121	BAC	Administration Suspension	121		BAC					
131	CAC	Administration Suspension	131		CAC					
182	DQF	Disqualification 343.315	182		DQF					
011	DR	Driver Record, Accumulation of Points	011		DR					
095	FAE	Failure to Appear Exam	095		FAE					
206	FPD	Failure to Pay Driver Improvement Surcharge 343.30(1z)	206		FPD					
023	FPF	Failure to Pay Fine 345.47(1)(b)	023		FPF					
087	FPJ	Failure to Pay Fine Juvenile 938.17(2)(d), 938.34(8), 938.343(2)	087		FPJ					
123	FPN	Failure to Pay Fine Non-Traffic 800.09(1)(c), 800.095(4)(b)4	123		FPN					
205	FPS	Failure to Pay Child Support 767, 769, 948.22(7)	205		FPS					
082	HTO	Habitual Traffic Offender	082		HTO					
199	INC	Insurance Cancelled	199		INC					
093	LPI	Law Prohibits Issuance	093		LPI					
040	MSC	Miscellaneous	040		MSC					
194	NCA	Non-Compliance - New Arrest while in Plan 343.06(1)(e)	194		NCA					
197	NCE	Non-Compliance - Pay Education Fee 343.30(1q)(d)	197		NCE					
102	NCI	Non-Compliance with Assessment Interview	102		NCI					
100	NCP	Non-Compliance with Driver Safety Plan	100		NCI					
196	NCT	Non-Compliance - Pay Treatment Fee 343.30(1q)(d)	196		NCT					
096	PMC	Physical or Medical Condition	096		PMC					
213	RHT	Repeat Habitual Traffic Offender 351	213		RHT					
064	SO	Sex Offender 940.225, 948.02, 948.025, 948.07	064		SO					
192	SR	Safety Responsibility Suspension 344.14	192		SR					
193	SRR	Safety Responsibility Suspension of Registration 344.14	193		SRR					
105	SVO	Serious Violation with Occupational Holder 343.31(2u)	105		SVO					
097	UE	Unsuccessful Driving Exam	097		UE					
098	VS	Voluntary Surrender	098		VS					
099	WS	Withdrawal Sponsorship	099		WS					

Footnotes

- 1 Obsolete as of 1-1-93, violations appear under Drug Convictions, Ch. 961. All drug convictions are coded 17800 if under 17 years of age on the date of violation and 18800 if 17 or older.
- 2 (horn, mirrors, windshield wipers, fenders, mudguards, trailer hitch, no flag or lamp on load or vehicle train)
- 3 (spinning donuts, exhibition of power, squealing tires)
- 4 Effective 02-01-03.
- 5 Effective 08-01-00, obsolete
- 6 Obsolete as of 08-03-98, now coded as FOS.

Gary, Aaron

From: Baetsen, Karen
Sent: Monday, October 25, 2004 2:01 PM
To: Gary, Aaron
Subject: FW: Clarification of DLA issue

Aaron, the board and membership Anna is referring to is: current member jurisdictions in the national Non-Resident Violators Compact and the Driver License Compact.

For further general background, would you find the budget issue paper we submitted with the Sept. 15 partial-DOT budget request of use? The Statutory Modification document was 1 of 3 papers on this topic. I can fax those to you, if useful.

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

From: Biermeier, Anna
Sent: Monday, October 25, 2004 1:13 PM
To: Baetsen, Karen; Prideaux-Wentz, Gary
Subject: RE: Clarification of DLA issue

It might be useful for Aaron to look at the language in state law on the International Registration Plan. At the meeting, this weekend, the board and membership seemed very pleased that the DLA was being created to follow some of the protocols of IRP.

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

From: Baetsen, Karen
Sent: Monday, October 25, 2004 12:33 PM
To: Biermeier, Anna; Prideaux-Wentz, Gary
Subject: FW: Clarification of DLA issue

any more thoughts you'd like to pass along to Aaron?

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Monday, October 25, 2004 11:42 AM
To: Baetsen, Karen
Subject: RE: Clarification of DLA issue

Unfortunately, I think this does make it horribly more complicated. I will have to try to re-configure the draft and get back to you with what further info. I need.

The plan before this e-mail was to probably avoid even mentioning DLA (except possibly some brief provision re authorization, but probably not even that). However, after the e-mail, I doubt that I can do that. For example, "jurisdiction of record" does not appear in stats, and obviously stats nowhere refer to a DLA code violation. Perhaps we can build jurisdiction of record concept into a definition of "home" jurisdiction now used in stats. Does a person have a "jurisdiction of record" if the person is a non-resident and has no license issued by any state? Do you have a preference for using "jurisdiction of record" vs. "home" jurisdiction? Re distinguishing DLA code violations and states from non and phase in, that will be much more tedious and time-consuming.

