

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 03 of 06




The 2005 drafting file for LRB-4848

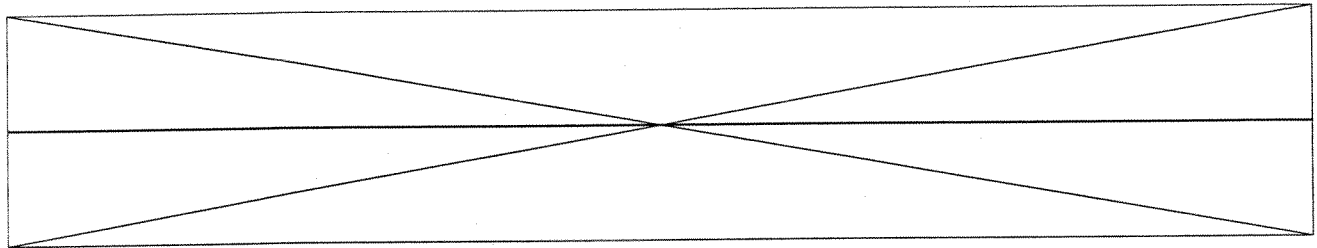
has been transferred to the drafting file for

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.

ENGROSSED BILL

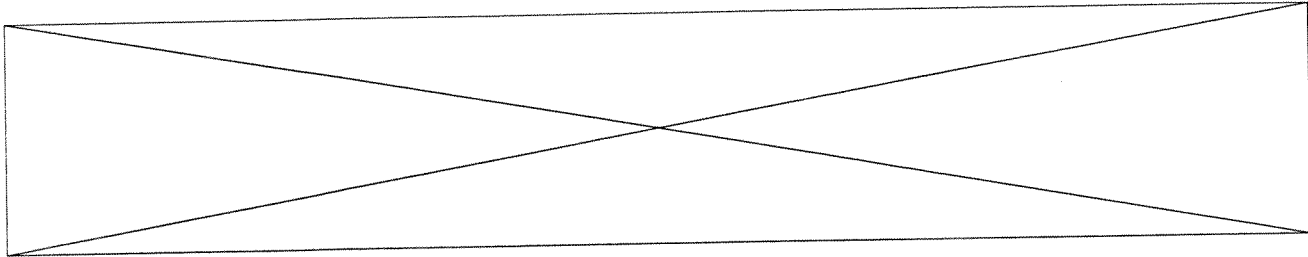


SECTION 32. 343.23 (3m) of the statutes is created to read:

343.23 (3m) (a) If this state becomes a party to an agreement under s. 343.02 (3) (a), upon receiving notice that a person who is a licensee under this chapter or a resident has applied for or been issued an operator's license in another jurisdiction or has transferred residency to another jurisdiction, the department shall transfer to the other jurisdiction all file information specified in sub. (2) (a) to (ar) within 30 days of receiving such notice if the other jurisdiction is a member jurisdiction or if the other jurisdiction accepts responsibility for maintaining the person's operator's record. Subject to par. (b), upon such transfer, the department shall not update the file specified in sub. (2) (a) with any information specified in sub. (2) (a) to (ar) except as may be required under federal law.

(b) If the department transfers the operator's record file information to another jurisdiction as provided in par. (a), and that jurisdiction is not a member jurisdiction, the department may continue to update the file specified in sub. (2) (a) with respect to any conviction or suspension or revocation of a person's operating privilege for an offense committed in this state that is not recorded by the other jurisdiction on the person's operator's record, including for any failure to comply.

ENGROSSED BILL



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

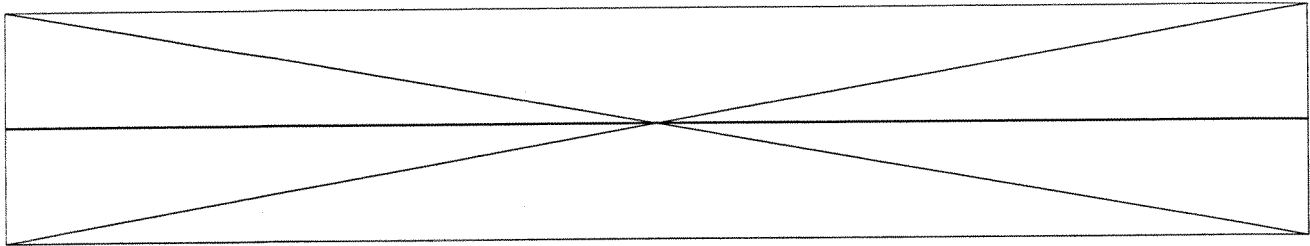
SECTION 33. 343.23 (4) (b) of the statutes is amended to read:

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

History: 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 331; 1981 c. 178; 1983 a. 74; 1987 a. 3; 1989 a. 31, 105, 133, 359; 1991 a. 277; 1993 a. 65; 1995 a. 113, 184, 338; 1997 a. 35, 84, 237; 1999 a. 32, 109; 2001 a. 38, 109; 2003 a. 30, 33, 280, 320.

*****NOTE:** In lieu of stricken language, see treatment of s. 343.36 (3).

ENGROSSED BILL



SECTION 34. 343.235 (3) (a) of the statutes is amended to read:

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

History: 1991 a. 269; 1999 a. 88.

SECTION 35. 343.237 (2) of the statutes, as affected by 2003 Wisconsin Act 280, is amended to read: Note: Also amend 343.237(3) to include district attorney.

343.237 (2) Any photograph taken of an applicant under s. 343.14 (3) or 343.50 (4), and any fingerprint taken of an applicant under s. 343.12 (6) (b), may be maintained by the department and, except as provided in this section, shall be kept confidential. Except as provided in this section, the department may release a photograph or fingerprint only to the person whose photograph or fingerprint was taken or to the driver licensing agency of another jurisdiction upon transfer of the person's operator's record under s. 343.23 (3m).

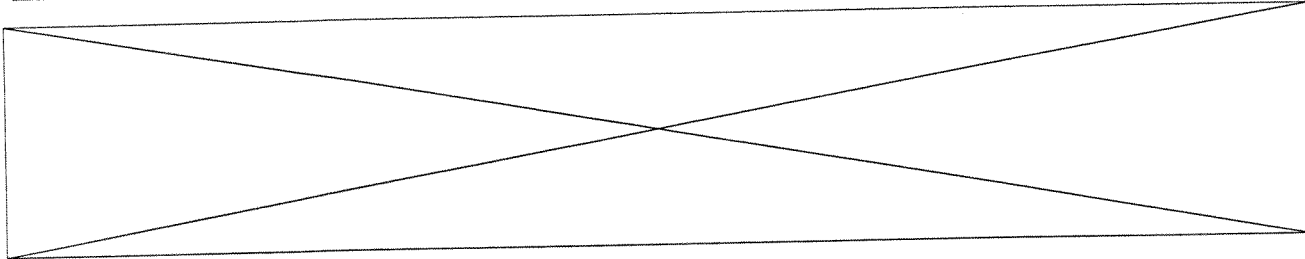
NOTE: NOTE: Sub. (2) is shown as amended eff. 2-1-05 by 2003 Wis. Act 280. Prior to 2-1-05 it reads:NOTE:

History: 1997 a. 119, 237; 2001 a. 41; 2003 a. 36, 280.

****NOTE: Is this treatment necessary? Does transfer to another jurisdiction of the driver record include transfer of the person's photo? Not necessarily. Do you want to omit the reference to s. 343.23 (3m), so sharing is permitted regardless of whether it is part of driver record or whether a driver record is transferred? Yes

SECTION 36. 343.24 (3) of the statutes is amended to read:

ENGROSSED BILL



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

History: 1975 c. 297 s. 9; Stats. 1975 s. 343.24; 1977 c. 29 s. 1654 (7) (e); 1979 c. 221, 331, 355; 1989 a. 105; 1991 a. 269; 1993 a. 16, 490; 1995 a. 113; Sup. Ct. Order No. 99-04, 228 Wis. 2d xxiii (2000); 1999 a. 88, 185; 2001 a. 16.

SECTION 37. 343.24 (4) (c) 1. of the statutes is amended to read:

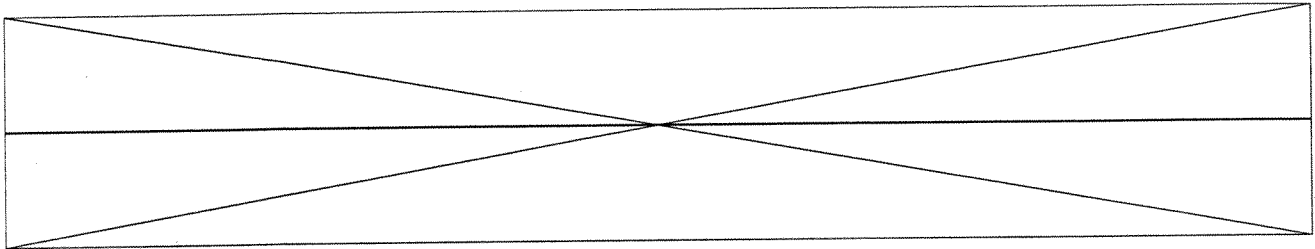
343.24 (4) (c) 1. A law enforcement agency, a state authority, or a federal governmental agency, including a driver licensing agency of another jurisdiction, to perform a legally authorized function.

History: 1975 c. 297 s. 9; Stats. 1975 s. 343.24; 1977 c. 29 s. 1654 (7) (e); 1979 c. 221, 331, 355; 1989 a. 105; 1991 a. 269; 1993 a. 16, 490; 1995 a. 113; Sup. Ct. Order No. 99-04, 228 Wis. 2d xxiii (2000); 1999 a. 88, 185; 2001 a. 16.

*****NOTE:** This draft does not treat s. 343.245 (3m). If an employer of a nonresident CDL holder participated in the program under s. 343.245 (3m) with respect to this driver, given the changes in s. 343.23 and 343.315, the employer would probably not be notified of a disqualification in this state of the driver. Is this okay?
Okay.

SECTION 38. 343.28 (1) of the statutes is amended to read: Note: Our interpretation of the DLA does not result in any change in court authority or proceedings. We do not expect the court to determine whether the person is a licensee/resident or not. The court should treat residents/non-residents the same. The court should not have to forward

ENGROSSED BILL



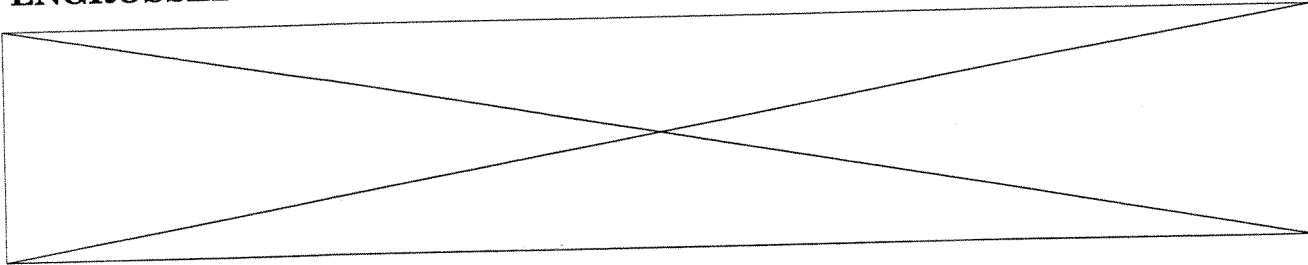
additional data to DMV. DMV will determine jurisdiction of record and forward convictions/withdrawals.

343.28 (1) Whenever a person is convicted of a moving traffic violation under chs. 341 to 349 or under a local ordinance enacted under ch. 349, the clerk of the court in which the conviction occurred, or the justice, judge or magistrate of a court not having a clerk, shall, as provided in s. 345.48, forward to the department the record of such conviction. The record of conviction forwarded to the department shall state whether the offender was a licensee under this chapter or a resident at the time of the offense, whether the offender was involved in an accident at the time of the offense, whether the offender was operating a commercial motor vehicle at the time of the offense and, if so, whether the offender was transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver. Whenever a person is convicted of exceeding a posted speed limit, the record of conviction forwarded to the department shall include the number of miles per hour in excess of the posted speed limit.

History: 1971 c. 278; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 331; 1989 a. 105; 1995 a. 113; 1999 a. 140; 2003 a. 33.

****NOTE: Should this refer to the time of the offense or the time of the conviction?

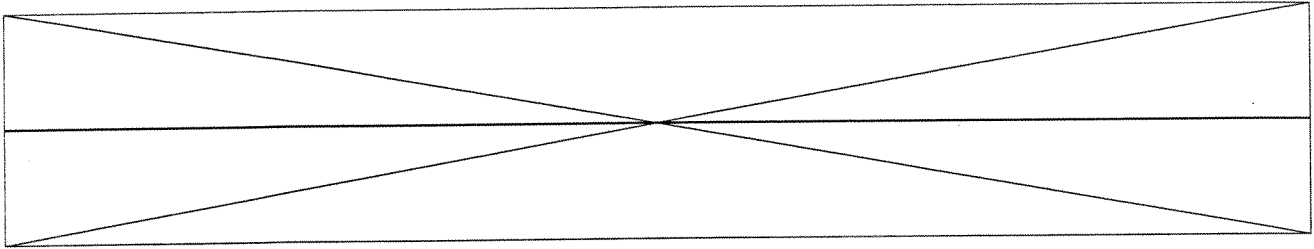
ENGROSSED BILL



SECTION 39. 343.28 (2) of the statutes is amended to read: Note:
Comments covered under Section 38. See draft bill, LRB 08063659,
proposing the elimination of taking possession/surrendering licenses.

343.28 (2) Whenever a person who is a licensee under this chapter or a resident or a nonresident subject to revocation under s. 343.31 (2z) is convicted of any offense for which s. 343.31 makes mandatory the revocation by the secretary of such the person's operating privilege, the court in which the conviction occurred shall require the surrender to it of any license issued under this chapter then held by such the person. The clerk of the court, or the justice, judge or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the department the record of conviction and any surrendered licenses. The record of conviction forwarded to the department shall state whether the offender was a licensee under this chapter or a resident at the time of the offense, whether the offender was involved in an accident at the time of the offense, whether the offender was operating a commercial motor vehicle at the time of the offense and, if so, whether the offender was transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver.

ENGROSSED BILL



History: 1971 c. 278; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 331; 1989 a. 105; 1995 a. 113; 1999 a. 140; 2003 a. 33.

SECTION 40. 343.30 (1) of the statutes is amended to read: Note: Same as previous statement on courts.