Thanks. Aaron

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

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

From: Baetsen, Karen
Sent: Monday, October 25, 2004 11:18 AM
To: Gary, Aaron

Gary, Aaron

From: Baetsen, Karen
Sent: Tuesday, October 26, 2004 3:06 PM
To: Gary, Aaron
Cc: Biermeier, Anna; Prideaux-Wentz, Gary
Subject: RE: Question 11

From DMVthere is only one exception underwhich we can issue a Wisconsin driver's license to a non-resident. That is for students per statute 343.01(g). Otherwise there are no other circumstances where a non-resident can be licensed in Wisconsin.

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Monday, October 25, 2004 10:53 AM
To: Baetsen, Karen
Subject: Question 11

Hi Karen,

I have a "technical" question about the wording I'm using. Under s. 343.06 (1) (k), DOT can't issue a license to any person who is not a resident. Are there any exceptions to this rule in terms of how DOT administers ch. 343? (And do you want draft to recognize that people may move after license issuance but not surrender old license?)

I'm asking because I'm wondering if can assume that the term "resident" completely subsumes the term "person who holds an operator's license issued under [ch. 343]." In other words, if I use the term "resident," will that adequately cover ALL WI licensees? Or do you want the language to cover the possibility that there are potentially persons issued a WI license by WisDOT who are not WI residents at the time of the offense?

Thanks. Aaron

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

Gary, Aaron

From: Baetsen, Karen
Sent: Monday, October 25, 2004 9:58 AM
To: Gary, Aaron
Cc: Buckmaster, Carol
Subject: RE: Question 10 (?)

Here's the DMV response ...

Per our compliance/alcohol drug review program area: we would like the provision amended as stated in no. 2 below: the Court should no longer order assessment & driver plan of non-residents

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Friday, October 22, 2004 3:46 PM
To: Baetsen, Karen
Subject: Question 10 (?)

Karen,

Under s. 343.30 (1q) (c), the court generally must order assessment and driver safety plan for certain violations. This is done for nonresident violators as well as resident violators. Failure to comply may result in revocation of operating privilege. In which way do you want this provision amended:

1. Court may continue to order assessment & driver plan of non-residents (but DOT will not revoke for non-compliance; DOT could send notice of noncompliance to home state).

OR

2. Court should no longer order assessment & driver plan of non-residents.

Thanks. Aaron

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

Gary, Aaron

From: Baetsen, Karen
Sent: Wednesday, October 27, 2004 12:59 PM
To: Gary, Aaron
Cc: Prideaux-Wentz, Gary; Biermeier, Anna
Subject: RE: Question 12

Short DMV response below....Karen

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Monday, October 25, 2004 3:30 PM
To: Baetsen, Karen
Subject: Question 12

Hi Karen,

I'm wondering what the process will be under DLA for CDL/CMV DQs under s. 343.315 (and I can't find any specific reference to it in materials provided).

Under s. 343.315 (2), a "person" may be/shall be disqualified for various offenses for various periods (including out-of-state offenses). Section 343.23 (2) (am) spells out various rules for placing specified DQs in the DOT operating record. (This will be reworked in the draft, eventually.)

Do you want s. 343.315 (2) to continue to apply to any person (ie, residents and nonresidents alike)? **[Baetsen, Karen] YES**

If so, I assume DOT would then only record such DQs for WI residents on the driver record and, by having record of conviction forwarded to violator's home state if violator was not a resident, would rely on home state to enter DQ on the violator. (Is that accurate?) **[Baetsen, Karen] YES**

Thanks. Aaron

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

Gary, Aaron

From: Gary, Aaron
Sent: Wednesday, October 20, 2004 3:11 PM
To: Baetsen, Karen
Cc: Morehouse, Alice; Hammer, Paul
Subject: RE: DOT statutory budget request

Thanks Karen. Since our conversation I did find this provision (after I talked to my supervisor). Paul actually drafted this (I think) at DOT's request (I think), and my supervisor was unaware of anything similar being done in any instance other than that related to this act (since she's been here for 20+ yrs., it is indeed rare). According to my supervisor, it may create complications in terms of legislative administration. Aside from providing less public notice of the law than the ordinary publication process through the sec. of state, she believes that every bill hitting any provision treated in the DLA draft for approximately the subsequent two years would need to be "double drafted" and include a hand-crafted provision addressing the possibility of implementation of DLA before 6/30/07. Depending on how extensive the DLA draft turns out to be, it could have an impact on the way quite a few DOT bills this session are drafted. Effective dates like this are typically not used because they tend to impair the ease of administration of the legislative process. Also, the "outside" date for 1997 Act 84 was actually May 1, 2000 (Act 84, s. 168), but in that instance even the outside date wasn't enough time, so in the 1999 budget bill this date was pushed back. I will need to have a discussion with DOA about using an "open ended" effective date like this, and if we do proceed with one, it would be preferable if we could narrow the window for the effective date as much as possible. For example, instead of having the window be basically from publication of the budget bill (or 9/30/05) until 6/30/07, if we could use a realistic approximation of the earliest implementation date, that might be helpful. I will plan to come back to this issue when we start working through the first cut of the draft. Thanks again for your help on this. Aaron

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

1999 AB 133 - 99 budget bill
see also 1999 AB 668

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

From: Baetsen, Karen
Sent: Wednesday, October 20, 2004 2:31 PM
To: Gary, Aaron
Cc: Morehouse, Alice; Hammer, Paul
Subject: FW: DOT statutory budget request

Aaron, DMV suggests the language for implementing "when we are ready" was previously used in an Act from 1997. See below.....hope this helps.

1997 Act 84, section 945, effective dates: "takes effect on May 1, 2001, or on the date stated . . . in the notice published by the secretary of transportation in the Wisconsin Administrative Register under section 85.515 of the statutes, whichever is earlier."

Karen Baetsen

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

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

From: Baetsen, Karen
Sent: Wednesday, October 20, 2004 8:26 AM
To: Gary, Aaron
Cc: Hammer, Paul
Subject: RE: DOT statutory budget request

Aaron, my first response is that DMV and the automation bureau programmers will not be able to handle MCSIA and DLA together, because they also have to implement the USA Patriot Act in the same general timeline. But, I will check in with the affected staff and get back to you yet today. Thanks for asking.

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

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Tuesday, October 19, 2004 1:46 PM
To: Baetsen, Karen
Cc: Buckmaster, Carol; Hammer, Paul; Morehouse, Alice
Subject: RE: DOT statutory budget request

Hi Karen,

I'm wondering about the timing of enactment of these DLA provisions. As you know, most of the provisions of the MCSIA draft from last session's budget bill become effective on 9/30/05. The next budget bill is unlikely to be enacted prior to July 1, 2005 (publication dates of the last 4 budget bills have been: July 25, 2003; August 31, 2001; October 28, 1999; October 13, 1997). It would make drafting easier (and perhaps would make administration easier too) to provide a (likely) effective date for the DLA changes of 9/30/05 - so all of the MCSIA and DLA changes could be implemented together at the same time. Using such an effective date provision (9/30/05 or the date of publication of the 2005 budget bill, whichever occurs later) would also allow me to avoid "double drafting" certain provisions. Do you want to include this slight delay in the effective date of the DLA provisions? Thanks. Aaron

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

He -/ Karen: wants ~~implemented~~ eff. date to be earlier of 6/30/07 or, if it can be implemented earlier, whenever DOT notifies legislature

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

From: Baetsen, Karen
Sent: Friday, September 03, 2004 10:02 AM
To: Hurley, Peggy; Gary, Aaron
Cc: Buckmaster, Carol; Hammer, Paul; Morehouse, Alice
Subject: DOT statutory budget request

Peggy and Aaron:
Carol asked me to relay the attached document to you directly.

In July you received a request for drafting statutory language changes on DOT budget issue, Driver License Agreement (DLA), tracking # B050704. At that time, Carol also sent a comparative chart between DLA Articles and desired Wisconsin statute changes.

I just received another chart that may be useful that also describes the desired language changes, and it's attached below. DMV noted that the chart may not be all-inclusive. They were also uncertain if we need new language simply authorizing the state to join the Driver License Agreement? They also assumed changes may be needed in other cross-referenced statutes.

<< File: statutes_DECISION.doc >>
If you need further clarification, let me know!

Karen Baetsen
Department Of Transportation
Office of Policy & Budget
Room 132B Hill Farms
608/ 266-0179
karen.baetsen@dot.state.wi.us