343.30 (1) A court may suspend ~~a person's~~ the operating privilege of a person who is a licensee under this chapter or a resident for any period not exceeding one year upon such person's conviction in such court of violating any of the state traffic laws or any local ordinance enacted under ch. 349.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

SECTION 41. 343.30 (1g) (a) of the statutes is amended to read:

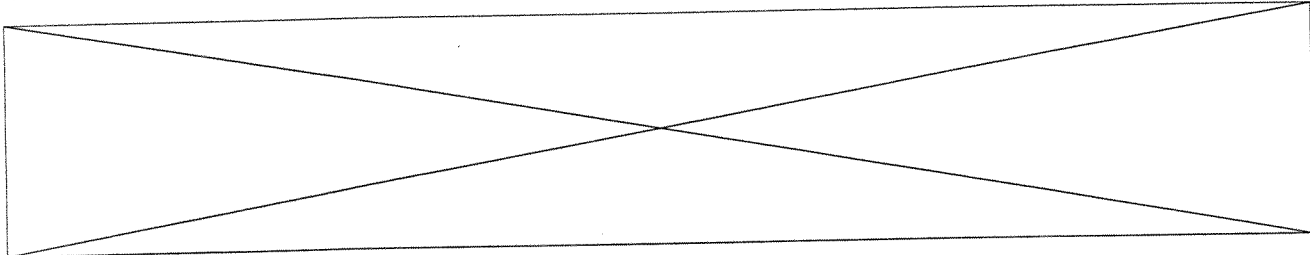
Note: Same as previous statement on courts.

343.30 (1g) (a) Except as provided in par. (b), a court may suspend ~~a person's~~ the operating privilege of a person who is a licensee under this chapter or a resident for any period not exceeding 6 months upon the person's conviction for violating s. 343.44 (1) (a), (b) or (d) or a local ordinance in conformity therewith.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

SECTION 42. 343.30 (1g) (b) of the statutes is amended to read:

ENGROSSED BILL

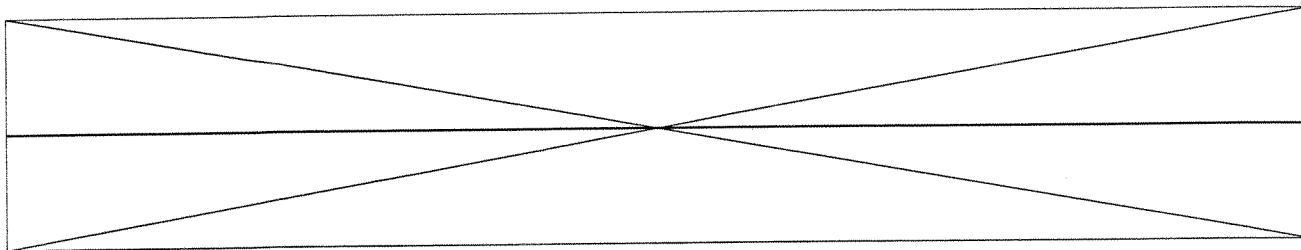


Note: Same as previous statement on courts. Based on another legislative initiative, we are recommending this be changed from "shall" to "may" revoke.

343.30 (1g) (b) A court ~~shall~~ may revoke a person's the operating privilege of a person who is a licensee under this chapter or a resident 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 of similar violations under s. 343.44 (1), 1997 stats., or a local ordinance in conformity therewith, with s. 343.44 (1) (a), (b), or (d), or the law of another jurisdiction prohibiting operating a motor vehicle with a suspended or revoked license or while disqualified or ordered out of service, as those or substantially similar terms are used in that jurisdiction's laws, 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.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

ENGROSSED BILL



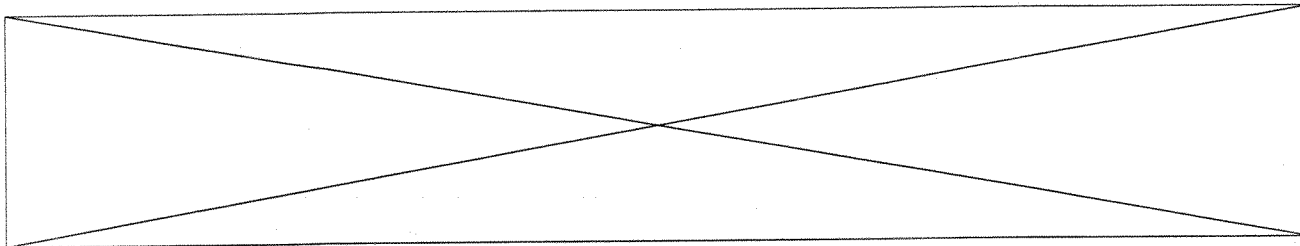
SECTION 43. 343.30 (1n) of the statutes is amended to read: Note: Same as previous statement on courts.

343.30 (1n) A court shall suspend the operating privilege of a person who is a licensee under this chapter or a resident for a period of 15 days upon the person's conviction by the court of exceeding the applicable speed limit as established by s. 346.57 (4) (gm) or (h), by 25 or more miles per hour. If the conviction makes the person subject to suspension under s. 343.085 or 343.32, the court shall order the suspension of the person's operating privilege and notify the secretary of the order. Upon receiving the notice, the secretary shall act as authorized under s. 343.32 or 343.085. Any suspension under this subsection shall date from the day the secretary acts on the order of suspension of the operating privilege.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

SECTION 44. 343.30 (1o) (intro.) of the statutes is amended to read: Note: Same as previous comments on courts.

ENGROSSED BILL



343.30 (1o) (intro.) Upon conviction of a person who is a licensee under this chapter or a resident for violating s. 346.072, the court shall suspend the violator's operating privilege as follows:

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

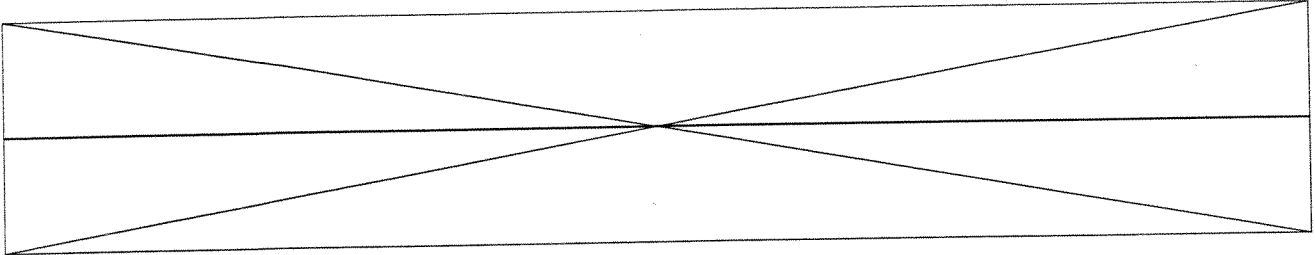
SECTION 45. 343.30 (1p) of the statutes is amended to read: Note: Same as previous comments on courts.

343.30 (1p) Notwithstanding sub. (1), a court shall suspend the operating privilege of a person who is a licensee under this chapter or a resident for 3 months upon the person's conviction by the court for violation of s. 346.63 (2m) or a local ordinance in conformity with s. 346.63 (2m). If there was a minor passenger under 16 years of age in the motor vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (2m) or a local ordinance in conformity with s. 346.63 (2m), the court shall suspend the operating privilege of the person for 6 months.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

SECTION 46. 343.30 (1q) (b) (intro.) of the statutes is amended to read: Note: Same as previous comments on courts.

ENGROSSED BILL



343.30 (1q) (b) (intro.) For persons a person who is a licensee under this chapter or a resident convicted under s. 346.63 (1) or a local ordinance in conformity therewith:

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

****NOTE: Is the reference in s. 343.30 (1q) (a) to "this subsection" correct?

SECTION 47. 343.30 (1q) (b) 4. of the statutes is amended to read: Note:

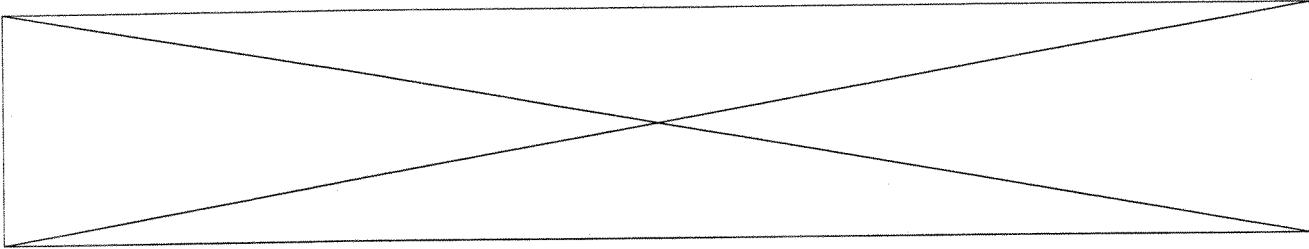
Why change "the" to "any."

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

(c).

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64;

ENGROSSED BILL

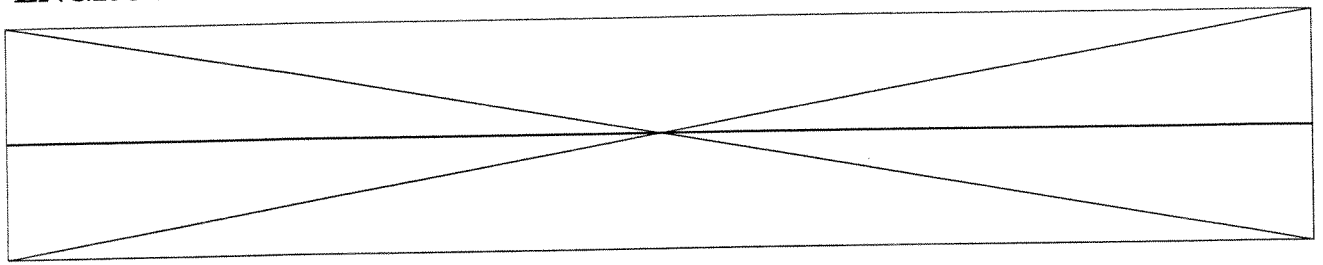


1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

SECTION 48. 343.30 (1q) (c) 1. (intro.), a., and c. of the statutes are consolidated, renumbered 343.30 (1q) (c) 1. and amended to read: ~~Note: Same as previous comments on courts.~~ **Note: Need to add statement regarding residents as shown below. Please feel free to change language.**

343.30 (1q) (c) 1. Except as provided in ~~subd. 1. a. or b.~~ this subdivision, and except for a first violation of s. 346.63 (1) (b), if the person who committed the violation ~~is a licensee under this chapter or a resident and~~ had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, the court shall order the person to submit to and comply with an assessment. If the person who committed the violation is a licensee under this chapter or a resident, the person must submit to and comply with an assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of alcohol, controlled substances or controlled substance analogs and development of a driver safety plan for the person. The court shall notify the department of transportation of the assessment order. The court shall notify the person that noncompliance with assessment or the driver safety plan will result in revocation of the person's operating privilege until the person is in compliance. The assessment order shall: ~~If the person is a resident, refer the person to an~~

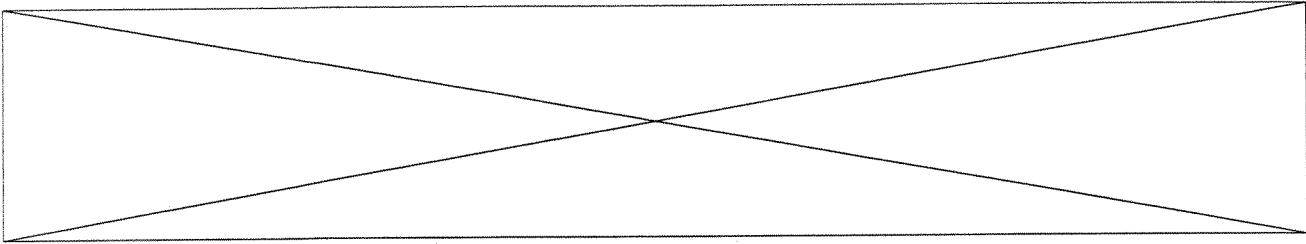
ENGROSSED BILL



approved public treatment facility in the county in which the person resides. The facility named in the order may provide for assessment of the person in another approved public treatment facility. The order shall provide that if the person is temporarily residing in another state, the facility named in the order may refer the person to an appropriate treatment facility in that state for assessment and development of a driver safety plan for the person satisfying the requirements of that state. ~~Require~~ The assessment order shall require a person who is referred to a treatment facility in another state under ~~subd. 1. a. or b.~~ this subdivision 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.

SECTION 49. 343.30 (1q) (c) 1. b. of the statutes is ~~repealed~~ amended. Note: If the court orders an assessment for a nonresident, WisDOT will forward the order to the jurisdiction of record. Language needs to be developed to require this. If the jurisdiction of record is not a DLA member, action needs to be taken similar to what is currently detailed in s. 343.30 (1q) (c)

ENGROSSED BILL



1. b. . Also need to check for other references to the consolidation and renumbering/repealing 343.30 (1q) (c) such as in Section 1. These same types of changes need to be made in Sections 70 and 71.

SECTION 50. 343.30 (1z) of the statutes is amended to read: Note: Same as previous comments on courts.

343.30 (1z) If a court imposes a driver improvement surcharge under s. 346.655 on a person who is a licensee under this chapter or a resident and the person fails to pay the surcharge within 60 days after the date by which the court ordered the surcharge to be paid, the court may suspend the person's operating privilege until the person pays the surcharge, except that the suspension period may not exceed 2 years.

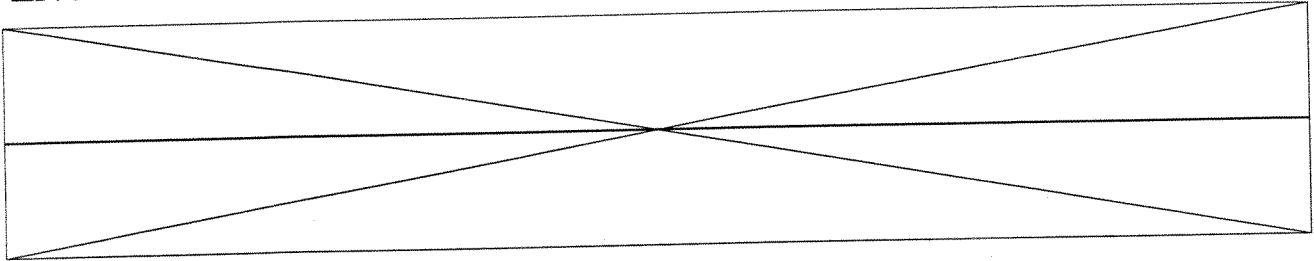
History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

****NOTE: Is this "failure to comply" provision desired, given s. 345.47 (1) (b)'s general applicability to surcharges?

SECTION 51. 343.30 (2d) of the statutes is amended to read: Note: Same as previous comments on courts.

343.30 (2d) A court may suspend ~~a person's~~ the operating privilege of a person who is a licensee under this chapter or a resident upon conviction of any offense specified under ss. 940.225, 948.02, 948.025 and 948.07, if the court finds

ENGROSSED BILL



that it is inimical to the public safety and welfare for the offender to have operating privileges. The suspension shall be for one year or until discharge from prison or jail sentence or probation, extended supervision or parole with respect to the offenses specified, whichever date is later. Receipt of a certificate of discharge from the department of corrections or other responsible supervising agency, after one year has elapsed since the suspension, entitles the holder to reinstatement of operating privileges. The holder may be required to present the certificate to the secretary if the secretary deems necessary.

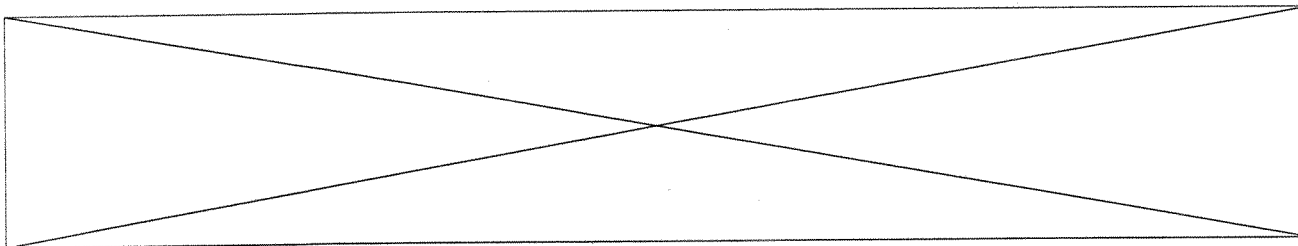
History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

SECTION 52. 343.30 (2g) of the statutes is amended to read: Note: Same as previous comments on courts.

343.30 (2g) A court may suspend or revoke ~~a person's~~ the operating privilege of a person who is a licensee under this chapter or a resident for any period not exceeding one year upon conviction of that person for violating s. 346.67, 346.68 or 346.69. This subsection does not apply to circumstances that require the department to revoke a person's operating privilege under s. 343.31 (1) (d) or (3) (i) or (j).

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

ENGROSSED BILL

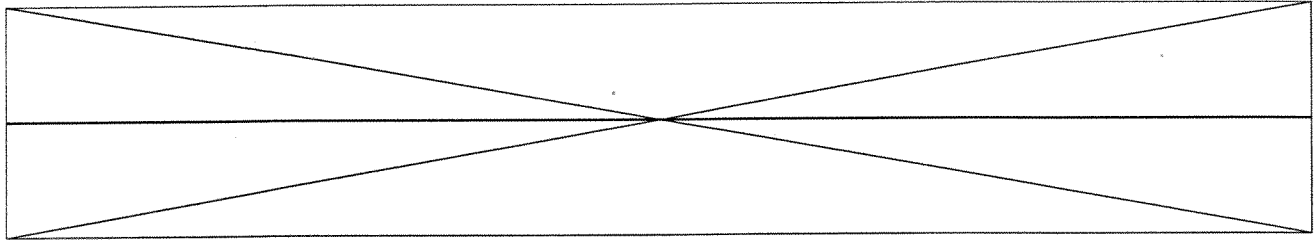


SECTION 53. 343.30 (2j) (a) of the statutes is renumbered 343.30 (2j) and amended to read: Note: Same as previous comments on courts.

343.30 (2j) A court may revoke ~~a person's~~ the operating privilege of a person who is a licensee under this chapter or a resident upon the person's first conviction for violating s. 346.44 or 346.62 (2m) and shall revoke ~~a person's~~ the operating privilege of a person who is a licensee under this chapter or a resident upon the person's 2nd or subsequent conviction within a 5-year period for violating s. 346.44 or 346.62 (2m) or the law of another jurisdiction for an offense therein which, if committed in this state, would have been cause for revocation under this paragraph. 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) or the applicable law of another jurisdiction shall be counted, except that convictions under s. 346.44 and 346.62 (2m) or the applicable law of another jurisdiction arising out of the same incident or occurrence shall be counted as a single conviction.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

ENGROSSED BILL



SECTION 54. 343.30 (2m) of the statutes is amended to read: Note: Same as previous comments on courts.

343.30 (2m) A court may suspend ~~a person's~~ the operating privilege of a person who is a licensee under this chapter or a resident upon conviction of the person for violating s. 346.93. Such suspension shall be for a period of not less than 30 days nor more than one year.

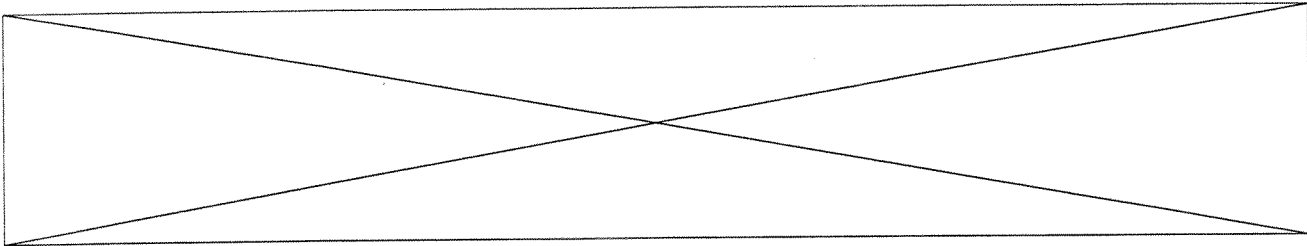
History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

SECTION 55. 343.30 (4) of the statutes is amended to read: Note: Same as previous comments on courts.

343.30 (4) Whenever a court or judge suspends or revokes an operating privilege under this section, the court or judge shall immediately take possession of any suspended or revoked license ~~and shall, if issued under this chapter, and~~ forward it as provided in s. 345.48 to the department together with the record of conviction and notice of suspension or revocation. Whenever a court or judge restricts the operating privilege of a person, the court or judge shall forward notice of the restriction to the department.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

ENGROSSED BILL



SECTION 56. 343.30 (5) of the statutes is renumbered 343.30 (5) (a) and amended to read:

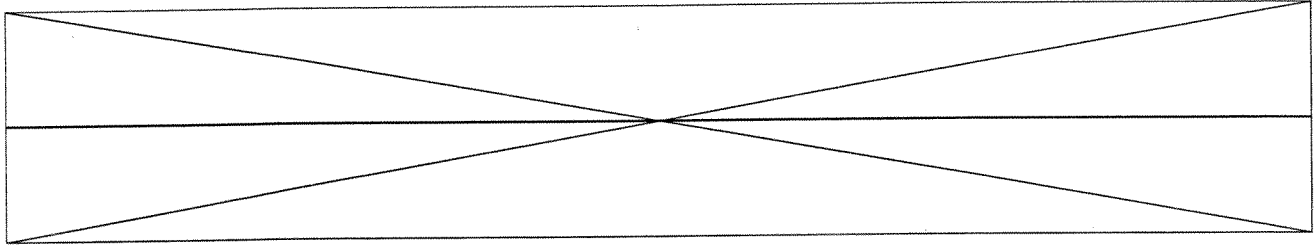
343.30 (5) (a) No court may suspend or revoke an operating privilege except as authorized by this chapter or ch. 345, 351 or 938 or s. 767.303, 800.09 (1) (c), 800.095 (4) (b) 4., 943.21 (3m), or 961.50. When a court revokes, suspends or restricts a juvenile's operating privilege under ch. 938, the department of transportation shall not disclose information concerning or relating to the revocation, suspension or restriction to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, driver licensing agency of another jurisdiction, or the minor whose operating privilege is revoked, suspended or restricted, or his or her parent or guardian. Persons entitled to receive this information shall not disclose the information to other persons or agencies.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

SECTION 57. 343.30 (5) (b) of the statutes is created to read: Note: Same as previous comments on courts.

343.30 (5) (b) Notwithstanding subs. (1) to (2m) and (6) (d), a court may suspend or revoke, or, respectively, shall suspend or revoke, in the manner

ENGROSSED BILL



provided in subs. (1) to (2m) and (6), the operating privilege of a person who is not a resident upon the person's conviction of committing in this state, respectively, an offense specified in subs. (1) to (2m) or (6) other than, if this state is a party to an agreement under s. 343.02 (3) (a), an offense identified in the rule under s. 343.02 (3) (b).

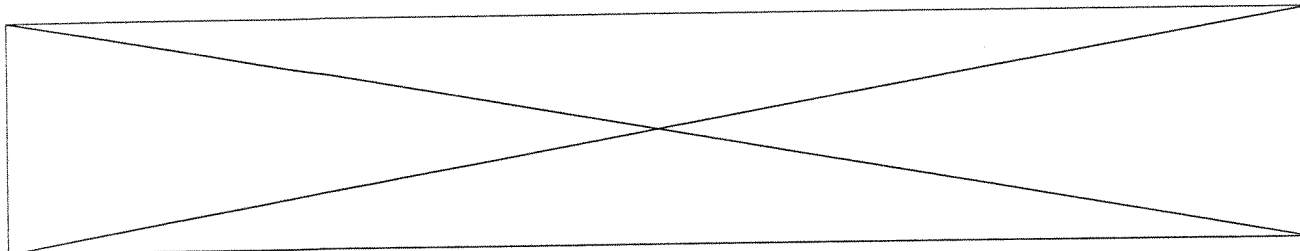
SECTION 58. 343.30 (6) (d) of the statutes is amended to read: Note: Same as previous comments on courts.

343.30 (6) (d) A court may impose suspension of an operating privilege under this subsection on a person who is a licensee under this chapter or a resident. If the person subject to suspension under this subsection does not hold a valid license under this chapter other than a license under s. 343.07 or 343.08 on the date of disposition, the suspension under par. (b) shall commence on the date that such a license would otherwise be reinstated or issued after the person applies and qualifies for issuance or 2 years from the date of disposition, whichever occurs first.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80.

****NOTE: I did not amend s. 343.30 (6) (a) to count as a previous violation similar offenses committed in other jurisdictions because these offenses generally relate to underage drinking rather than traffic violations, although s. 125.085 relates to misuse of driver's license to procure alcohol. Is the omission of treatment in this manner of s. 343.30 (6) (a) consistent with your intent?

ENGROSSED BILL



SECTION 59. 343.301 (1) (a) 1. of the statutes is amended to read: Note:

Same as previous comments on courts.

343.301 (1) (a) 1. Except as provided in subd. 2., if a person who is a licensee under this chapter or a resident improperly refuses to take a test under s. 343.305 or violates s. 346.63 (1) or (2), 940.09 (1), or 940.25, and the person has a total of one or more prior convictions, suspensions, or revocations, counting convictions under ss. 940.09 (1) and 940.25 in the person's lifetime and other convictions, suspensions, and revocations counted under s. 343.307 (1), the court may order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating "Class D" vehicles that are equipped with an ignition interlock device.

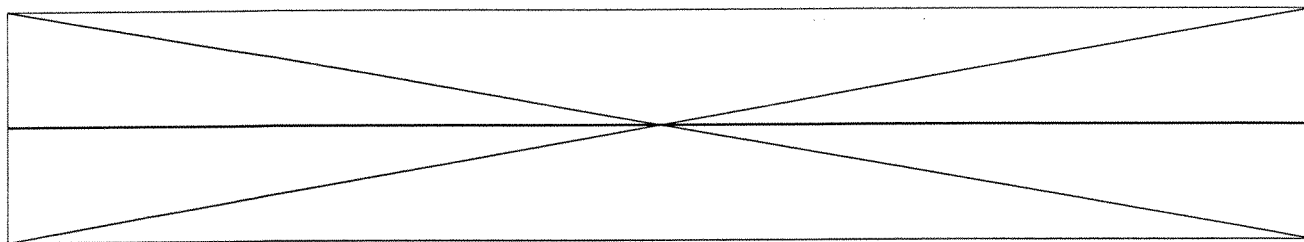
History: 1999 a. 109; 2001 a. 16 ss. 3417m to 3420t, 4060gj, 4060hw, 4060hy; 2001 a. 104.

SECTION 60. 343.301 (1) (a) 2. of the statutes is amended to read: Note:

Same as previous comments on courts.

Note: Add new subsection that creates department authority similar to s.343.301(2)(d) to record IID for WI titled/registered vehicles only.

ENGROSSED BILL

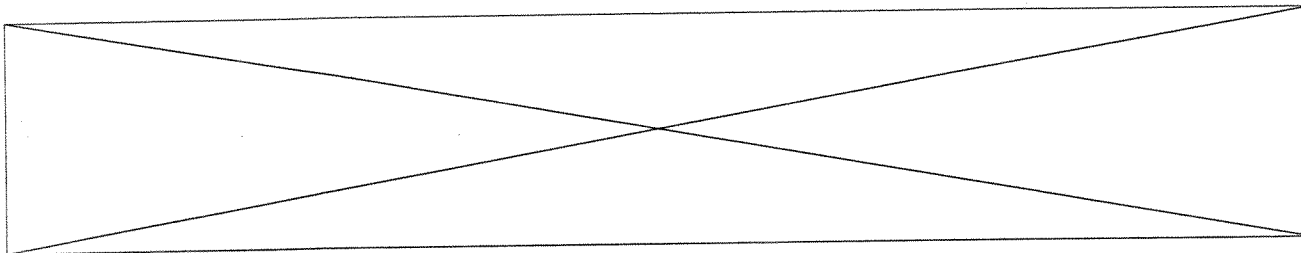


343.301 (1) (a) 2. If a person who is a licensee under this chapter or a resident improperly refuses to take a test under s. 343.305 or violates s. 346.63 (1) or (2), 940.09 (1), or 940.25, and the person has a total of 2 or more convictions, suspensions, or revocations, counted under s. 343.307 (1) within any 5-year period, the court shall order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device. If equipping each motor vehicle with an ignition interlock device under this subdivision would cause an undue financial hardship, the court may order that one or more motor vehicles subject to this subdivision not be equipped with an ignition interlock device. This subdivision does not apply if the court enters an order under sub. (2) (a) 2. or, if the person has 2 or more prior convictions, suspensions, or revocations for purposes of this subdivision, to the motor vehicle owned by the person and used in the violation or refusal if the court orders the vehicle to be seized and forfeited under s. 346.65 (6).

History: 1999 a. 109; 2001 a. 16 ss. 3417m to 3420t, 4060gj, 4060hw, 4060hy; 2001 a. 104.

***NOTE: The attached draft does not provide for an operating privilege restriction for ignition interlock devices for nonresidents under the circumstances described in s. 343.301 (1) (a). The draft permits immobilization under s. 343.301 (2) with respect to nonresidents.

ENGROSSED BILL



SECTION 61. 343.301 (2) (b) 3. of the statutes is created to read: Note:
Same as previous comments on courts.

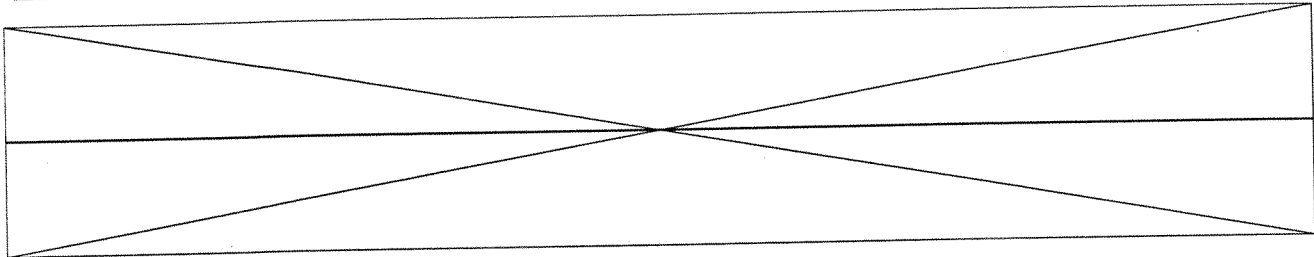
Note: Add new subsection that revises department authority in
s.343.301(2)(d) to record immobilizations for WI titled/registered vehicles
only.

343.301 (2) (b) 3. If the court orders immobilization under par. (a) 1. or 2.
with respect to a nonresident whose operating privilege may not be revoked by the
court, the period of immobilization under subd. 1. and 2. shall be determined as if
the nonresident's operating privilege were subject to revocation.

****NOTE: I did not amend s. 343.305 (4) even though, for a nonresident,
Wisconsin will not suspend or revoke the operating privilege. I assume that the text
is sufficiently accurate to serve its purpose, that amending will unnecessarily
complicate the advisory, and that the person's operating privilege would likely be
suspended or revoked in the person's home jurisdiction.

SECTION 62. 343.305 (7) (a) of the statutes is amended to read: Note: In
order to ensure due process and timely suspension for failing a chemical
test, the DMV needs to continue to handle the administrative review and
suspension process and then forward the resolution to the jurisdiction of
record. Given that the process should remain the same, is this
amendment needed.

ENGROSSED BILL



~~343.305~~ (7) (a) If a person submits to chemical testing administered in accordance with this section and any test results indicate the presence of a detectable amount of a restricted controlled substance in the person's blood or a prohibited alcohol concentration, the law enforcement officer shall report the results to the department and, if the person is a licensee under this chapter, take possession of the person's license and forward it to the department. The person's operating privilege is administratively suspended for 6 months unless this state has entered into an agreement under s. 343.02 (3) (a), the person is a nonresident, and administrative action as described under this paragraph is identified in the rule under s. 343.02 (3) (b). If a nonresident's operating privilege is not administratively suspended under this paragraph, the department shall report the test results to the driver licensing agency in the person's home jurisdiction.

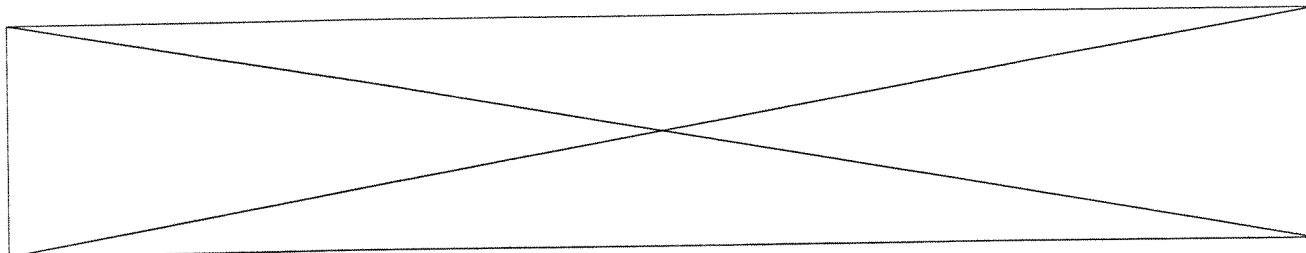
History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199.

***NOTE: I do not believe that amendment of s. 343.305 (7) (b) is necessary.

SECTION 63. 343.305 (8) (a) of the statutes is amended to read: **Note: Is a change needed to this section, if no change to section 62?**

343.305 (8) (a) The If a person is subject to administrative suspension of his or her operating privilege under sub. (7) (a), the law enforcement officer shall notify the person of the administrative suspension under sub. (7) (a). The notice

ENGROSSED BILL



shall advise the person that his or her operating privilege will be administratively suspended and that he or she has the right to obtain administrative and judicial review under this subsection. This notice of administrative suspension serves as a 30-day temporary license. An administrative suspension under sub. (7) (a) becomes effective at the time the 30-day temporary license expires. The officer shall submit or mail a copy of the notice to the department.

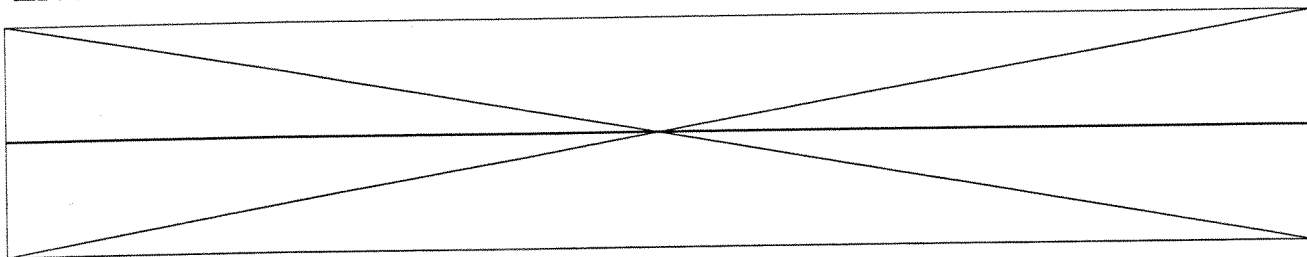
History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199.

SECTION 64. 343.305 (9) (a) (intro.) of the statutes is amended to read:

Note: Law enforcement officers should be able to treat the person the same regardless of whether or not the person is a licensee/resident. Law enforcement should not have to take on the additional burden of determining jurisdiction of record. DMV will do that.

343.305 (9) (a) (intro.) If a person who is a licensee under this chapter or a resident refuses to take a test under sub. (3) (a), the law enforcement officer shall immediately take possession of the person's license, if the person is a licensee, and prepare a notice of intent to revoke, by court order under sub. (10), the person's operating privilege. If the person was driving or operating a commercial motor vehicle, the officer shall issue an out-of-service order to the person for the 24 hours after the refusal and notify the department in the manner prescribed by the

ENGROSSED BILL



department. The officer shall issue a copy of the notice of intent to revoke the privilege to the person and submit or mail a copy with the person's license, if surrendered, to the circuit court for the county in which the arrest under sub. (3) (a) was made or to the municipal court in the municipality in which the arrest was made if the arrest was for a violation of a municipal ordinance under sub. (3) (a) and the municipality has a municipal court. The officer shall also mail a copy of the notice of intent to revoke to the attorney for that municipality or to the district attorney for that county, as appropriate, and to the department. The notice of intent to revoke the person's operating privilege shall contain substantially all of the following information:

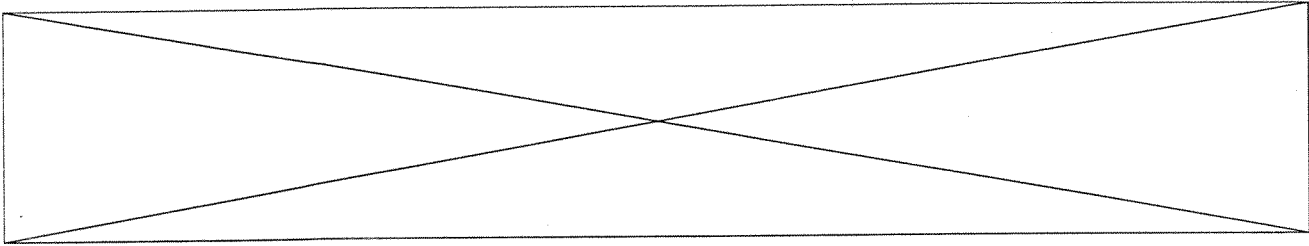
History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199.
History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199.

SECTION 65. 343.305 (9) (am) (intro.) of the statutes is amended to read:

Note: this change does not appear to be needed. See Section 64 comments.

343.305 (9) (am) (intro.) If a person who is a licensee under this chapter or a resident and who is driving or operating or on duty time with respect to a commercial motor vehicle refuses a test under sub. (3) (am), the law enforcement officer shall immediately take possession of the person's license, if the person is a

ENGROSSED BILL



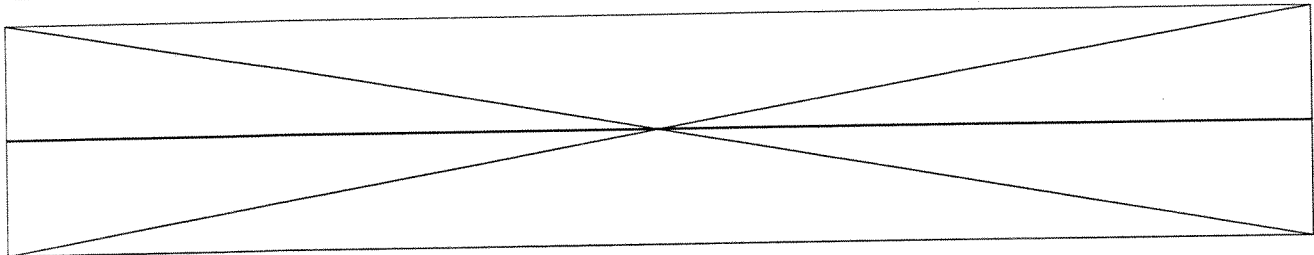
licensee, issue an out-of-service order to the person for the 24 hours after the refusal and notify the department in the manner prescribed by the department, and prepare a notice of intent to revoke, by court order under sub. (10), the person's operating privilege. The officer shall issue a copy of the notice of intent to revoke the privilege to the person and submit or mail a copy with the person's license, if surrendered, to the circuit court for the county in which the refusal is made or to the municipal court in the municipality in which the refusal is made if the person's refusal was in violation of a municipal ordinance and the municipality has a municipal court. The officer shall also mail a copy of the notice of intent to revoke to the attorney for that municipality or to the district attorney for that county, as appropriate, and to the department. The notice of intent to revoke the person's operating privilege shall contain substantially all of the following information:

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199.

SECTION 66. 343.305 (9) (e) of the statutes is created to read: Note: this change does not appear to be needed.

343.305 (9) (e) Notwithstanding pars. (a) and (am), a law enforcement officer may prepare, in the manner and following the procedures provided in pars. (a) and (am), a notice of intent to revoke the operating privilege of a person who is

ENGROSSED BILL

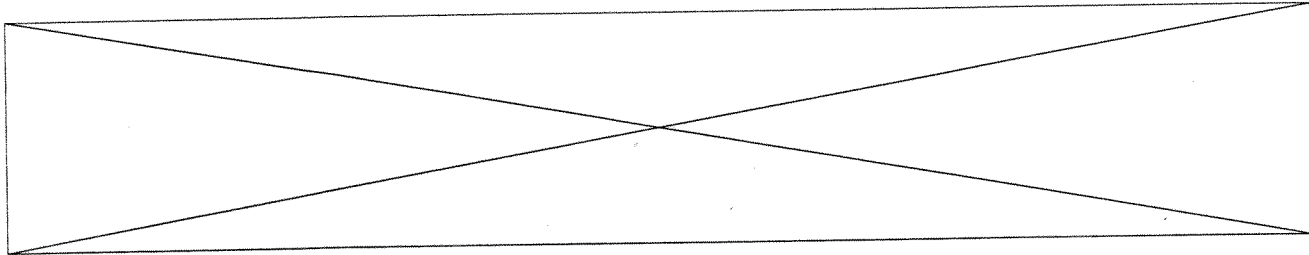


not a resident for a refusal of testing in this state under the circumstances specified in par. (a) or (am) unless, if this state is a party to an agreement under s. 343.02 (3) (a), the refusal is an offense identified in the rule under s. 343.02 (3) (b). If a law enforcement officer may not prepare a notice of intent to revoke the operating privilege of a nonresident under this paragraph, the officer shall provide notice of the refusal to the department as provided in pars. (a) and (am) and the department shall forward notice of the refusal, with notice of the out-of-service order under pars. (a) and (am), to the driver licensing agency of the person's home jurisdiction.

SECTION 67. 343.305 (10) (a) of the statutes is amended to read: **Note: this change does not appear to be needed.**

343.305 (10) (a) If the court determines under sub. (9) (d) that a person for whom a notice of intent to revoke may be prepared under sub. (9) (a), (am), or (e) improperly refused to take a test or if the person does not request a hearing within 10 days after the person has been served with the notice of intent to revoke the person's operating privilege, the court shall proceed under this subsection. If no hearing was requested, the revocation period shall begin 30 days after the date of the refusal. If a hearing was requested, the revocation period shall commence

ENGROSSED BILL



30 days after the date of refusal or immediately upon a final determination that the refusal was improper, whichever is later.

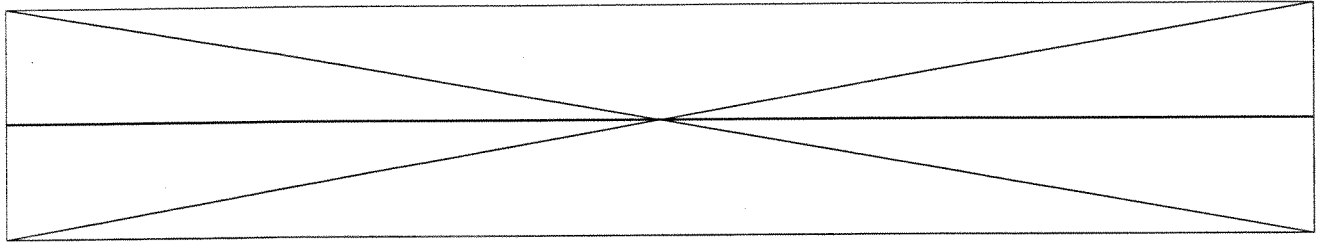
History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199.

SECTION 68. 343.305 (10) (b) 3. of the statutes is amended to read: Note:
this change does not appear to be needed:- wWhy change “the” to “any”?

343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations counted under s. 343.307 (2) within a 10-year period, equals 2, the court shall revoke the person's operating privilege for 2 years. After the first 90 days of the revocation period or, if the total number of convictions, suspensions, and revocations counted under this subdivision within any 5-year period equals 2 or more, after one year of the revocation period has elapsed, the person is eligible for an occupational license under s. 343.10 if he or she has completed the any assessment and is complying with the any driver safety plan.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199.

ENGROSSED BILL



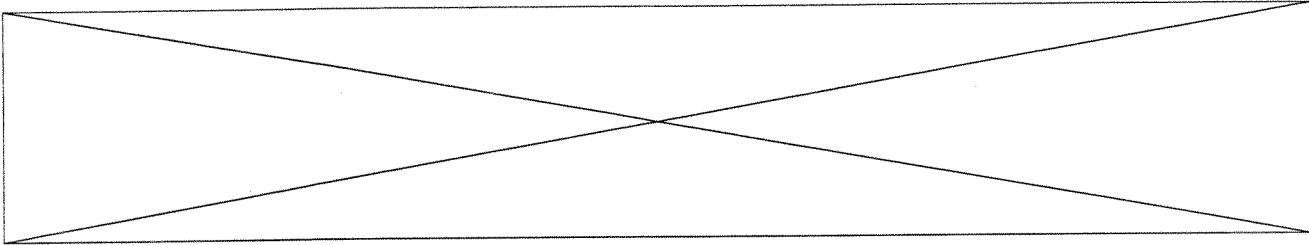
SECTION 69. 343.305 (10) (b) 4. of the statutes is amended to read: Note:
this change does not appear to be needed: w-Why change "the" to "any"?

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

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199.

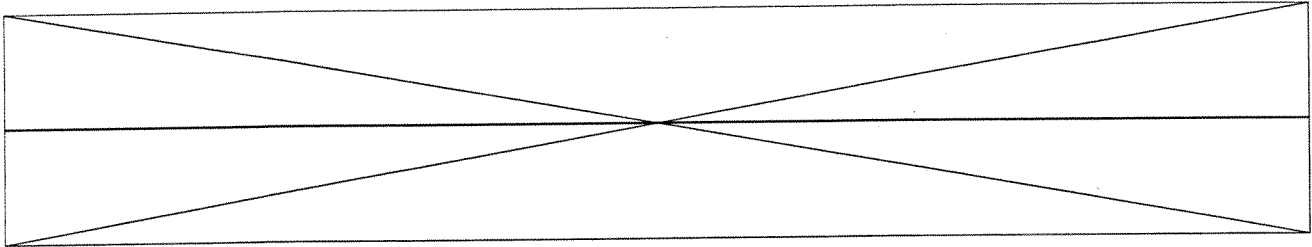
SECTION 70. 343.305 (10) (c) 1. (intro.), a., and c. of the statutes are consolidated, renumbered 343.305 (10) (c) 1. and amended to read: ~~Note: this change does not appear to be needed. See Notes under Sections 48 and 49 --: apply similar changes to this Section.~~

ENGROSSED BILL



343.305 (10) (c) 1. Except as provided in ~~subd. 1. a. or b.~~ this subdivision, if the person is a licensee under this chapter or a resident, the court shall order the person to submit to and comply with an assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of alcohol, controlled substances or controlled substance analogs and development of a driver safety plan for the person. The court shall notify the person and the department of transportation of the assessment order. The court shall also notify the person that noncompliance with assessment or the driver safety plan will result in license suspension until the person is in compliance. The assessment order shall: ~~If the person is a resident~~, refer the person to an approved public treatment facility in the county in which the person resides. The facility named in the order may provide for assessment of the person in another approved public treatment facility. The order shall provide that if the person is temporarily residing in another state, the facility named in the order may refer the person to an appropriate treatment facility in that state for assessment and development of a driver safety plan for the person satisfying the requirements of that state. ~~Require~~ The assessment order shall require a person who is referred to a treatment facility in another state under ~~subd. 1. a. or b.~~ this subdivision to furnish the department written verification of his or her compliance from the

ENGROSSED BILL



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.

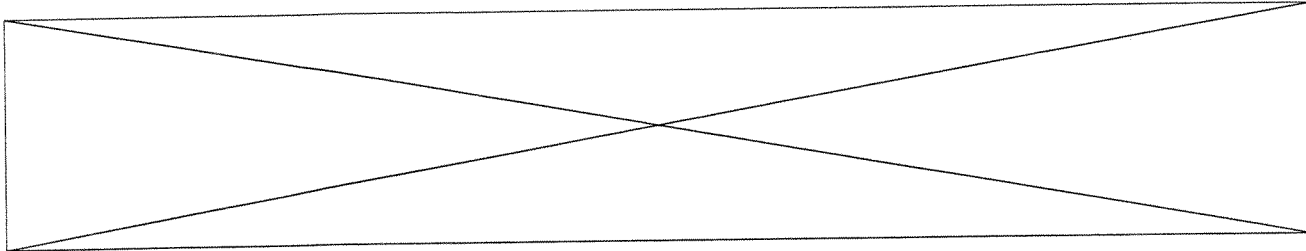
History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199.

SECTION 71. 343.305 (10) (c) 1. b. of the statutes is ~~repealed.~~ **Amended.**
See Notes in Sections 48 and 49 and apply similar changes. If the jurisdiction of record is not a DLA member, action needs to be taken similar to what is currently detailed in s. 343.30 (1q) (c) 1. b. .

SECTION 72. 343.305 (10) (em) of the statutes is amended to read: **Note:**
this change does not appear to be needed.

343.305 (10) (em) One penalty for improperly refusing to submit to a test for intoxication regarding a person who is a licensee under this chapter or a resident or a person for whom a notice of intent to revoke may be prepared under sub. (9) (e) and who is arrested for a violation of s. 346.63 (2m) or (7) or a local ordinance in conformity therewith is revocation of the person's operating privilege for 6

ENGROSSED BILL



months. If there was a minor passenger under 16 years of age in the motor vehicle at the time of the incident that gave rise to the improper refusal, the revocation period is 12 months. After the first 15 days of the revocation period, the person is eligible for an occupational license under s. 343.10. Any such improper refusal or revocation for the refusal does not count as a prior refusal or a prior revocation under this section or ss. 343.30 (1q), 343.307 and 346.65 (2). The person shall not be required to submit to and comply with any assessment or driver safety plan under pars. (c) and (d).

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199.

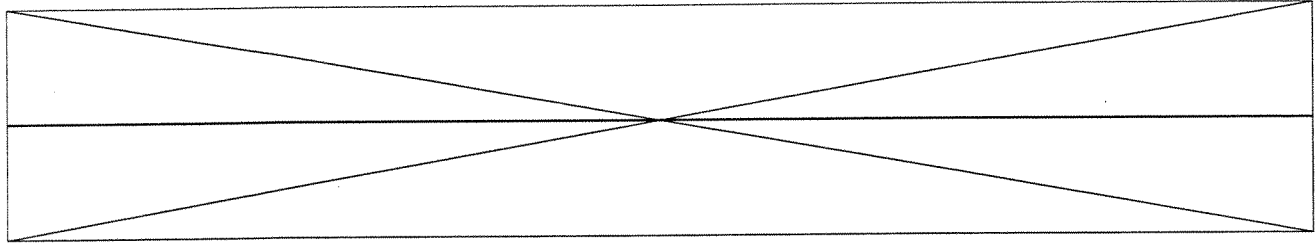
SECTION 73. 343.305 (11) of the statutes is amended to read:

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

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199.

SECTION 74. 343.31 (1) (intro.) of the statutes is amended to read:

ENGROSSED BILL



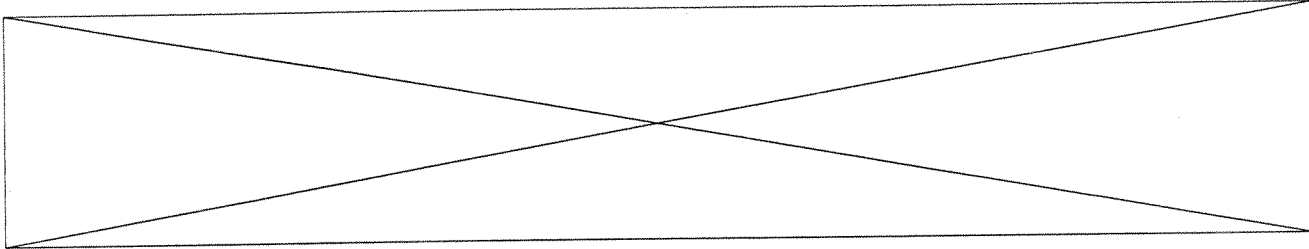
343.31 (1) (intro.) The department shall revoke ~~a person's~~ the operating privilege of a person who is a licensee under this chapter or a resident upon receiving a record of conviction showing that the person has been convicted of any of the following offenses under a state law or under a local ordinance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

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

SECTION 75. 343.31 (1) (hm) of the statutes is amended to read: **Note:**
DOT is working on another legislative initiative to eliminate this section of law.

343.31 (1) (hm) A violation of 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 of similar violations under s. 343.44 (1), 1997 stats., or a local ordinance in conformity therewith with s. 343.44 (1) (a), (b), or (d), or the law of another jurisdiction prohibiting operating a motor vehicle with a suspended or revoked license or while disqualified or ordered out of service, as those or substantially similar terms are used in that jurisdiction's laws, within the 5-year period preceding the violation. Revocation under this paragraph shall

ENGROSSED BILL



be for a period of 6 months unless a lesser period of revocation is ordered under s.

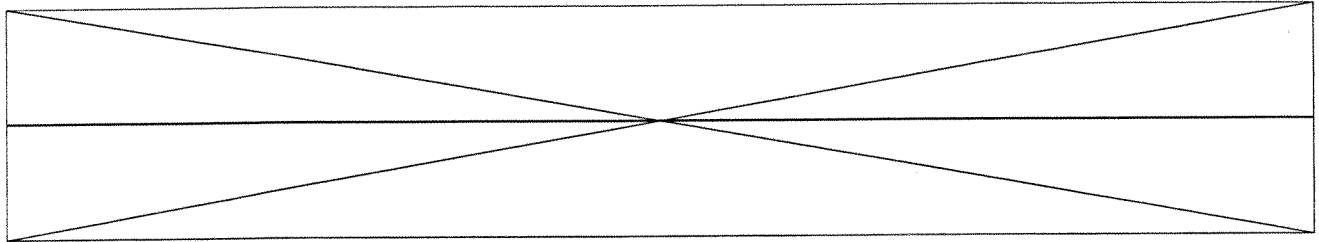
343.30 (1g) (b).

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

SECTION 76. 343.31 (2) of the statutes is amended to read: Note: See comments on Section 28.

343.31 (2) The department shall revoke the operating privilege of any resident person who is a licensee under this chapter or a 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 under this section or for revocation under s. 343.30 (1q) or which is identified in the rule under s. 343.02 (3) (b) as an offense for which a person is subject to revocation. Such offenses shall include violation of any law of another jurisdiction that prohibits a person from using a motor vehicle while intoxicated or under the influence of a controlled substance or controlled substance analog, or a combination thereof; with an excess or specified range of alcohol concentration; while under the influence of any drug to a degree that renders the person incapable of safely driving; or while having a detectable amount of a restricted controlled substance in his or her blood, as those or substantially similar terms

ENGROSSED BILL



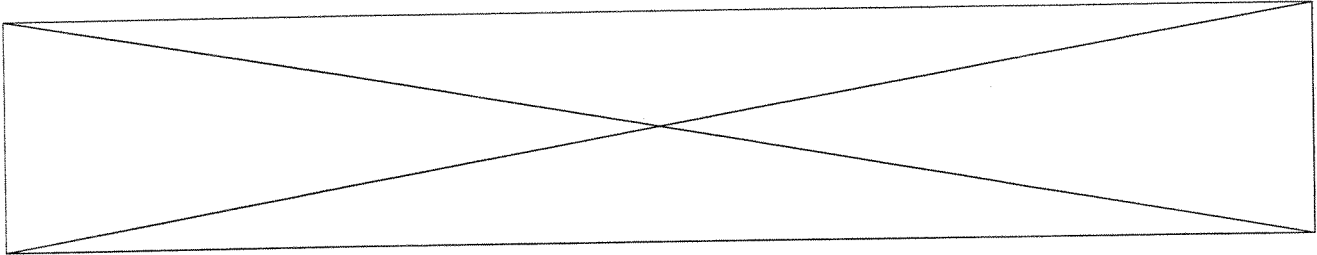
are used in that jurisdiction's laws. ~~Upon receiving similar notice with respect to a nonresident, the department shall revoke the privilege of the nonresident to operate a motor vehicle in this state. Such revocation shall not apply to the operation of a commercial motor vehicle by a nonresident who holds a valid commercial driver license issued by another state.~~ This subsection does not apply if the jurisdiction in which the offense was committed suspended or revoked the person's operating privilege in that jurisdiction as a result of the conviction and the period of suspension or revocation in that jurisdiction has expired or if, at the time of the conviction, the person resided in the jurisdiction in which the offense was committed.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

SECTION 77. 343.31 (2g) of the statutes is created to read: **Note: Delete this section of state law. It is not used.**

343.31 (2g) The department may suspend the operating privilege of any person who is a licensee under this chapter or a 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 suspension under this section, including any offense specified in s. 973.137, or which is identified in the

ENGROSSED BILL



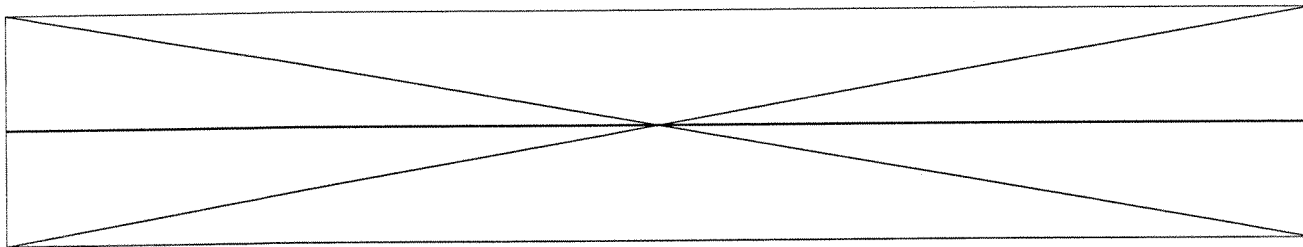
rule under s. 343.02 (3) (b) as an offense for which a person is subject to suspension. This subsection does not apply if the jurisdiction in which the offense was committed suspended the person's operating privilege in that jurisdiction as a result of the conviction and the period of suspension in that jurisdiction has expired or if, at the time of the conviction, the person resided in the jurisdiction in which the offense was committed.

SECTION 78. 343.31 (2m) of the statutes is amended to read: Note: DOT is seeking elimination of s.343.31(1)(hm)

Note: See notes under Section 28.

343.31 (2m) The Except when revocation is required under subs. (1) (hm) and (2), the department may suspend or revoke, respectively, the operating privilege of any resident person who is a licensee under this chapter or a 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 (1g). Upon receiving similar notice with respect to a nonresident, the department may suspend or revoke the privilege of the nonresident to operate a motor vehicle in

ENGROSSED BILL



~~this state. The suspension or revocation shall not apply to the operation of a commercial motor vehicle by a nonresident who holds a valid commercial driver license issued by another state. A suspension or revocation under this subsection shall be for any period not exceeding 6 months. This subsection does not apply if the jurisdiction in which the offense was committed suspended or revoked the person's operating privilege in that jurisdiction as a result of the conviction and the period of suspension or revocation in that jurisdiction has expired or if, at the time of the conviction, the person resided in the jurisdiction in which the offense was committed.~~

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

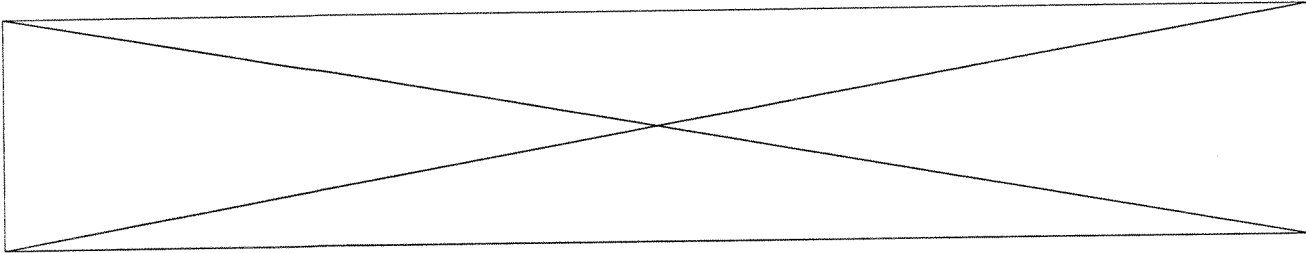
****NOTE: Section 343.31 (1) (hm) and (2), when read together, seem to require revocation in certain situations that might also be within the scope of this provision.

****NOTE: Do you want to strike from this provision the language related to period of suspension? See created s. 343.31 (3) (bg). Yes.

SECTION 79. 343.31 (2r) of the statutes is amended to read:

343.31 (2r) The department shall suspend ~~a person's~~ the operating privilege of a person who is a licensee under this chapter or a resident upon receiving a record of conviction showing that the person has been convicted of perjury or the making of a false affidavit or the making of a false statement or certification to

ENGROSSED BILL



the department under this chapter or any other law relating to the ownership or operation of motor vehicles.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

SECTION 80. 343.31 (2s) of the statutes is amended to read: Note: This change is not needed: s. 973.137 is a non-DLA code.

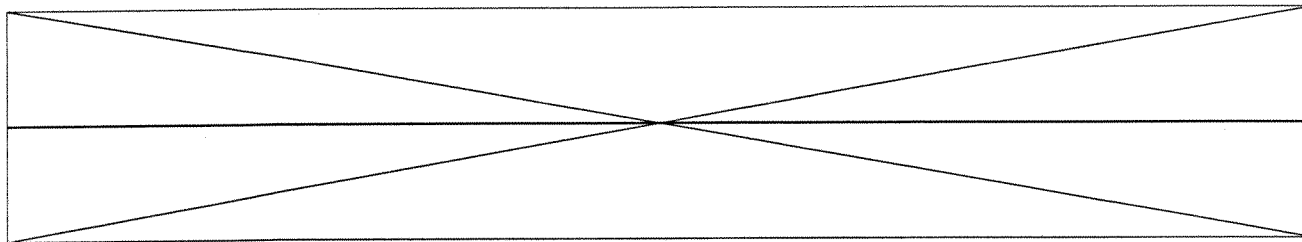
343.31 (2s) The department may suspend ~~a person's~~ the operating privilege of a person who is a licensee under this chapter or a resident for 2 years upon receiving a record of conviction under s. 973.137. If the department receives a record of conviction under s. 973.137 or a notice of suspension under s. 938.34 (14q) for a person whose license or operating privilege is currently suspended or revoked or for a person who does not currently possess a valid operator's license, the suspension is first effective on the date on which the person is first eligible for issuance, renewal, or reinstatement of an operator's license.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

SECTION 81. 343.31 (2z) of the statutes is created to read: Note: Reference to s.973.137 (non-DLA code) should be deleted.

343.31 (2z) Notwithstanding subs. (1), (2r), and (2s), the department may suspend or, respectively, shall suspend or revoke, in the manner provided in subs.

ENGROSSED BILL



(1), (2r), and (2s), the operating privilege of a person who is not a resident upon receiving a record of the person's conviction of committing in this state any offense specified in, respectively, sub. (1) or (2r) or s. 973.137 other than, if this state is a party to an agreement under s. 343.02 (3) (a), an offense identified in the rule under s. 343.02 (3) (b).

SECTION 82. 343.31 (3) (a) of the statutes is amended to read:

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

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

SECTION 83. 343.31 (3) (b) of the statutes is repealed.

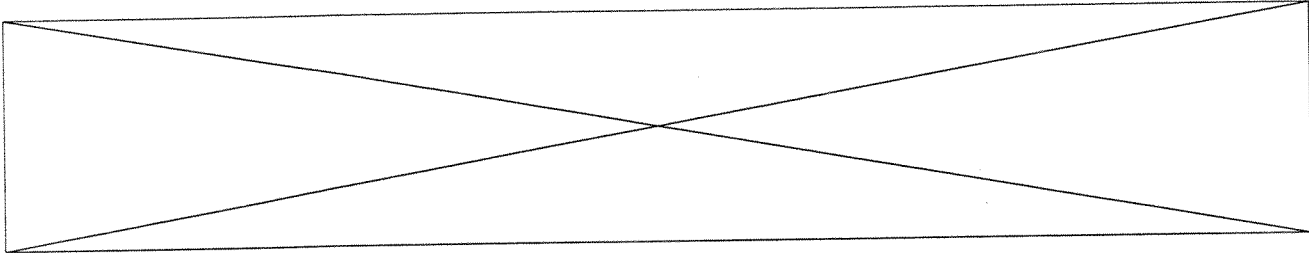
***NOTE: Do you agree that s. 343.31 (3) (b) should be repealed?

SECTION 84. 343.31 (3) (bg) of the statutes is created to read:

343.31 (3) (bg) Subject to par. (a) and sub. (2m), the period of suspension or revocation under subs. (2) to (2m) shall be the same as if the person were convicted of the offense in this state.

SECTION 85. 343.31 (3) (bm) (intro.) of the statutes is amended to read:

ENGROSSED BILL



343.31 (3) (bm) (intro.) For any person who is a licensee under this chapter or a resident convicted under a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1):

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

***NOTE: Should s. 343.31 (3) (bm) be repealed (subs. 1. to 5.) or otherwise amended? I have treated this provision to not apply to nonresidents.

SECTION 86. 343.31 (3) (c) of the statutes is amended to read:

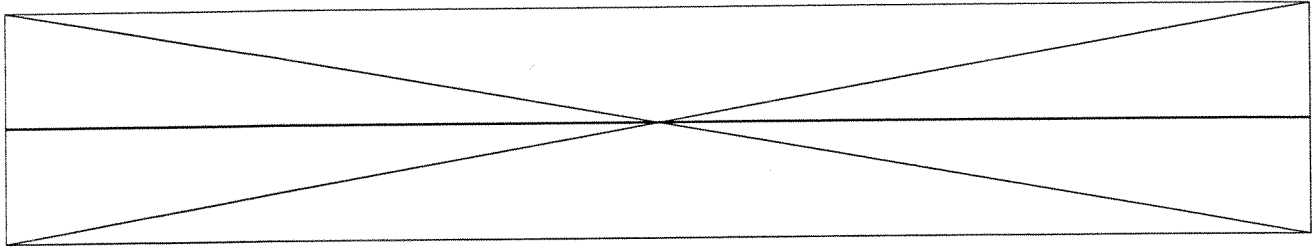
343.31 (3) (c) Any person who is a licensee under this chapter or a resident or is subject to suspension or revocation of the person's operating privilege under sub. (2z) convicted under s. 940.09 of causing the death of another or of an unborn child by the operation or handling of a motor vehicle shall have his or her operating privilege revoked for 5 years. If there was a minor passenger under 16 years of age or an unborn child, as defined in s. 939.75 (1), in the motor vehicle at the time of the violation that gave rise to the conviction under s. 940.09, the revocation period is 10 years.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

SECTION 87. 343.31 (3) (d) (intro.) of the statutes is amended to read:

343.31 (3) (d) (intro.) Any person who is a licensee under this chapter or a resident or is subject to suspension or revocation of the person's operating

ENGROSSED BILL



privilege under sub. (2z) convicted of knowingly fleeing or attempting to elude a traffic officer under s. 346.04 (3) shall have his or her operating privilege revoked as follows:

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

SECTION 88. 343.31 (3) (e) of the statutes is amended to read:

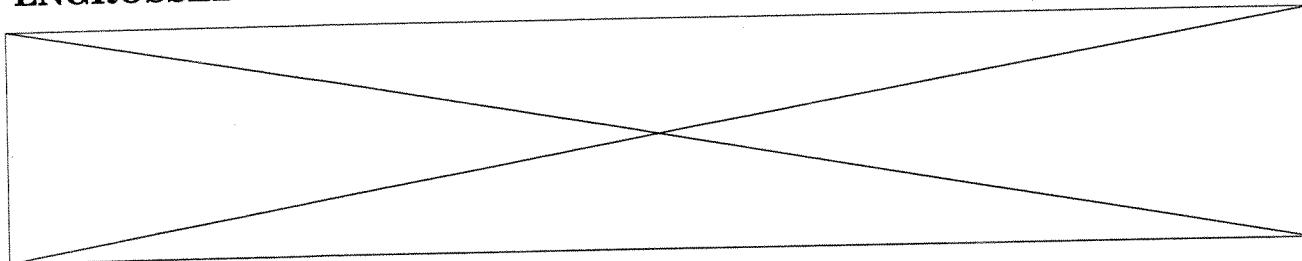
343.31 (3) (e) Any person who is a licensee under this chapter or a resident or is subject to suspension or revocation of the person's operating privilege under sub. (2z) convicted under s. 346.63 (2) shall have his or her operating privilege revoked for not less than one year nor more than 2 years.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

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

SECTION 89. 343.31 (3) (f) of the statutes is amended to read:

343.31 (3) (f) Any person who is a licensee under this chapter or a resident or is subject to suspension or revocation of the person's operating privilege under sub. (2z) convicted under s. 940.25 shall have his or her operating privilege revoked for 2 years. If there was a minor passenger under 16 years of age or an

ENGROSSED BILL



unborn child, as defined in s. 939.75 (1), in the motor vehicle at the time of the violation that gave rise to the conviction under s. 940.25, the revocation period is 4 years.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

SECTION 90. 343.31 (3) (i) of the statutes is amended to read:

343.31 (3) (i) If a person who is a licensee under this chapter or a resident or is subject to suspension or revocation of the person's operating privilege under sub. (2z) is convicted for a violation of s. 346.67 (1) where the accident involved great bodily harm, the period of revocation is 2 years.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

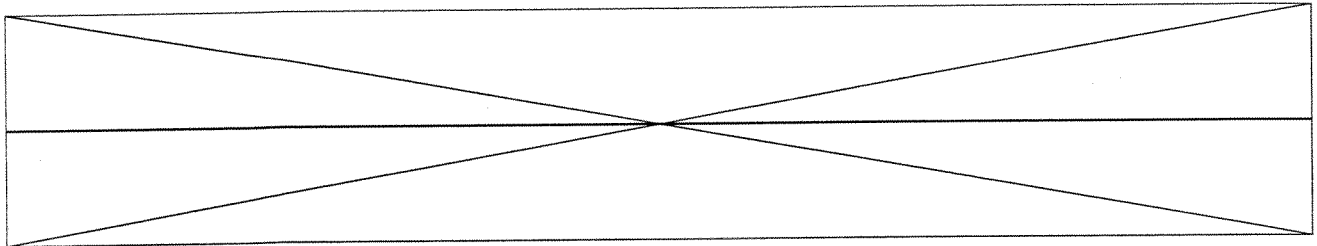
SECTION 91. 343.31 (3) (j) of the statutes is amended to read:

343.31 (3) (j) If a person who is a licensee under this chapter or a resident or is subject to suspension or revocation of the person's operating privilege under sub. (2z) is convicted for a violation of s. 346.67 (1) where the accident involved death, the period of revocation is 5 years.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200.

SECTION 92. 343.315 (2) (f) 7. of the statutes, as created by 2003 Wisconsin Act 33, is amended to read:

ENGROSSED BILL



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

NOTE: NOTE: Subd. 7. is created eff. 9-30-05 by 2003 Wis. Act 33. NOTE:

History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258; 1999 a. 85, 140; 2001 a. 38, 109; 2003 a. 33, 97.

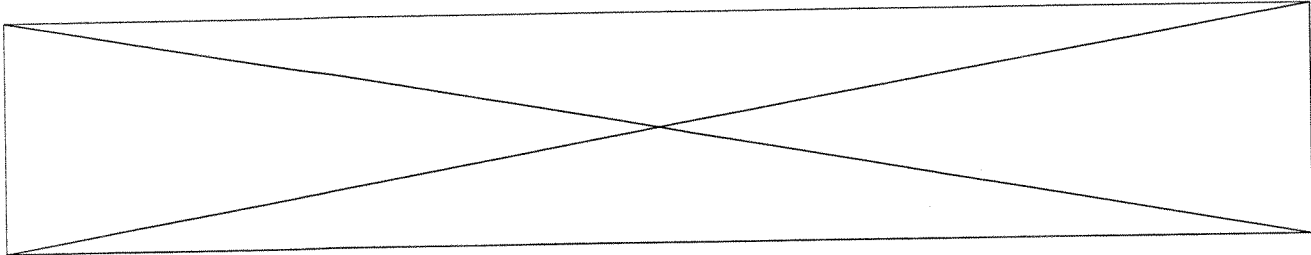
SECTION 93. 343.315 (2) (fm) of the statutes is amended to read:

343.315 (2) (fm) A person is disqualified for a period of 60 days from operating a commercial motor vehicle if convicted of violating s. 343.14 (5) or 345.17 or the law of another jurisdiction for an offense therein which, if committed in this state, would have been a violation of s. 343.14 (5) or 345.17, if the violation relates to an application for a commercial driver license.

History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258; 1999 a. 85, 140; 2001 a. 38, 109; 2003 a. 33, 97.

SECTION 94. 343.315 (2) (h) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

ENGROSSED BILL



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

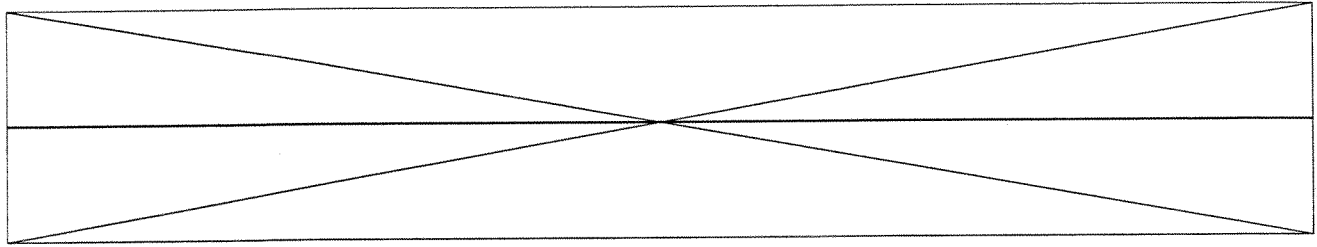
NOTE: NOTE: Par. (h) is amended eff. 9-30-05 by 2003 Wis. Act 33 to read:NOTE:

History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258; 1999 a. 85, 140; 2001 a. 38, 109; 2003 a. 33, 97.

SECTION 95. 343.315 (2) (j) (intro.) of the statutes is amended to read:

343.315 (2) (j) (intro.) A person is disqualified for a period of 60 days from operating a commercial motor vehicle if convicted of a railroad crossing violation, or 120 days if convicted of 2 railroad crossing violations or one year if convicted of 3 or more railroad crossing violations, arising from separate occurrences committed within a 3-year period while driving or operating a commercial motor

ENGROSSED BILL



vehicle. In this paragraph, "railroad crossing violation" means a violation of a federal, state, or local law, rule, or regulation, including the law of another jurisdiction, relating to any of the following offenses at a railroad crossing:

History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258; 1999 a. 85, 140; 2001 a. 38, 109; 2003 a. 33, 97.

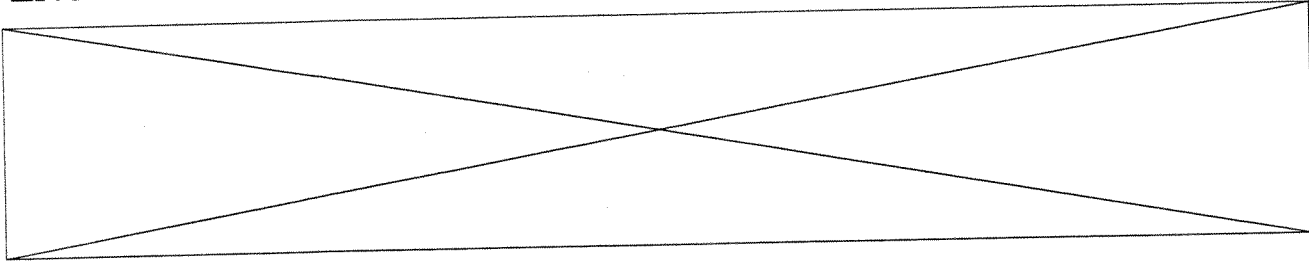
SECTION 96. 343.315 (3) (a) of the statutes is amended to read:

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

History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258; 1999 a. 85, 140; 2001 a. 38, 109; 2003 a. 33, 97.

SECTION 97. 343.315 (3) (b) of the statutes is amended to read:

ENGROSSED BILL



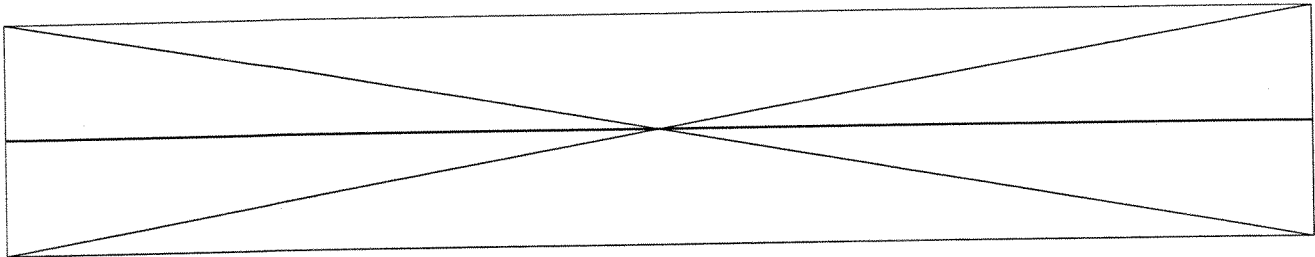
343.315 (3) (b) If a person's license or operating privilege is not otherwise revoked or suspended as the result of an offense committed after March 31, 1992, which results in disqualification under sub. (2) (a) to (f), (h), (i), or (j), the department shall, subject to par. (bm), immediately disqualify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

History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258; 1999 a. 85, 140; 2001 a. 38, 109; 2003 a. 33, 97.

SECTION 98. 343.315 (3) (bm) of the statutes is created to read:

343.315 (3) (bm) If this state is a party to an agreement under s. 343.02 (3) (a), upon receiving a record of conviction for any offense causing a person to be disqualified from operating a commercial motor vehicle under sub. (2) or a notice specified in sub. (2) (k), the department shall record the disqualification if required by s. 343.23 (2) (am) and, subject to s. 343.03 (7) (b), do one of the following:

ENGROSSED BILL



1. If the person is a licensee under this chapter or a resident, the department shall disqualify the person and record the disqualification under s. 343.23 (1). The department may take administrative action against the licensee or resident on the disqualification.

2. If the person is not a resident, the department may not disqualify the person or record the disqualification under s. 343.23 (1), but shall provide notice of the disqualification to the person's home jurisdiction along with notice of the conviction as required under s. 343.36 (3). If the person is not a resident, the department may not take administrative action against the person on the disqualification.

SECTION 99. 343.315 (3) (d) of the statutes is amended to read: **Note:**
Should be date of order vs. date of conviction. This has already been
corrected in another part of state law.

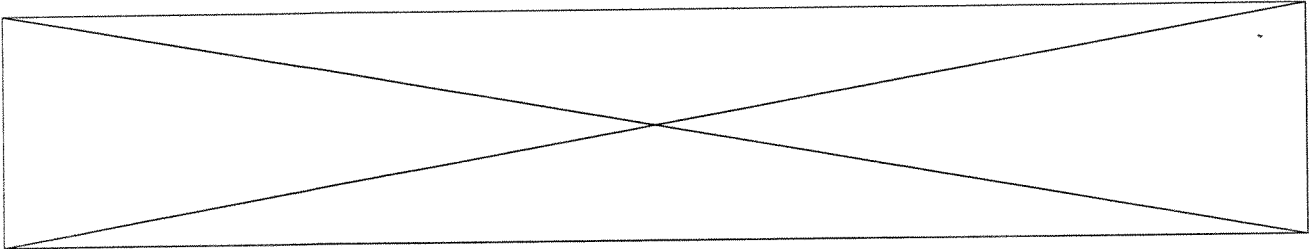
343.315 (3) (d) ~~Disqualifications~~ Subject to sub. (4), disqualifications shall be effective from the date of conviction of the disqualifying offense.

History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258; 1999 a. 85, 140; 2001 a. 38, 109; 2003 a. 33, 97.

****NOTE: Section 343.315 (3) (d) seems slightly inconsistent with s. 343.315 (4). This amendment is intended to reconcile the slight inconsistency. Is this okay?

SECTION 100. 343.32 (1) of the statutes is repealed.

ENGROSSED BILL



****NOTE: The draft repeals s. 343.32 (1) because, as worded, the provision has no operative effect. If you believe that s. 343.32 (1) (c) should refer to "section" rather than "subsection," please let me know.

SECTION 101. 343.32 (1m) (a) of the statutes is repealed.

****NOTE: This provision is repealed because of the creation of s. 343.01 (2) (cv). However, there will be an effect of the repeal in that it will "add" to s. 343.32 (1m) federal military bases in the state as jurisdictions.

SECTION 102. 343.32 (1m) (b) (intro.) of the statutes is amended to read:

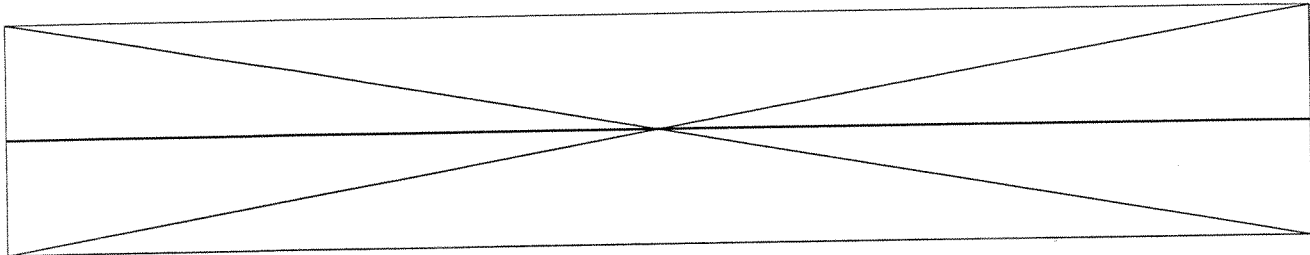
343.32 (1m) (b) (intro.) The secretary shall suspend ~~a person's~~ the operating privilege of a person who is a licensee under this chapter or a resident for not less than 6 months nor more than 5 years whenever notice has been received of the conviction of such person under federal law or the law of a federally recognized American Indian tribe or band in this state or the law of another jurisdiction for any offense therein 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 required suspension of such person's operating privilege under s. 961.50. The person is eligible for an occupational license under s. 343.10 as follows:

History: 1971 c. 42, 278, 281; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 221; 1981 c. 31, 216, 327; 1987 a. 24, 132; 1989 a. 22, 75, 105, 195, 359; 1991 a. 26, 32, 39, 189; 1993 a. 16, 314, 480; 1995 a. 113, 269, 338, 420, 448; 1997 a. 84, 135; 1999 a. 9, 185.

****NOTE: Since the period of suspension stated here is the same as that provided under s. 961.50, given the change to s. 343.32 (3), it seems that the period of suspension language could be removed.

SECTION 103. 343.32 (1s) of the statutes is amended to read: Note: Why the "notwithstanding s.125.085(3)(b) and 343.30(6)(bm)?"

ENGROSSED BILL



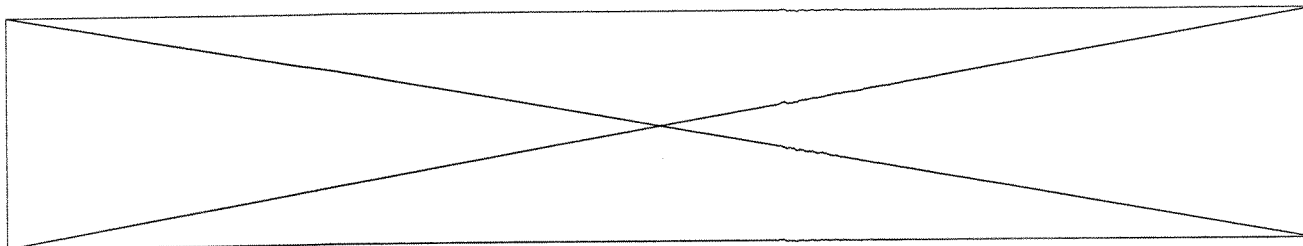
343.32 (1s) The Notwithstanding ss. 125.085 (3) (bd) and 343.30 (6) (bm),
the secretary shall suspend the operating privilege of any person who is a
licensee under this chapter or a resident and who has been convicted under state
law or under a local ordinance which is in conformity therewith or under a law of
a federally recognized American Indian tribe or band in this state which is in
conformity with state law, or the law of another jurisdiction for an offense therein
which, if committed in this state, would have been cause for suspension under this
subsection, 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.

History: 1971 c. 42, 278, 281; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 221; 1981 c. 31, 216, 327; 1987 a. 24, 132; 1989 a. 22, 75, 105, 195, 359; 1991 a. 26, 32, 39, 189; 1993 a. 16, 314, 480; 1995 a. 113, 269, 338, 420, 448; 1997 a. 84, 135; 1999 a. 9, 185.

SECTION 104. 343.32 (1v) of the statutes is created to read:

343.32 (1v) The secretary may suspend or revoke the operating privilege of
any person who is a licensee under this chapter or a resident upon receiving
notice of the suspension or revocation in another jurisdiction of the person's
operating privilege for an offense therein which, if committed in this state, would
have been cause for suspension or revocation under any law of this state or which
is identified in the rule under s. 343.02 (3) (b) as an offense for which a person is
subject to suspension or revocation, or upon receiving notice of any circumstances

ENGROSSED BILL

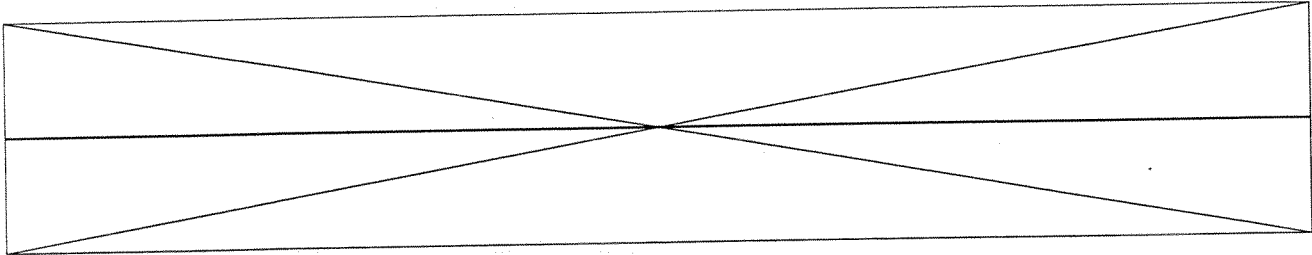


occurring in another jurisdiction which, if occurring in this state, would have been cause for administrative suspension under s. 343.305 (7).

SECTION 105. 343.32 (1z) of the statutes is created to read: Note: The period of suspension for failure to comply should be consistent with Wisconsin law. Wisconsin is the home jurisdiction or DMV would not be suspending for failure to comply. (Note in all cases: Wisconsin DMV will not be applying periods of revocation or suspension from other states. Wisconsin will apply the period of revocation or suspension specified in Wisconsin law for the conviction reported.)

343.32 (1z) Notwithstanding sub. (1v), the secretary may suspend the operating privilege of any person who is a licensee under this chapter or a resident upon receiving notice of the suspension by a court in another jurisdiction of the person's operating privilege in that jurisdiction for failure to comply under circumstances which, if occurring in this state and the person were a resident of this state, would have been cause for suspension under s. 345.47 (1) (b), 767.303 (1), 800.09 (1) (c), 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8), 938.34 (8d) (d), 938.343 (2), or 938.355 (6) (d). The period of suspension under this subsection shall be the same as provided for in the person's home jurisdiction, except that it

ENGROSSED BILL

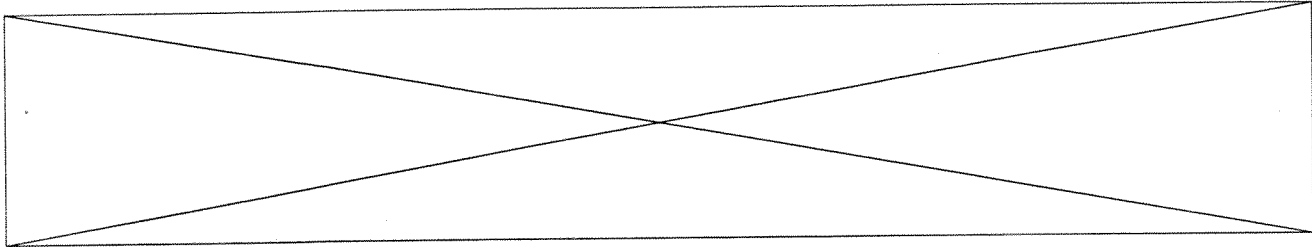


may not be longer than 5 years from the date that the operating privilege was suspended for failure to comply in the person's home jurisdiction.

SECTION 106. 343.32 (2) (a) of the statutes is amended to read: **Note: If other states send the detail necessary to assign points, it should be possible to use out of state convictions in calculating point cases. We will need language that ensures that when a new resident's record is transferred to Wisconsin it does not trigger a point case. If the person completed what was necessary to make him/her eligible in the home jurisdiction and all the convictions occurred before licensure/residency in Wisconsin, Wisconsin should not suspend based on those convictions alone. If the Wisconsin licensee/resident adds a new violation after licensure or establishing Wisconsin residence, then the prior convictions need to be able to be added to the new conviction in determining a point suspension.**

343.32 (2) (a) The secretary may suspend ~~a person's~~ the operating privilege of a person who is a licensee under this chapter or a resident if the person appears by the records of the department to be a habitually reckless or negligent operator of a motor vehicle or to have repeatedly violated any of the state traffic laws, any local ordinance enacted under ch. 349 or any traffic laws enacted by a federally

ENGROSSED BILL



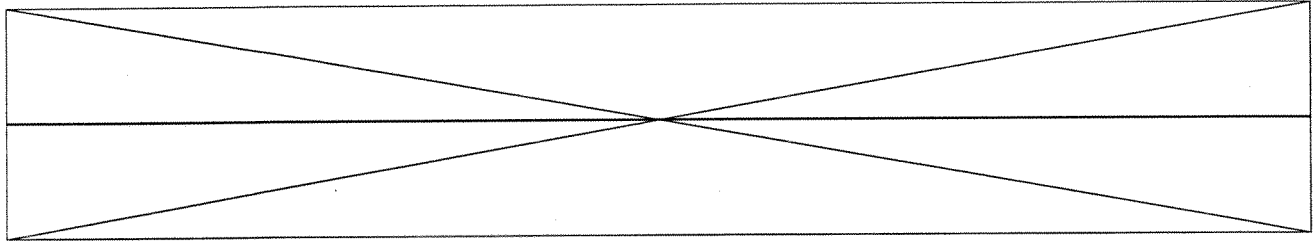
recognized American Indian tribe or band in this state if the tribal traffic laws violated strictly conform to provisions in chs. 341 to 348 or, if the offense occurred on a federal military installation located in this state, any federal law which is in strict conformity with a state traffic law, or the law of another jurisdiction for an offense therein which, if committed in this state, would have been cause for suspension under this subsection. For the purpose of determining when to suspend an operating privilege under this subsection, the secretary may determine and adopt by rule a method of weighing traffic convictions by their seriousness and may, subject to the limitations in this subsection, change such weighted scale as experience or the accident frequency in the state makes necessary or desirable.

History: 1971 c. 42, 278, 281; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 221; 1981 c. 31, 216, 327; 1987 a. 24, 132; 1989 a. 22, 75, 105, 195, 359; 1991 a. 26, 32, 39, 189; 1993 a. 16, 314, 480; 1995 a. 113, 269, 338, 420, 448; 1997 a. 84, 135; 1999 a. 9, 185.

SECTION 107. 343.32 (2m) of the statutes is created to read:

343.32 (2m) Notwithstanding subs. (1s) and (2), the secretary may suspend or, respectively, shall suspend, in the manner provided in sub. (1s) and (2), the operating privilege of a person who is not a resident upon the person's conviction of committing in this state, respectively, any offense or combination of offenses specified in sub. (1s) or (2) other than, if this state is a party to an agreement under s. 343.02 (3) (a), an offense identified in the rule under s. 343.02 (3) (b).

ENGROSSED BILL



History: 1971 c. 42, 278, 281; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 221; 1981 c. 31, 216, 327; 1987 a. 24, 132; 1989 a. 22, 75, 105, 195, 359; 1991 a. 26, 32, 39, 189; 1993 a. 16, 314, 480; 1995 a. 113, 269, 338, 420, 448; 1997 a. 84, 135; 1999 a. 9, 185.

SECTION 108. 343.32 (3) of the statutes is amended to read: Note:
Revocation should be deleted.

343.32 (3) Except as provided in sub. (1m), a revocation or suspension under this section may be for any period not exceeding one year unless a different period is specifically prescribed by law. Except as provided in sub. (1z), the period of suspension or revocation for an offense committed in another jurisdiction shall be the same as if the offense had been committed in this state.

History: 1971 c. 42, 278, 281; 1973 c. 90; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1979 c. 221; 1981 c. 31, 216, 327; 1987 a. 24, 132; 1989 a. 22, 75, 105, 195, 359; 1991 a. 26, 32, 39, 189; 1993 a. 16, 314, 480; 1995 a. 113, 269, 338, 420, 448; 1997 a. 84, 135; 1999 a. 9, 185.

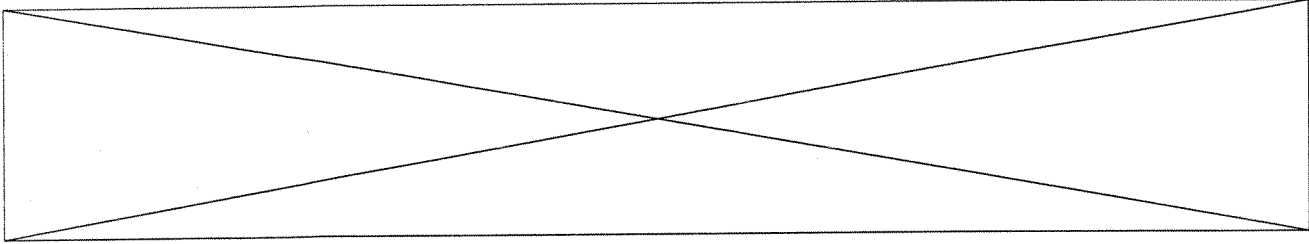
SECTION 109. 343.325 (4) of the statutes is amended to read:

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

History: 1971 c. 278; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 7, 72; 1995 a. 113.

***NOTE: This change is intended to correspond with changes to s. 343.315, 343.23, and 343.06 (2).

ENGROSSED BILL



SECTION 110. 343.34 (1) of the statutes is amended to read:

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

History: 1971 c. 164 s. 82; 1975 c. 5; 1977 c. 29 s. 1654 (7) (c); 1977 c. 273; 1989 a. 105; 1991 a. 269.

SECTION 111. 343.34 (2) of the statutes is amended to read:

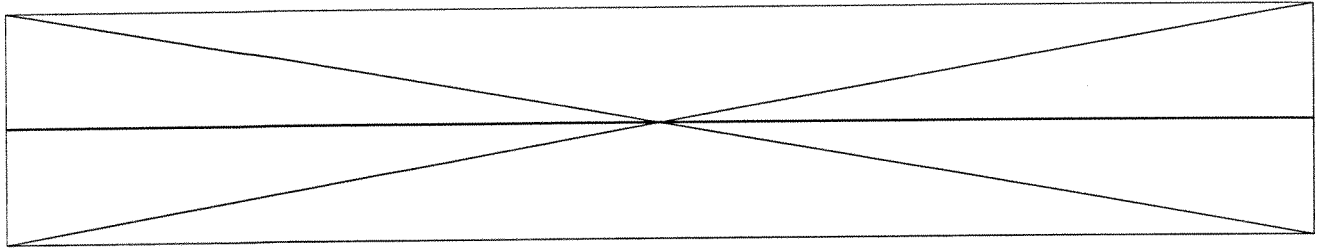
343.34 (2) When a person who is a licensee under this chapter or a resident has been convicted under s. 343.16 (7) (b) or the law of another jurisdiction for an offense which, if committed in this state, would have been a violation of s. 343.16 (7) (b) or when a person who is not a resident has been convicted under s. 343.16 (7) (b) unless this state is a party to an agreement under s. 343.02 (3) (a) and the offense under s. 343.16 (7) (b) is identified in the rule under s. 343.02 (3) (b).

History: 1971 c. 164 s. 82; 1975 c. 5; 1977 c. 29 s. 1654 (7) (c); 1977 c. 273; 1989 a. 105; 1991 a. 269.

SECTION 112. 343.345 of the statutes is amended to read:

343.345 Restriction, limitation or suspension of operating privilege.
The department shall restrict, limit or suspend ~~a person's~~ the operating privilege of a person who is a licensee under this chapter or a resident if the person is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the

ENGROSSED BILL



support of a child or former spouse, or who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857.

History: 1997 a. 191.

SECTION 113. 343.36 (title) of the statutes is amended to read: **Note: This amendment is not needed. The administrative actions are the withdrawal types already specified. We do not want to add cancels.**

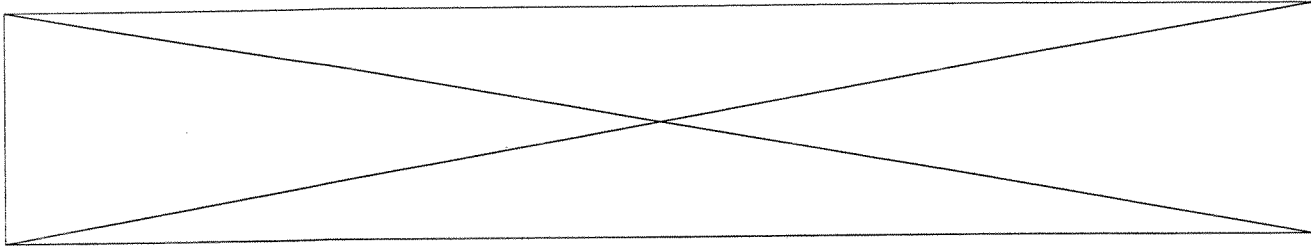
343.36 (title) Department to distribute suspension, revocation and disqualification lists and nonresidents' records of conviction and notices of administrative action.

History: 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1989 a. 167; 1995 a. 338.

SECTION 114. 343.36 (3) of the statutes is amended to read:

343.36 (3) Upon Subject to s 343.03 (7) (c), 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, if the person were a resident, would be grounds for revocation; or suspension or disqualification under the laws of this state or which is identified in the rule under s. 343.02 (3) (b), or showing that a nonresident is disqualified under s. 343.315, the department shall forward, within

ENGROSSED BILL



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

History: 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1989 a. 167; 1995 a. 338.

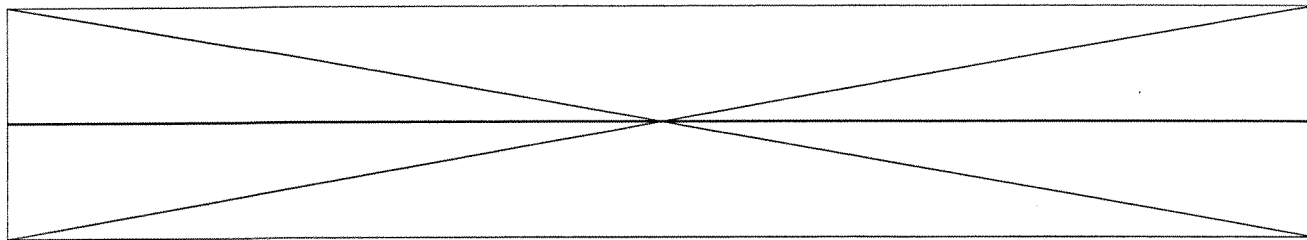
****NOTE: Is s. 343.36 (2) necessary? Is this information electronically available to any or all of the listed recipients? Yes - it is currently posted on a website vs. being produced as a paper report.

****NOTE: The term record of conviction is the term used in ss. 343.28 and 345.48. I assume that requiring DOT to forward the record of conviction received by DOT from the court that entered the conviction does not require DOT to actually record the conviction in DOT's driver records. Is there a reason that records of convictions of nonresidents should only be provided for DLA Code offenses, in contrast to current law which seems to require all records of conviction of nonresidents to be forwarded? No. Fine as is.

SECTION 115. 343.36 (3m) of the statutes is created to read: **Note:**
Wisconsin will continue to handle the administrative withdrawal for non-residents. See section 62. This section may not be needed.

343.36 (3m) (a) Subject to s. 343.03 (7) (b), upon suspending or revoking the operating privilege of a nonresident under s. 343.31 or 343.32, or disqualifying the nonresident under s. 343.315 (3), the department shall forward notice of the

ENGROSSED BILL



department's action within 30 days of the action to the driver licensing agency of the person's home jurisdiction.

(b) The department shall forward any notice of refusal, out-of-service order, and test results required to be forwarded to the driver licensing agency of another jurisdiction under s. 343.305 (7) (a) and (9) (e) within 30 days of receiving the notice, out-of-service order, or test results.

SECTION 116. 343.38 (1) (c) 2. c. of the statutes is amended to read: Note: This section is not needed. Insurance is not required after 1st OWI.

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

History: 1977 c. 29 s. 1654 (7) (a), (c); 1979 c. 306, 316; 1983 a. 525; 1989 a. 72; 1991 a. 277, 316; 1997 a. 27, 84; 1999 a. 143.

***NOTE: This is treated only because of repeal of s. 343.31 (3) (b).

SECTION 117. 343.38 (2) of the statutes is amended to read:

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

History: 1977 c. 29 s. 1654 (7) (a), (c); 1979 c. 306, 316; 1983 a. 525; 1989 a. 72; 1991 a. 277, 316; 1997 a. 27, 84; 1999 a. 143.