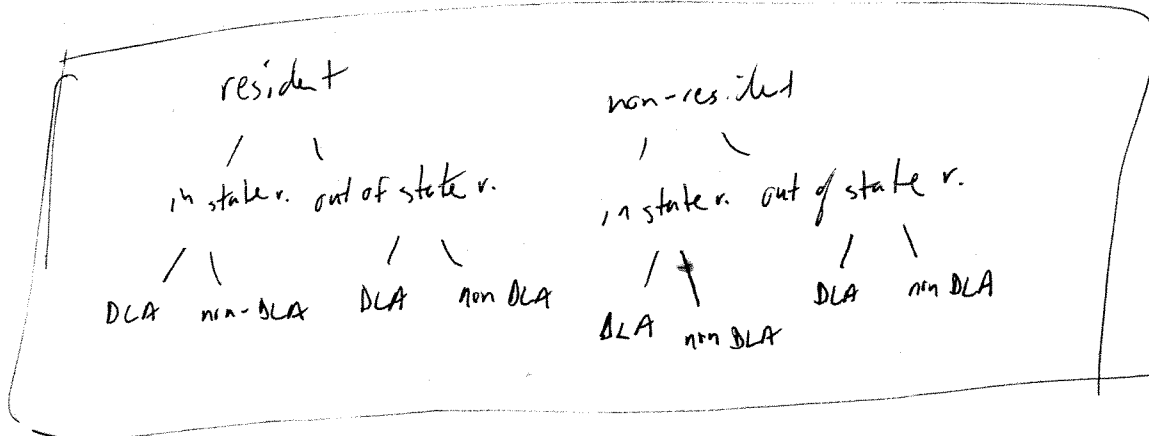
<u>WI resident / licensee</u>	<u>Out-of-State</u>
<p>(WI = TOR)</p> <ul style="list-style-type: none"> WI ct. convictions & admin actions all DLA convictions & admin actions from out-of-state 	<p>WI conviction</p> <ul style="list-style-type: none"> DLA code notice of DLA code conv./admin to home state
<p>(not req'd to add non-DLA conv/admin)</p>	<p>non DLA code conv./admin: on WI record after the sub-driver record & take admin action</p>
	<p>(will forward driver record to TOR)</p>
	<p>(no no new driver record; don't add to driver record)</p>
	<p>(want to add to driver record if person returns & (lettre. OWs has been purged)</p>
	<ul style="list-style-type: none"> DLA member: forward convicts & withdrawals to the non-DLA member: maintain WI record
<p>Applies to:</p> <ol style="list-style-type: none"> licensees residents nonresidents if offense committed in state & <u>not</u> DLA code violation 	
<p>Ch. 543 - resident</p> <p>nonresident</p> <p>omit privilege - inc. nonresident</p> <p>adv. 11.02 record of conviction</p>	<p>no admin action; not on driver record; on sub-driver record</p> <p>no admin action</p>

fact

↓ susp./rev. for out of state conv. / ~~sup./rev~~ ^{for out of state} ~~result~~ if DCA

no treatment re
nonresident/out of state conv.
↓
at time of
conv.

out of state conv. ^{for DCA} treated same as in state





DRIVER LICENSE AGREEMENT

General Purpose	2
Article I Definitions	3
Article II Driver Control	5
Article III Identification Cards	8
Article IV Document Security and Integrity	9
Article V Membership and Administration of Agreement	10
Article VI Agreement Entry and Withdrawal	12
Article VII Amending Process	13
Article VIII Driver License Agreement (DLA) Code	14
Article IX Failure to Comply	16
Article X Information Exchange	17
Article XI Evidence	18
Article XII Exceptions	19
Article XIII General Provisions	20
Article XIV Transitional Provisions	21

General Purpose

It is vital to the national interest that all jurisdictions participate in a reciprocal program of cooperation to promote highway safety and to provide for the fair and impartial treatment of drivers operating within their respective borders and to implement minimum identification and security standards for driver licenses and identification cards. The member jurisdictions of the Driver License Agreement (DLA) support the following principles:

1. One driver license and one driver control record recognized by all member jurisdictions, for each driver;
2. Cooperation among member jurisdictions so that all drivers are required to comply with traffic citations regardless of the jurisdiction where issued;
3. Reciprocal recognition of driver licenses and offenses related to highway safety;
4. Utilization of a recognized verification process to identify a person prior to the issuance of a driver license or identification card;
5. Compliance with the laws, ordinances, regulations and administrative rules relating to highway safety as a condition to the issuance or retention of a driver license;
6. Treatment of traffic offenses and identification fraud for which any person has been convicted in any member jurisdiction as if the offense had been committed in the Jurisdiction of Record for the purposes of updating and maintaining the Driver Control Record and imposing sanctions;
7. Allowing persons to proceed on their way without delay regardless of their Jurisdiction of Record after being issued a citation for certain traffic offenses related to highway safety;
8. Uniformity among all member jurisdictions concerning the exchange of information on licenses, identification cards, records, convictions, withdrawals and other data related to the driver licensing process;
9. Mutual cooperation in the monitoring of compliance with the Agreement and in the resolution of disputes at the lowest possible level of decision; and
10. Compliance with all laws respecting privacy of personal information in all reports and exchanges of information.

In conformity with these principles the member jurisdictions agree as follows: