



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 05 of 06

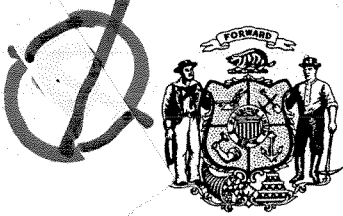
 The 2005 drafting file for LRB-4848

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.



State of Wisconsin
2005 - 2006 LEGISLATURE

seen

4/8/08/p1

LRB-006412

ARG:wlj:pg

in 4/12

Tues. or Wed. 5/9 please

stays

D-Note

DOA:.....Percy, BB0082 - Driver licensing changes to implement national driver license agreement

FOR 2005-07 BUDGET - NOT READY FOR INTRODUCTION

Editors: Please don't edit mit. app. - I put embedded note as reminder for next draft

LPS: Please check autoref.

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Gen

national

1 AN ACT ...; relating to: driver licensing changes to implement the driver license agreement and granting rule-making authority.

2

requires the state, through the Department of Transportation (DOT) Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

This bill authorizes DOT, with the approval of the governor, to enter into reciprocal agreements with other jurisdictions (generally, other states) establishing standards for the treatment and exchange of driver licensing and conviction information and other data pertinent to the licensing process, including joining the national Driver License Agreement (hereafter, any such agreement is referred to as the DLA). IF DOT enters into a reciprocal agreement, DOT must promulgate rules that identify all violations of, and administrative actions under, the laws of this state and describe by type or category all equivalent violations of, and administrative actions under, the laws of other jurisdictions that, under the agreement, are required to be recognized as violations or authorized administrative actions among all jurisdictions that are parties to the agreement (DLA Code violations). SET

Current law allows or requires DOT or a court, in a variety of circumstances, to suspend or revoke the operating privilege of any person, whether a resident or nonresident, who commits specified offenses in this state. In addition, in a variety of circumstances, current law allows or requires DOT to suspend or revoke the

operating privilege of a resident for committing specified offenses in other jurisdictions and allows or requires DOT or a court to treat convictions in other jurisdictions as prior offenses. DOT must revoke the operating privilege of a resident who is convicted in another jurisdiction of an offense that would require the person's operating privilege to be revoked in this state if the offense had been committed in this state. DOT must also revoke the operating privilege of a nonresident, except with respect to a commercial driver license (CDL), upon receiving similar notice from another jurisdiction. DOT may suspend or revoke the operating privilege of a resident who is convicted in another jurisdiction of operating a motor vehicle while the person's operating privilege is suspended or revoked or while the person is disqualified or while the person or vehicle is ordered out-of-service. DOT may also suspend or revoke the operating privilege of a nonresident (except with respect to a ~~commercial driver license~~) upon receiving similar notice from another jurisdiction.

CDL

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

This bill substantially modifies the procedure for administrative ~~and court-ordered~~ suspensions and revocations of motor vehicle operating privileges, and of record keeping related to ~~these~~ suspensions or revocations, related to the state's joinder of the DLA. Under the bill, DOT ~~and the courts~~ may generally suspend or revoke the operating privilege only of persons who hold an operator's license issued by DOT or, if the person does not hold an operator's license from any jurisdiction, are residents of this state (Wisconsin licensees or residents). A nonresident who commits a violation in this state is generally subject to the penalty provided for the violation except that, in lieu of suspension or revocation of the nonresident's operating privilege in this state, notice is provided to the person's state of licensure or residency. However, certain exceptions allow DOT ~~and the courts~~ to suspend or revoke the operating privilege of a nonresident upon receiving a record of conviction in this state for certain offenses ~~that are not DLA Code violations, as specified by DOT by rule.~~ DOT may suspend or revoke the operating privilege of a Wisconsin licensee or resident upon receiving notice of the suspension or revocation in another jurisdiction for an offense that would be cause for suspension or

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both administrative and court-ordered

licensed in or residing in another jurisdiction at the time of the conviction for

revocation under the law of this state or under the DLA Code. DOT may revoke the operating privilege of a Wisconsin licensee or resident for DLA Code violations in another jurisdiction, but DOT may not suspend or revoke a nonresident's operating privilege if the person was ~~not a resident of this state when the offense was committed and~~ the person has reinstated or is eligible to reinstate his or her operating privilege in the other jurisdiction. The bill also eliminates the provisions that require or allow DOT to suspend or revoke the operating privilege of a nonresident for an offense committed in another jurisdiction. In relation to numerous offenses, the bill allows certain offenses committed in other jurisdictions, including Mexico, that, if committed in this state would have been violations in this state, to be grounds for suspension or revocation by DOT and to be counted as prior violations for purposes of court-ordered suspensions or revocations.

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

Under the bill, in most circumstances, DOT must maintain a driver record only for persons who are Wisconsin licensees or residents. For such persons, DOT must maintain in the driver record any notice received from another jurisdiction of the revocation, suspension, or cancellation of the person's operating privilege in that jurisdiction. Rather than maintain a driver record for nonresidents, DOT must forward the record of conviction (as required under current law) or notice of any administrative action, including suspension or revocation of an operating privilege or disqualification by DOT, or of any test refusal, test results, or out-of-service order related to driving or operating a motor vehicle while under the influence of an intoxicant (OWI), to the nonresident's state of licensure or residency. However, DOT must maintain a file other than the driver record (the sub-driver record) for each nonresident convicted of a violation in this state that includes the record of conviction and, for violations that are not DLA Code violations, any suspension or revocation of the person's operating privilege resulting from the conviction, as well as notices of OWI-related refusals, test results, and out-of-service orders. DOT may use the sub-driver record to suspend or revoke the operating privilege of a nonresident for violations committed in this state that are not DLA Code violations.

~~If the state joins the DLA,~~ upon receiving notice that a Wisconsin licensee or resident has applied for an operator's license or transferred residency to another jurisdiction, DOT must transfer the person's driver record information to the other jurisdiction if the jurisdiction is a member of the DLA or if the jurisdiction accepts responsibility for maintaining the person's driver record. With two exceptions, DOT

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or for persons licensed in or residing in non-DLA jurisdictions

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may not thereafter update the persons' driver record unless required by federal law. Under one exception, if DOT transfers the driver record to a jurisdiction that is not a member of the DLA, DOT may continue to update the driver record with respect to any conviction or suspension or revocation of the person's operating privilege for an offense committed in this state that is not recorded by the other jurisdiction on the person's driver record maintained in that jurisdiction. Under the other exception, even if DOT transfers the driver record, DOT may continue to maintain and update the sub-driver record. If the person returns to this state, DOT may use the sub-driver record to update the driver record with respect to any conviction or suspension or revocation of the person's operating privilege for an offense committed in this state that does not appear on the driver record transferred back to DOT from the person's former jurisdiction of licensure or residency. Also, if this state joins the DLA and a person licensed in another jurisdiction applies for an operator's license in this state, DOT must request that the person's driver record be transferred from the other jurisdiction. The bill further prohibits DOT from issuing an operator's license to any person whose operating privilege is currently suspended, revoked, or canceled by another jurisdiction for an offense specified by DOT as a DLA Code violation unless the suspension, revocation, or cancellation was for failure to comply with a judgment in that jurisdiction and at least five years have elapsed since the suspension, revocation, or cancellation.

Various provisions of current law control the issuance of an operator's license, or the reinstatement of an operating privilege, after suspension or revocation. DOT may not issue an operator's license to a person whose operating privilege has been revoked in this state unless the period of revocation has expired and the person satisfies certain requirements including, with exceptions, filing and maintaining proof of financial responsibility if less than three years have elapsed since the expiration of the period of revocation. DOT may issue an operator's license to a person who is moving to this state and whose operating privilege was previously suspended or revoked in another state if the person's operating privilege has been reinstated by the other state, the period of suspension or revocation that would be required under the laws of this state had the offense been committed in this state has expired, the person submits proof of financial responsibility, and the person satisfies certain other requirements.

This bill eliminates, as a condition of issuing an operator's license to a person moving to this state, the following requirements: that the person's operating privilege be reinstated by another state as long as the person is eligible for reinstatement in the other state; that the period of suspension or revocation that would be required under the laws of this state had the offense been committed in this state has expired; and that the person submit proof of financial responsibility to DOT.

Under current law, a nonresident's operating privilege revoked in this state is reinstated as a matter of law when the period of revocation has expired, the nonresident pays the required fee, and the nonresident obtains a valid operator's license in his or her state of residence. For both residents and nonresidents alike, with limited exceptions, an operating privilege that has been suspended in this state is automatically reinstated when the period of suspension has terminated, the

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suspended as a result of the accident

required fee has been paid, and, for reinstatement of an operating privilege suspended for failure to satisfy financial responsibility requirements related to a motor vehicle accident, the person files with DOT any required proof of financial responsibility. Whenever a person's operating privilege is automatically reinstated, DOT must notify the person and return any surrendered and unexpired license in its possession.

This bill eliminates the requirement that a nonresident whose operating privilege is revoked in this state obtain a valid operator's license issued by his or her resident state as a condition of reinstatement by DOT of the nonresident's operating privilege.

Under current law, *under certain circumstances,* ~~this state does not require the owner or operator of a motor vehicle to maintain motor vehicle liability insurance. However, under certain circumstances, the owner or operator of a motor vehicle involved in an accident may be required to deposit security with DOT in an amount sufficient to satisfy any judgment for damages arising from the accident or to demonstrate, in an authorized form, financial responsibility, which may include filing of a certification of motor vehicle liability insurance. DOT may be required to suspend a person's operating privilege or vehicle registrations if the person fails to deposit security or demonstrate financial responsibility as required following an accident. Also under current law, with exceptions, upon receipt of a judgment for damages of \$500 or more arising out of a motor vehicle accident, DOT must immediately suspend the operating privilege and all registrations of the person against whom the judgment was rendered.~~ Any person whose operating privilege or vehicle registration has been suspended for failure to deposit security or demonstrate financial responsibility after an accident or judgment arising from an accident must provide (and maintain in effect) proof of financial responsibility as a condition of reinstatement of the operating privilege or vehicle registration unless at least three years have elapsed since the person became eligible for reinstatement of the operating privilege or vehicle registration. These provisions apply to any resident or nonresident operator or owner of a motor vehicle involved in an accident in this state. Also under current law, DOT may require proof of financial responsibility in other circumstances, including for issuance of an operator's license after revocation by this state of a person's operating privilege.

have his or her

This bill eliminates any requirement that nonresidents provide proof of financial responsibility with respect to reinstatement of a suspended operating privilege or registration in this state, and repeals a provision specifying the form of, and requirements related to, proof of financial responsibility provided by nonresidents.

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

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Under this bill, a court that suspends or revokes a person's operating privilege may take possession of a person's operator's license but is not required to do so. If a court does take possession of a person's operator's license, the court must destroy the license. Upon reinstatement of the person's operating privilege, instead of returning the license, DOT must issue a new license. Also, a law enforcement officer who arrests a person for OWI may not take possession of a person's operator's license.

Under current law, with certain exceptions, a person whose operating privilege is suspended or revoked and who applies for an occupational license authorizing the person to operate a motor vehicle for limited purposes must surrender his or her suspended or revoked operator's license. Under this bill, a person who is otherwise eligible to obtain an occupational license may do so without surrendering his or her revoked operator's license.

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

Under current law, if a person is arrested for a traffic regulation, the law enforcement officer must issue a citation and must release the person if, among other things, the person makes a specified monetary deposit or deposits the person's Wisconsin operator's license with the officer. This bill provides for the release of a person under these circumstances if the person deposits an operator's license issued by any jurisdiction, not just Wisconsin.

Under current law, documentary evidence offered before a court must meet certain requirements of authentication as a condition precedent to admissibility. Certain documents, including certified public records, may be self-authenticating if specified requirements are met so that extrinsic evidence of authentication is not required. A copy of an official record or report or of a document recorded or filed in a public office, including data compilations in any form, certified according to certain criteria as correct by a person authorized to do so is self-authenticating.

This bill allows driver records maintained by DOT to be certified electronically by DOT as public records qualifying for self-authentication if the electronic certification is made in a manner determined by DOT to satisfactorily support a finding that the document is what it purports to be. Accordingly, driver records may be self-authenticating by certification generated by a DOT computer system rather than a DOT employee.

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ANAL-c

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

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

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

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

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

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

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

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

18 118.163 (2m) (a) A county, city, village or town may enact an ordinance
19 permitting a court to suspend the operating privilege of a person who is at least 16

1 years of age but less than 18 years of age and is a dropout. The ordinance shall
2 provide that the court may suspend the person's operating privilege until the person
3 reaches the age of 18. The court shall ~~immediately~~ may take possession of, and if
4 possession is taken, shall destroy, any suspended license ~~and forward it.~~ The court
5 shall forward to the department of transportation ~~together with~~ a notice stating the
6 reason for and the duration of the suspension.

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

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

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

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

24 **SECTION 6.** 343.01 (2) (bc) of the statutes is created to read:

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1 343.01 (2) (bc) "Home jurisdiction" means another jurisdiction that has most
2 recently issued an operator's license to a person or, if the person has not been issued
3 an operator's license by any jurisdiction, the jurisdiction of the person's residence.

***NOTE: In response to the DOT note, ^{This} the definition was prepared with the intent that it exclude Wisconsin, and the defined term is used throughout the draft with this intent. Also, the term already exists in certain statutes, and the definition was drafted to remain consistent with that use, so I have not replaced "another jurisdiction" with "the jurisdiction".

Where it is necessary to include Wisconsin, I have used specific language to this effect.

4 SECTION 7. 343.01 (2) (bm) of the statutes is created to read:

5 343.01 (2) (bm) "Member jurisdiction" means another jurisdiction that has
6 entered into ^{the Driver License Agreement, as} any reciprocal agreement with this state described in s. 343.02 (3) (a).

***NOTE: In response to the DOT note to bill section 12 of the "A" draft, ^{does not change} this draft omits the new definition of "other jurisdiction"/"another jurisdiction." Instead, the draft relies on the definition in s. 340.01 (41m) and adds the term "or Mexico" where necessary. I have not included notes throughout the draft flagging spots where "or Mexico" was added or where provisions that simply deleted the "or Mexico" phrase under current law were eliminated. Please see the drafter's note for further discussion of this issue.

7 SECTION 8. 343.02 (3) of the statutes is created to read:

8 343.02 (3) (a) ^{To promote} For the purpose of promoting the efficient administration and
9 enforcement of the provisions of this chapter, ^{this states through the department shall} the secretary, with the approval of the
10 governor, may enter into reciprocal agreements with the responsible officers of other
11 jurisdictions ^{among participating jurisdictions} establishing standards for the treatment and exchange of driver
12 licensing and conviction information and other data pertinent to the licensing
13 process, ^{including joining} including joining the agreement facilitated by the American Association of
14 Motor Vehicle Administrators that, as of the effective date of this paragraph
15 [revisor inserts date], is known as the "Driver License Agreement".

16 (b) ^{shall} If the secretary enters into an agreement under par. (a), the department
17 may promulgate rules as the secretary considers necessary to effectuate the
18 purposes of the ^{Driver License Agreement} agreement and shall promulgate rules, timed to become effective
19 with the effective date of the state's joinder in ^{the Driver License Agreement} such an agreement, that identify all

1 violations of, and administrative actions under, the laws of this state and describe
 2 by type or category all equivalent violations of, and administrative actions under, the
 3 laws of other jurisdictions that, under the ^{Driver License Agreement} agreement, are required to be recognized
 4 as violations or authorized administrative actions among all jurisdictions that are
 5 parties to the ^{Driver License Agreement} agreement.

6 (c) If ~~the secretary enters into an agreement under par. (a)~~ ^{the} department
 7 shall provide for publication of notice of the state's joinder in ^{the Driver License Agreement} such agreement,
 8 including the effective date of such joinder, by notice published by the revisor of
 9 statutes in the Wisconsin Administrative Register under s. 35.93 (4) and shall
 10 provide such notice to the director of state courts.

11 (d) The secretary, with the approval of the governor, may withdraw from any
 12 agreement entered into under par. (a) if the secretary deems such action necessary
 13 and desirable. Prior to any withdrawal under this paragraph, the secretary shall
 14 provide notice of the type specified in par. (c) of such withdrawal.

15 **SECTION 9.** 343.027 of the statutes is amended to read:

16 **343.027 Confidentiality of signatures.** Any signature collected under this
 17 chapter may be maintained by the department and shall be kept confidential. The
 18 department may release a signature or a facsimile of a signature only to the person
 19 to whom the signature relates, to a court, district attorney, county corporation
 20 counsel, city, village, or town attorney, law enforcement agency, or to the driver
 21 licensing agency of another jurisdiction or Mexico.

22 **SECTION 10.** 343.03 (5) (a) of the statutes, as affected by 2003 Wisconsin Act 33,
 23 is amended to read:

24 343.03 (5) (a) Before issuing or renewing any license under this chapter, the
 25 department shall obtain driver record information from the national driver registry

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10-15

1 and commercial driver license information system to determine whether the
 2 applicant holds a commercial driver license, or a license that is revoked, suspended
 3 or canceled, or is otherwise disqualified. If the applicant is currently licensed in
 4 another state jurisdiction, the department shall obtain information on the
 5 applicant's license status with the state jurisdiction of licensure before issuing a
 6 license, including if this state becomes a party to an agreement under s. 343.02(3)

7 (a) requesting transfer to the department of the applicant's driver record
 8 information from the other jurisdiction *if that jurisdiction is a member jurisdiction*

****NOTE: In response to the DOT note, while this statutory authorization is certainly not necessary for DMV to request the driver record, I believe it is important for the coherence of the draft and for statutory consistency.

9 **SECTION 11.** 343.03 (6) (a) of the statutes, as affected by 2003 Wisconsin Act 33,
 10 is amended to read:

11 343.03 (6) (a) The department shall, upon request, provide to the commercial
 12 driver license information system and the driver licensing agencies of other states
 13 jurisdictions or Mexico any applicant or driver record information maintained by the
 14 department.

15 **SECTION 12.** 343.03 (6) (b) of the statutes, as created by 2003 Wisconsin Act 33,
 16 is amended to read:

17 343.03 (6) (b) The department shall, upon request and within 30 days of the
 18 request, provide to the driver licensing agencies of other jurisdictions or Mexico the
 19 driving record of any person currently or previously licensed by the department, as
 20 required under 49 CFR 384.206 (a) (2) (iii).

21 **SECTION 13.** 343.03 (6) (c) 4. of the statutes, as created by 2003 Wisconsin Act
 22 33, is amended to read:

1 343.03 (6) (c) 4. Any driver licensing agency of another jurisdiction or Mexico
2 or law enforcement agency.

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

4 343.05 (1) (a) Except as provided in this subsection, no person may at any time
5 have more than one operator's license. This prohibition includes, without limitation,
6 having licenses from more than one state, having licenses under more than one name
7 or birthdate, ~~having an occupational license without having surrendered the revoked~~
8 ~~or suspended license document,~~ and having more than one license issued for the
9 operation of different types or classes of vehicles. This paragraph does not apply to
10 any person who has only operator's licenses issued by this state and by a country,
11 province, or subdivision that is a party to an agreement under s. 343.16 (1) (d).

12 **SECTION 15.** 343.05 (5) (b) 1. of the statutes is amended to read:

13 343.05 (5) (b) 1. Except as provided in subd. 2. and sub. (6), any person who
14 violates sub. (3) (a) may be required to forfeit not more than \$200 for the first offense,
15 may be fined not more than \$300 and imprisoned for not more than 30 days for the
16 2nd offense occurring within 3 years, and may be fined not more than \$500 and
17 imprisoned for not more than 6 months for the 3rd or subsequent offense occurring
18 within 3 years. A violation of a local ordinance in conformity with this section ~~or a~~
19 ~~violation of,~~ a law of a federally recognized American Indian tribe or band in this
20 state in conformity with this section, or the law of another jurisdiction or Mexico for
21 an offense therein which, if committed in this state, would have been a violation
22 under this section, shall count as a previous offense.

23 **SECTION 16.** 343.06 (1) (bm) of the statutes is created to read:

24 343.06 (1) (bm) To any person whose operating privilege is currently
25 suspended, revoked, or canceled by another jurisdiction for an offense or combination

1 of offenses identified in the rules under s. 343.02 (3) (b), except if the operating
2 privilege was suspended, revoked, or canceled by another jurisdiction for failure to
3 comply with a judgment in that jurisdiction and at least 5 years have elapsed since
4 the operating privilege was suspended, revoked, or canceled for failure to comply.

***NOTE: In response to the DOT note, I have made the suggested change. The phrase "or in connection with a judgment" was intended to cover the situation when a defendant is ordered to appear after noncompliance with a judgment and fails to appear. One may argue that, with the incorporation of this suggested change, such a situation falls outside the scope of s. 343.06 (1) (bm). Also, do you want this provision to include "or Mexico" after "another jurisdiction"?

5 SECTION 17. 343.06 (1) (j) of the statutes is amended to read:

6 343.06 (1) (j) To any person applying for his or her first license or identification
7 card ~~or for a reinstated license~~ in this state unless the person has submitted
8 satisfactory proof of his or her name and date of birth, identity, and, if applicable,
9 residency, or to any person applying for a reinstated license in this state unless the
10 person has submitted satisfactory proof of his or her identity.

11 SECTION 18. 343.06 (2) of the statutes, as affected by 2003 Wisconsin Act 33,
12 is amended to read:

13 343.06 (2) The department shall not issue a commercial driver license,
14 including a renewal or reinstated license, to any person during any period of
15 disqualification under s. 343.315 or 49 CFR 383.51 or the law of another jurisdiction
16 in substantial conformity therewith, as the result of one or more disqualifying
17 offenses committed on or after July 1, 1987, or to any person whose operating
18 privilege is revoked, suspended, or canceled. Any With respect to any person who is
19 known to the department to be subject to disqualification as described in s. 343.44
20 (1) (d), ~~the department shall be disqualified by the department as provided~~ disqualify
21 the person or provide notice as specified in s. 343.315.

***NOTE: Do you want "or Mexico" included after "jurisdiction" in this provision?

1 SECTION 19. 343.085 (4) of the statutes is amended to read:

2 343.085 (4) The secretary may require that a person be continued on
3 probationary status beyond the period of first issuance if such person appears by the
4 records of the department to have repeatedly violated any of the state traffic laws or
5 any local ordinance in conformity therewith or any law of a federally recognized
6 American Indian tribe or band in this state in conformity with any of the state traffic
7 laws or any law of another jurisdiction or Mexico for an offense therein which, if
8 committed in this state, would have been a violation of this state's traffic laws. A
9 person may not be continued on probationary status due to a suspension under s.
10 343.30 (6).

11 SECTION 20. 343.10 (2) (a) 3. of the statutes is repealed.

12 SECTION 21. 343.10 (7) (c) of the statutes is amended to read:
13 343.10 (7) (c) If the person is disqualified by the department under s. 343.315
14 but otherwise eligible under sub. (2), the department shall issue an occupational
15 license authorizing operation only of vehicles other than commercial motor vehicles.

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16 SECTION 22. 343.14 (2j) (b) of the statutes is amended to read:

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

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23 SECTION 23. 343.16 (5) (a) of the statutes is amended to read:

24 343.16 (5) (a) The secretary may require any applicant for a license or any
25 licensed operator to submit to a special examination by such persons or agencies as

strike ^
to the department of revenue for the purposes of
administering state taxes and collecting debt.

as affected by 2005 Wisconsin Act 187, ✓

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

****NOTE: In response to the DOT note, as I read the pertinent portion of s. 343.16 (5) (a), I don't interpret it to apply to nonresidents. Are there situations where revocation occurs under s. 343.16 (5) (a) for persons who do not hold a WI license? Also, do you want to add "or Mexico" after "another jurisdiction" in the underscored text?

22 SECTION 24. 343.20 (1) (e) 1. of the statutes is amended to read:

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

4 **SECTION 25.** 343.23 (2) (a) (intro.) of the statutes, as affected by 2003 Wisconsin
5 Act 280, is amended to read:

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

22 **SECTION 26.** 343.23 (2) (am) 1. a. of the statutes, as created by 2003 Wisconsin
23 Act 33, is amended to read:

24 343.23 (2) (am) 1. a. For a person holding a commercial driver license issued
25 by the department, a record of any disqualification by another jurisdiction or Mexico

1 of the person from operating a commercial motor vehicle for at least 60 days or of the
2 revocation, suspension, or cancellation by another jurisdiction or Mexico of the
3 person's commercial driver license for at least 60 days, and the violation that resulted
4 in the disqualification, revocation, suspension, or cancellation, as specified in any
5 notice received from the other jurisdiction or Mexico.

6 **SECTION 27.** 343.23 (2) (am) 1. b. of the statutes, as created by 2003 Wisconsin
7 Act 33, is amended to read:

8 343.23 (2) (am) 1. b. For a person holding a commercial driver license issued
9 by the department, a record of any violation in another jurisdiction or Mexico of any
10 law of that jurisdiction or Mexico, including any local law of that jurisdiction, or of
11 any law of a federally recognized American Indian tribe or band in that jurisdiction,
12 in conformity with any law of this state relating to motor vehicle traffic control, other
13 than a parking violation, as specified in any notice received from that jurisdiction or
14 Mexico. The department shall record this information within 10 days after receipt
15 of the notice.

16 **SECTION 28.** 343.23 (2) (am) 1. c. of the statutes, as created by 2003 Wisconsin
17 Act 33, is amended to read:

18 343.23 (2) (am) 1. c. For a person holding a commercial driver license issued
19 by this state or another jurisdiction or Mexico, a record of each violation, while
20 operating any motor vehicle, of any state law or local ordinance of this state or any
21 law of a federally recognized American Indian tribe or band in this state in
22 conformity with any law of this state relating to motor vehicle traffic control, other
23 than a parking violation. The department shall record the information under this
24 subdivision within 10 days after the date of conviction.

****NOTE: With revision of amended s. 343.23 (2) (a) (intro.), created s. 343.23 (2) (ar) is no longer needed.

1 SECTION 29. 343.23 (2) (b) of the statutes, as affected by 2003 Wisconsin Acts

2 30, 33, and 320, is amended to read:

3 343.23 (2) (b) The information specified in pars. (a) and (am) must be filed by
4 the department so that the complete operator's record is available for the use of the
5 secretary in determining whether operating privileges of such person shall be
6 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest
7 of public safety. The secretary may also consider the information specified in sub.

8 (2m) for purposes of this paragraph, and, except as provided in sub. (2m) (a) 1. and

9 sub. (3) (a), any information maintained under sub. (2m) that is described in this
10 paragraph shall be maintained for the periods specified in this paragraph. The

11 record of suspensions, revocations, and convictions that would be counted under s.
12 343.307 (2) shall be maintained permanently, except that the department shall

13 purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1)
14 (b), or 350.101 (1) (b) after 10 years, if the person who committed the violation had

15 a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
16 violation, if the person does not have a commercial driver license, if the violation was

17 not committed by a person operating a commercial motor vehicle, and if the person
18 has no other suspension, revocation, or conviction that would be counted under s.

19 343.307 during that 10-year period. The record of convictions for disqualifying
20 offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record

21 of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j), and all records
22 specified in par. (am), shall be maintained for at least 3 years. The record of

23 convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be

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

9 **SECTION 30.** 343.23 (2m) of the statutes is created to read:

10 343.23 (2m) (a) If this state becomes a party to an agreement under s. 343.02
11 (3) (a), the department shall maintain a file, other than the operator's record file
12 specified in sub. (2) (a), that shall include, for each nonresident convicted of a
13 violation in this state that would be recorded on the person's operator's record under
14 sub. (2) or the record under sub. (3) (a) if the person were a resident, including an
15 offense identified in the rules under s. 343.02 (3) (b), a record of reports or abstract
16 of convictions and any suspension or revocation of the person's operating privilege
17 resulting from the conviction, and any notice of refusal, issuance of an out-of-service
18 order, or report of test results under s. 343.305 (7) or (9).

19 (b) The department may use the file under par. (a) to suspend or revoke the
20 operating privilege of a nonresident for any violation committed in this state that is
21 not identified in the rules under s. 343.02 (3) (b).

****NOTE: In response to the DOT note, I have made some changes to this provision
(eliminating subd. 2.) but believe most of the provision has continued applicability. The
drafting instructions specifically provided for a sub-driver record, and this is it. This
provision is also important to created s. 343.23 (3m) of the draft.

22 **SECTION 31.** 343.23 (3m) of the statutes is created to read:

1 343.23 (3m) (a) ~~If this state becomes a party to an agreement under s. 343.02~~

2 ~~(3) (a)~~, upon receiving notice that a person who is a licensee under this chapter or,
3 if the person has not been issued an operator's license by any jurisdiction, is a
4 resident ^{and} has applied for or been issued an operator's license in another jurisdiction
5 or has transferred residency to another jurisdiction, the department shall transfer
6 to the other jurisdiction all file information specified in sub. (2) (a) and (am) within
7 30 days of receiving such notice if the other jurisdiction is a member jurisdiction or
8 if the other jurisdiction accepts responsibility for maintaining the person's operator's
9 record. Subject to par. (b), upon such transfer, the department shall not update the
10 file specified in sub. (2) (a) with any information ^{described} specified in sub. (2) (a) and (am)
11 except ^{as provided under sub. (2) (am) and} as ~~may be~~ required under federal law.

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

18 (c) If the department transfers a person's operator's record file information to
19 another jurisdiction as provided in par. (a), the department may continue to
20 maintain and update the file specified in sub. (2m). If a person subsequently applies
21 for or is issued an operator's license under this chapter or transfers residency back
22 to this state, the department may use the file specified in sub. (2m) to update the file
23 specified in sub. (2) (a) with respect to any conviction ^{or suspension} or revocation ^{of} ^{disqualification}
24 a person's operating privilege for an offense committed in this state that does not

or other information contained in the file specified in sub. (2m) related to

1 appear on an operator's record transferred to the department from the person's
2 former jurisdiction of licensure or residency.

3 SECTION 32. 343.23 (4) (b) of the statutes is amended to read:

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

10 SECTION 33. 343.235 (3) (a) of the statutes is amended to read:

11 343.235 (3) (a) A law enforcement agency, a state authority, a district attorney,
12 a driver licensing agency of another jurisdiction or Mexico, or a federal governmental
13 agency, to perform a legally authorized function.

14 SECTION 34. 343.237 (2) of the statutes, as affected by 2003 Wisconsin Act 280,
15 is amended to read:

16 343.237 (2) Any photograph taken of an applicant under s. 343.14 (3) or 343.50
17 (4), and any fingerprint taken of an applicant under s. 343.12 (6) (b), may be
18 maintained by the department and, except as provided in this section, shall be kept
19 confidential. Except as provided in this section, the department may release a
20 photograph or fingerprint only to the person whose photograph or fingerprint was
21 taken or to the driver licensing agency of another jurisdiction or Mexico.

****NOTE: In response to the DOT note, I have not made the suggested change to
s. 343.237 (3). Making this change will require other provisions to be amended as well.
Do you still want the change made?

22 SECTION 35. 343.24 (3) of the statutes is amended to read:

1 343.24 (3) The department shall not disclose information concerning or related
2 to a violation as defined by s. 343.30 (6) to any person other than a court, district
3 attorney, county corporation counsel, city, village, or town attorney, law enforcement
4 agency, driver licensing agency of another jurisdiction or Mexico, or the minor who
5 committed the violation or his or her parent or guardian.

6 **SECTION 36.** 343.24 (4) (c) 1. of the statutes is amended to read:

7 343.24 (4) (c) 1. A law enforcement agency, a state authority, a district attorney,
8 a driver licensing agency of another jurisdiction or Mexico, or a federal governmental
9 agency, to perform a legally authorized function.

***NOTE: ~~A change is made here similar to the revision to s. 343.235 (3) (a).~~

10 **SECTION 37.** 343.28 (2) of the statutes is amended to read:

11 343.28 (2) Whenever a person who is a licensee under this chapter or, if the
12 person has not been issued an operator's license by any jurisdiction, is a resident or
13 is a nonresident subject to revocation under s. 343.31 (22) is convicted of any offense
14 for which s. 343.31 makes mandatory the revocation by the secretary of such person's
15 operating privilege, the court in which the conviction occurred ~~shall~~ may require the
16 surrender to it of any license then held by such person and, if the court requires
17 surrender of a license, the court shall destroy the license. The clerk of the court, or
18 the justice, judge or magistrate if the court has no clerk, shall, as provided in s.
19 345.48, forward to the department the record of conviction ~~and any surrendered~~
20 ~~licenses.~~ The record of conviction forwarded to the department, which shall state
21 whether the offender was involved in an accident at the time of the offense, whether
22 the offender was operating a commercial motor vehicle at the time of the offense and,
23 if so, whether the offender was transporting hazardous materials requiring
24 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR

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1 73, or was operating a vehicle designed to carry, or actually carrying, 16 or more
2 passengers, including the driver.

****NOTE: In response to the DOT note, I have deleted portions of s. 343.28 (1) and (2). As discussed at length by e-mail, I find the elimination of court-ordered suspensions and revocations from the draft to be problematic and have not made these changes pending response from DOA on this issue. With respect to the DOT notes after bill sections 61 to 64 of the "1" draft, I also have not changed the draft with respect to OWI-related administrative suspensions pending a response from DOA. I think the issues there are similar. I also note that, in DOT's comments to s. 345.11 (2), DOT states that the uniform traffic citation already contains the information that DOT requests a court or law enforcement officer not have to determine. (Bill section 38: "We do not expect the court to determine whether the person is a licensee/resident or not." Bill section 64: "Law enforcement should not have to take on the additional burden of determining jurisdiction of record." Bill section 150: Change to include jurisdiction of licensure and residence on uniform traffic citation "not needed" because "UTC already include these.") Finally, in response to the DOT note following bill section 39 of the "1" draft, this draft incorporates LRB-0806.

3 **SECTION 38.** 343.30 (1) of the statutes is amended to read:

4 343.30 (1) A court may suspend a person's the operating privilege of a person
5 who is a licensee under this chapter or, if the person has not been issued an operator's
6 license by any jurisdiction, is a resident for any period not exceeding one year upon
7 such person's conviction in such court of violating any of the state traffic laws or any
8 local ordinance enacted under ch. 349.

9 **SECTION 39.** 343.30 (1g) (a) of the statutes is amended to read:

10 343.30 (1g) (a) Except as provided in par. (b), a court may suspend a person's
11 the operating privilege of a person who is a licensee under this chapter or, if the
12 person has not been issued an operator's license by any jurisdiction, is a resident for
13 any period not exceeding 6 months upon the person's conviction for violating s.
14 343.44 (1) (a), (b) or (d) or a local ordinance in conformity therewith.

15 **SECTION 40.** 343.30 (1g) (b) of the statutes is amended to read:

16 343.30 (1g) (b) A court shall revoke ^{delete strikes} a person's the operating privilege of a
17 person who is a licensee under this chapter or, if the person has not been issued an
18 operator's license by any jurisdiction, is a resident upon the person's conviction for

1 violating s. 343.44 (1) (a), (b) or (d) or a local ordinance in conformity therewith if the
2 person has been convicted of 3 or more prior violations of s. 343.44 (1) (a), (b) or (d),
3 or of similar violations under s. 343.44 (1), 1997 stats., or a local ordinance in
4 conformity therewith, with s. 343.44 (1) (a), (b), or (d), or the law of another
5 jurisdiction or Mexico prohibiting operating a motor vehicle with a suspended or
6 revoked license or while disqualified or ordered out of service, as those terms or
7 substantially similar terms are used in that jurisdiction's or Mexico's laws, within
8 the 5-year period preceding the violation. The revocation shall be for a period of 6
9 months, unless the court orders a period of revocation of less than 6 months and
10 places its reasons for ordering the lesser period of revocation on the record.

****NOTE: In response to the DOT note, I am not treating this provision to change "shall" to "may" (which requires changes to both pars. (a) and (b)) until I know whether the statutory provision will otherwise remain in the draft. Do you want this treatment included even if DOA directs that the draft not include treatment of court-ordered suspensions and revocations?

11 **SECTION 41.** 343.30 (1n) of the statutes is amended to read:

12 343.30 (1n) A court shall suspend the operating privilege of a person who is a
13 licensee under this chapter or, if the person has not been issued an operator's license
14 by any jurisdiction, is a resident for a period of 15 days upon the person's conviction
15 by the court of exceeding the applicable speed limit as established by s. 346.57 (4)
16 (gm) or (h), by 25 or more miles per hour. If the conviction makes the person subject
17 to suspension under s. 343.085 or 343.32, the court shall order the suspension of the
18 person's operating privilege and notify the secretary of the order. Upon receiving the
19 notice, the secretary shall act as authorized under s. 343.32 or 343.085. Any
20 suspension under this subsection shall date from the day the secretary acts on the
21 order of suspension of the operating privilege.

22 **SECTION 42.** 343.30 (1o) (intro.) of the statutes is amended to read:

1 343.30 (1o) (intro.) Upon conviction of a person who is a licensee under this
2 chapter or, if the person has not been issued an operator's license by any jurisdiction,
3 is a resident for violating s. 346.072, the court shall suspend the violator's operating
4 privilege as follows:

5 **SECTION 43.** 343.30 (1p) of the statutes is amended to read:

6 343.30 (1p) Notwithstanding sub. (1), a court shall suspend the operating
7 privilege of a person who is a licensee under this chapter or, if the person has not been
8 issued an operator's license by any jurisdiction, is a resident for 3 months upon the
9 person's conviction by the court for violation of s. 346.63 (2m) or a local ordinance in
10 conformity with s. 346.63 (2m). If there was a minor passenger under 16 years of age
11 in the motor vehicle at the time of the violation that gave rise to the conviction under
12 s. 346.63 (2m) or a local ordinance in conformity with s. 346.63 (2m), the court shall
13 suspend the operating privilege of the person for 6 months.

14 **SECTION 44.** 343.30 (1q) (b) (intro.) of the statutes is amended to read:

15 343.30 (1q) (b) (intro.) ~~For persons~~ a person who is a licensee under this chapter
16 or, if the person has not been issued an operator's license by any jurisdiction, is a
17 resident convicted under s. 346.63 (1) or a local ordinance in conformity therewith:

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

18 **SECTION 45.** 343.30 (1q) (b) 4. of the statutes is amended to read:

19 343.30 (1q) (b) 4. Except as provided in subd. 4m., if the number of convictions
20 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
21 convictions, suspensions, and revocations counted under s. 343.307 (1), equals 3 or
22 more, the court shall revoke the person's operating privilege for not less than 2 years
23 nor more than 3 years. After the first 90 days of the revocation period or, if the total
24 number of convictions, suspensions, and revocations counted under this subdivision

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

****NOTE: In response to the DOT note, in the numerous locations where I have changed "the" to "any," the rationale is as follows: The drafting instructions were basically to limit suspension/revocation to Wisconsin licensees and residents only, but allow suspension/revocation of nonresidents for non-DLA Code violations. So some nonresidents can have their licenses suspended or revoked. Under the relevant provisions of current law, an assessment is always required upon suspension or revocation, regardless of whether the person is a resident or nonresident. I sought clarification on this issue from DOT and was advised that it should be drafted so that an assessment should never be ordered by the court for a nonresident. The current statutes say "the assessment" because there is always an assessment. With the changes in this draft, and direction provided by DOT to my request for clarification, I believe it is possible for the court to revoke an operating privilege of a nonresident for some violations but not require an assessment. Accordingly, "the assessment" no longer works. The phrase "any assessment" is substituted to refer to the assessment if an assessment is required. In response to the DOT note following bill sections 48 and 49 of the "/1" draft, the notes are contrary to the directions I received from DOT while drafting and the suggested statutory text is internally inconsistent. I have not incorporated these suggestions at this time. I also believe that the system suggested in DOT's notes to bill sections 48 and 49 of the "/1" draft have the same fundamental problem as DOT's comments on court-ordered suspension and revocations generally.

5 SECTION 46. 343.30 (1q) (c) 1. (intro.), a. and c. of the statutes are consolidated,
 6 renumbered 343.30 (1q) (c) 1. and amended to read:

7 343.30 (1q) (c) 1. Except as provided in subd. ~~1. a. or b.~~ this subdivision, and
 8 except for a first violation of s. 346.63 (1) (b), if the person who committed the
 9 violation is a licensee under this chapter or, if the person has not been issued an
 10 operator's license by any jurisdiction, is a resident and had a blood alcohol
 11 concentration of 0.08 or more but less than 0.1 at the time of the violation, the court
 12 shall order the person to submit to and comply with an assessment by an approved
 13 public treatment facility as defined in s. 51.45 (2) (c) for examination of the person's
 14 use of alcohol, controlled substances or controlled substance analogs and
 15 development of a driver safety plan for the person. The court shall notify the

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

19 **SECTION 47.** 343.30 (1q) (c) 1. b. of the statutes is repealed.

20 **SECTION 48.** 343.30 (1z) of the statutes is amended to read:

21 343.30 (1z) If a court imposes a driver improvement surcharge under s. 346.655
22 on a person who is a licensee under this chapter or, if the person has not been issued
23 an operator's license by any jurisdiction, is a resident and the person fails to pay the
24 surcharge within 60 days after the date by which the court ordered the surcharge to

1 be paid, the court may suspend the person's operating privilege until the person pays
2 the surcharge, except that the suspension period may not exceed 2 years.

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

3 **SECTION 49.** 343.30 (2d) of the statutes is amended to read:

4 343.30 (2d) A court may suspend a person's the operating privilege of a person
5 who is a licensee under this chapter, if the person has not been issued an operator's
6 license by any jurisdiction, is or a resident upon conviction of any offense specified
7 under ss. 940.225, 948.02, 948.025 and 948.07, if the court finds that it is inimical
8 to the public safety and welfare for the offender to have operating privileges. The
9 suspension shall be for one year or until discharge from prison or jail sentence or
10 probation, extended supervision or parole with respect to the offenses specified,
11 whichever date is later. Receipt of a certificate of discharge from the department of
12 corrections or other responsible supervising agency, after one year has elapsed since
13 the suspension, entitles the holder to reinstatement of operating privileges. The
14 holder may be required to present the certificate to the secretary if the secretary
15 deems necessary.

16 **SECTION 50.** 343.30 (2g) of the statutes is amended to read:

17 343.30 (2g) A court may suspend or revoke a person's the operating privilege
18 of a person who is a licensee under this chapter or, if the person has not been issued
19 an operator's license by any jurisdiction, is a resident for any period not exceeding
20 one year upon conviction of that person for violating s. 346.67, 346.68 or 346.69. This
21 subsection does not apply to circumstances that require the department to revoke a
22 person's operating privilege under s. 343.31 (1) (d) or (3) (i) or (j).

1 SECTION 51. 343.30 (2j) (a) of the statutes is renumbered 343.30 (2j) and
2 amended to read:

3 343.30 (2j) A court may revoke ^{Plan} a person's ~~the~~ operating privilege of a person
4 who is a licensee under this chapter or, if the person has not been issued an operator's
5 license by any jurisdiction, is a resident upon the person's first conviction for
6 violating s. 346.44 or 346.62 (2m) and shall revoke ^{Plan} a person's ~~the~~ operating privilege
7 of a person who is a licensee under this chapter or, if the person has not been issued
8 an operator's license by any jurisdiction, is or a resident upon the person's 2nd or
9 subsequent conviction within a 5-year period for violating s. 346.44 or 346.62 (2m)
10 or the law of another jurisdiction or Mexico for an offense therein which, if committed
11 in this state, would have been cause for revocation under this subsection. The
12 revocation shall be for a period of 6 months. For purposes of determining prior
13 convictions for purposes of this ~~paragraph~~ subsection, the 5-year period shall be
14 measured from the dates of the violations that resulted in the convictions. Each
15 conviction under s. 346.44 or 346.62 (2m) or the applicable law of another jurisdiction
16 or Mexico shall be counted, except that convictions under s. 346.44 and 346.62 (2m)
17 or the applicable law of another jurisdiction or Mexico arising out of the same
18 incident or occurrence shall be counted as a single conviction.

19 SECTION 52. 343.30 (2m) of the statutes is amended to read:

20 343.30 (2m) A court may suspend a person's ~~the~~ operating privilege of a person
21 who is a licensee under this chapter or, if the person has not been issued an operator's
22 license by any jurisdiction, is a resident upon conviction of the person for violating
23 s. 346.93. Such suspension shall be for a period of not less than 30 days nor more than
24 one year.

25 SECTION 53. 343.30 (4) of the statutes is amended to read:

1 343.30 (4) Whenever a court or judge suspends or revokes an operating
 2 privilege under this section, the court or judge shall ~~immediately~~ may take
 3 possession of, and if possession is taken, shall destroy, any suspended or revoked
 4 license ~~and~~. The court or judge shall forward it, as provided in s. 345.48, to the
 5 department ~~together with~~ the record of conviction and notice of suspension or
 6 revocation. Whenever a court or judge restricts the operating privilege of a person,
 7 the court or judge shall forward notice of the restriction to the department.

8 *Lds. Please Fix Comp.* → SECTION 54. 343.30 (5) of the statutes is renumbered 343.30 (5) (a) and
 9 amended to read:

10 343.30 (5) (a) No court may suspend or revoke an operating privilege except as
 11 authorized by this chapter or ch. 345, 351, or 938 or s. 767.303, 800.09 (1) (c), 800.095
 12 (4) (b) 4., 943.21 (3m), or 961.50. When a court revokes, suspends, or restricts a
 13 juvenile's operating privilege under ch. 938, the department of transportation shall
 14 not disclose information concerning or relating to the revocation, suspension, or
 15 restriction to any person other than a court, district attorney, county corporation
 16 counsel, city, village, or town attorney, law enforcement agency, driver licensing
 17 agency of another jurisdiction or Mexico, or the minor whose operating privilege is
 18 revoked, suspended, or restricted, or his or her parent or guardian. Persons entitled
 19 to receive this information shall not disclose the information to other persons or
 20 agencies.

21 SECTION 55. 343.30 (5) (b) of the statutes is created to read:

22 343.30 (5) (b) Notwithstanding subs. (1) to (2m) and (6) (d), a court may
 23 suspend or revoke, or, respectively, shall suspend or revoke, in the manner provided
 24 in subs. (1) to (2m) and (6), the operating privilege of a person who is not a resident
 25 upon the person's conviction of committing in this state, respectively, an offense

1 specified in subs. (1) to (2m) or (6) other than, if this state is a party to an agreement
2 under s. 343.02 (3) (a), an offense identified in the rules under s. 343.02 (3) (b).

3 **SECTION 56.** 343.301 (1) (a) 1. of the statutes is amended to read:

4 343.301 (1) (a) 1. Except as provided in subd. 2., if a person who is a licensee
5 under this chapter or, if the person has not been issued an operator's license by any
6 jurisdiction, is a resident improperly refuses to take a test under s. 343.305 or
7 violates s. 346.63 (1) or (2), 940.09 (1), or 940.25, and the person has a total of one or
8 more prior convictions, suspensions, or revocations, counting convictions under ss.
9 940.09 (1) and 940.25 in the person's lifetime and other convictions, suspensions, and
10 revocations counted under s. 343.307 (1), the court may order that the person's
11 operating privilege for the operation of "Class D" vehicles be restricted to operating
12 "Class D" vehicles that are equipped with an ignition interlock device.

13 **SECTION 57.** 343.301 (1) (a) 2. of the statutes is amended to read:

14 343.301 (1) (a) 2. If a person who is a licensee under this chapter or, if the person
15 has not been issued an operator's license by any jurisdiction, is a resident improperly
16 refuses to take a test under s. 343.305 or violates s. 346.63 (1) or (2), 940.09 (1), or
17 940.25, and the person has a total of 2 or more convictions, suspensions, or
18 revocations, counted under s. 343.307 (1) within any 5-year period, the court shall
19 order that the person's operating privilege for the operation of "Class D" vehicles be
20 restricted to operating vehicles that are equipped with an ignition interlock device
21 and shall order that each motor vehicle for which the person's name appears on the
22 vehicle's certificate of title or registration be equipped with an ignition interlock
23 device. If equipping each motor vehicle with an ignition interlock device under this
24 subdivision would cause an undue financial hardship, the court may order that one
25 or more motor vehicles subject to this subdivision not be equipped with an ignition

1 interlock device. This subdivision does not apply if the court enters an order under
 2 sub. (2) (a) 2. or, if the person has 2 or more prior convictions, suspensions, or
 3 revocations for purposes of this subdivision, to the motor vehicle owned by the person
 4 and used in the violation or refusal if the court orders the vehicle to be seized and
 5 forfeited under s. 346.65 (6).

****NOTE: This 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.

6 **SECTION 58.** 343.301 (2) (b) 3. of the statutes is created to read:

7 343.301 (2) (b) 3. If the court orders immobilization under par. (a) 1. or 2. with
 8 respect to a nonresident whose operating privilege may not be revoked by the court,
 9 the period of immobilization under subd. 1. or 2. shall be determined as if the
 10 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.

11 **SECTION 59.** 343.305 (7) (a) of the statutes is amended to read:

12 343.305 (7) (a) If a person submits to chemical testing administered in
 13 accordance with this section and any test results indicate the presence of a detectable
 14 amount of a restricted controlled substance in the person's blood or a prohibited
 15 alcohol concentration, the law enforcement officer shall report the results to the
 16 department and take possession of the person's license and forward it to the
 17 department. The person's operating privilege is administratively suspended for 6
 18 months unless this state has entered into an agreement under s. 343.02 (3) (a), the
 19 person is a nonresident, and administrative action as described under this
 20 paragraph is identified in the rules under s. 343.02 (3) (b). If a nonresident's

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32-10

1 operating privilege is not administratively suspended under this paragraph, the
2 department shall report the test results to the driver licensing agency in the person's
3 home jurisdiction.

4 SECTION 60. 343.305 (7) (b) of the statutes is amended to read:

5 343.305 (7) (b) If a person who was driving or operating or on duty time with
6 respect to a commercial motor vehicle submits to chemical testing administered in
7 accordance with this section and any test results indicate an alcohol concentration
8 above 0.0, the law enforcement officer ~~may take possession of the person's license and~~
9 ~~retain the license for 24 hours. The person may reclaim a seized license in person~~
10 ~~or request return of the license by mail. The law enforcement officer shall issue a~~
11 ~~citation for violation of s. 346.63 (7) (a) 1., issue citations for such other violations as~~
12 ~~may apply and issue an out-of-service order to the person for the 24 hours after the~~
13 ~~testing, and report both the out-of-service order and the test results to the~~
14 ~~department in the manner prescribed by the department. If the person is a~~
15 ~~nonresident, the department shall report issuance of the out-of-service order to the~~
16 ~~driver licensing agency in the person's home jurisdiction.~~

17 SECTION 61. 343.305 (8) (a) of the statutes is amended to read:

18 343.305 (8) (a) The If a person is subject to administrative suspension of his
19 or her operating privilege under sub. (7) (a), the law enforcement officer shall notify
20 the person of the administrative suspension under sub. (7) (a). The notice shall
21 advise the person that his or her operating privilege will be administratively
22 suspended and that he or she has the right to obtain administrative and judicial
23 review under this subsection. This notice of administrative suspension serves as a
24 30-day temporary license. An administrative suspension under sub. (7) (a) becomes

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33-16

strike

1 effective at the time the 30-day temporary license expires. The officer shall submit
2 or mail a copy of the notice to the department.

3 **SECTION 62.** 343.305 (9) (a) (intro.) of the statutes is amended to read:

4 343.305 (9) (a) (intro.) If a person who is a licensee under this chapter or, if the
5 person has not been issued an operator's license by any jurisdiction, is a resident
6 refuses to take a test under sub. (3) (a), the law enforcement officer shall immediately
7 take possession of the person's license and prepare a notice of intent to revoke, by
8 court order under sub. (10), the person's operating privilege. If the person was
9 driving or operating a commercial motor vehicle, the officer shall issue an
10 out-of-service order to the person for the 24 hours after the refusal and notify the
11 department in the manner prescribed by the department. The officer shall issue a
12 copy of the notice of intent to revoke the privilege to the person and submit or mail
13 a copy with the person's license to the circuit court for the county in which the arrest
14 under sub. (3) (a) was made or to the municipal court in the municipality in which
15 the arrest was made if the arrest was for a violation of a municipal ordinance under
16 sub. (3) (a) and the municipality has a municipal court. The officer shall also mail
17 a copy of the notice of intent to revoke to the attorney for that municipality or to the
18 district attorney for that county, as appropriate, and to the department. The notice
19 of intent to revoke the person's operating privilege shall contain substantially all of
20 the following information:

21 **SECTION 63.** 343.305 (9) (am) (intro.) of the statutes is amended to read:

22 343.305 (9) (am) (intro.) If a person who is a licensee under this chapter or, if
23 the person has not been issued an operator's license by any jurisdiction, is a resident
24 who is driving or operating or on duty time with respect to a commercial motor
25 vehicle refuses a test under sub. (3) (am), the law enforcement officer shall

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

13 **SECTION 64.** 343.305 (9) (e) of the statutes is created to read:

14 343.305 (9) (e) Notwithstanding pars. (a) and (am), a law enforcement officer
15 may prepare, in the manner and following the procedures provided in pars. (a) and
16 (am), a notice of intent to revoke the operating privilege of a person who is not a
17 resident for a refusal of testing in this state under the circumstances specified in par.
18 (a) or (am) unless, if this state is a party to an agreement under s. 343.02 (3) (a), the
19 refusal is an offense identified in the rules under s. 343.02 (3) (b). If a law
20 enforcement officer may not prepare a notice of intent to revoke the operating
21 privilege of a nonresident under this paragraph, the officer shall provide notice of the
22 refusal to the department as provided in pars. (a) and (am) and the department shall
23 forward notice of the refusal, with notice of the out-of-service order under pars. (a)
24 and (am), to the driver licensing agency of the person's home jurisdiction.

25 **SECTION 65.** 343.305 (10) (a) of the statutes is amended to read:

1 343.305 (10) (a) If the court determines under sub. (9) (d) that a person for
 2 whom a notice of intent to revoke may be prepared under sub. (9) (a), (am), or (e)
 3 improperly refused to take a test or if the person does not request a hearing within
 4 10 days after the person has been served with the notice of intent to revoke the
 5 person's operating privilege, the court shall proceed under this subsection. If no
 6 hearing was requested, the revocation period shall begin 30 days after the date of the
 7 refusal. If a hearing was requested, the revocation period shall commence 30 days
 8 after the date of refusal or immediately upon a final determination that the refusal
 9 was improper, whichever is later.

10 **SECTION 66.** 343.305 (10) (b) 3. of the statutes is amended to read:

11 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions
 12 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
 13 convictions, suspensions, and revocations counted under s. 343.307 (2) within a
 14 10-year period, equals 2, the court shall revoke the person's operating privilege for
 15 2 years. After the first 90 days of the revocation period or, if the total number of
 16 convictions, suspensions, and revocations counted under this subdivision within any
 17 5-year period equals 2 or more, after one year of the revocation period has elapsed,
 18 the person is eligible for an occupational license under s. 343.10 if he or she has
 19 completed ^{plain} the ~~any~~ assessment ^{if applicable} and is complying with the ~~any~~ driver safety plan ^{if applicable}

20 **SECTION 67.** 343.305 (10) (b) 4. of the statutes is amended to read:

21 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions
 22 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
 23 convictions, suspensions, and revocations counted under s. 343.307 (2), equals 3 or
 24 more, the court shall revoke the person's operating privilege for 3 years. After the
 25 first 120 days of the revocation period or, if the total number of convictions,

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

plain delete strike 2
if applicable
plain delete strike
if applicable

5 **SECTION 68.** 343.305 (10) (c) 1. (intro.), a. and c. of the statutes are consolidated,
 6 renumbered 343.305 (10) (c) 1. and amended to read:

7 343.305 (10) (c) 1. Except as provided in ~~subd. 1. a. or b.~~ this subdivision, if the
 8 person is a licensee under this chapter or, if the person has not been issued an
 9 operator's license by any jurisdiction, is a resident, the court shall order the person
 10 to submit to and comply with an assessment by an approved public treatment facility
 11 as defined in s. 51.45 (2) (c) for examination of the person's use of alcohol, controlled
 12 substances or controlled substance analogs and development of a driver safety plan
 13 for the person. The court shall notify the person and the department of
 14 transportation of the assessment order. The court shall also notify the person that
 15 noncompliance with assessment or the driver safety plan will result in license
 16 suspension until the person is in compliance. The assessment order shall: ~~If the~~
 17 ~~person is a resident~~, refer the person to an approved public treatment facility in the
 18 county in which the person resides. The facility named in the order may provide for
 19 assessment of the person in another approved public treatment facility. The order
 20 shall provide that if the person is temporarily residing in another state, the facility
 21 named in the order may refer the person to an appropriate treatment facility in that
 22 state for assessment and development of a driver safety plan for the person satisfying
 23 the requirements of that state. ~~Require~~ The assessment order shall require a person
 24 who is referred to a treatment facility in another state under ~~subd. 1. a. or b.~~ this
 25 subdivision to furnish the department written verification of his or her compliance

1 from the agency which administers the assessment and driver safety plan program.
2 The person shall provide initial verification of compliance within 60 days after the
3 date of his or her conviction. The requirement to furnish verification of compliance
4 may be satisfied by receipt by the department of such verification from the agency
5 which administers the assessment and driver safety plan program.

6 **SECTION 69.** 343.305 (10) (c) 1. b. of the statutes is repealed.

7 **SECTION 70.** 343.305 (10) (em) of the statutes is amended to read:

8 343.305 (10) (em) One penalty for improperly refusing to submit to a test for
9 intoxication regarding a person who is a licensee under this chapter or, if the person
10 has not been issued an operator's license by any jurisdiction, is a resident or a person
11 for whom a notice of intent to revoke may be prepared under sub. (9) (e) and who is
12 arrested for a violation of s. 346.63 (2m) or (7) or a local ordinance in conformity
13 therewith is revocation of the person's operating privilege for 6 months. If there was
14 a minor passenger under 16 years of age in the motor vehicle at the time of the
15 incident that gave rise to the improper refusal, the revocation period is 12 months.
16 After the first 15 days of the revocation period, the person is eligible for an
17 occupational license under s. 343.10. Any such improper refusal or revocation for the
18 refusal does not count as a prior refusal or a prior revocation under this section or
19 ss. 343.30 (1q), 343.307 and 346.65 (2). The person shall not be required to submit
20 to and comply with any assessment or driver safety plan under pars. (c) and (d).

21 **SECTION 71.** 343.305 (11) of the statutes is amended to read:

22 343.305 (11) RULES. The department shall promulgate rules under ch. 227
23 necessary to administer this section. The rules shall include provisions relating to
24 the expeditious exchange of information under this section between the department
25 and law enforcement agencies, circuit courts, municipal courts, attorneys who

1 represent municipalities, ~~and district attorneys, and driver licensing agencies of~~
2 ~~other jurisdictions or Mexico.~~ The rules may not affect any provisions relating to
3 court procedure.

4 **SECTION 72.** 343.307 (1) (d) of the statutes is amended to read:

5 343.307 (1) (d) Convictions under the law of another jurisdiction or Mexico that
6 prohibits a person from refusing chemical testing or using a motor vehicle while
7 intoxicated or under the influence of a controlled substance or controlled substance
8 analog, or a combination thereof; with an excess or specified range of alcohol
9 concentration; while under the influence of any drug to a degree that renders the
10 person incapable of safely driving; or while having a detectable amount of a
11 restricted controlled substance in his or her blood, as those or substantially similar
12 terms are used in that jurisdiction's or Mexico's laws.

13 **SECTION 73.** 343.307 (1) (e) of the statutes is amended to read:

14 343.307 (1) (e) Operating privilege suspensions or revocations under the law
15 of another jurisdiction or Mexico arising out of a refusal to submit to chemical testing.

16 **SECTION 74.** 343.307 (2) (e) of the statutes is amended to read:

17 343.307 (2) (e) Convictions under the law of another jurisdiction or Mexico that
18 prohibits a person from refusing chemical testing or using a motor vehicle while
19 intoxicated or under the influence of a controlled substance or controlled substance
20 analog, or a combination thereof; with an excess or specified range of alcohol
21 concentration; while under the influence of any drug to a degree that renders the
22 person incapable of safely driving; or while having a detectable amount of a
23 restricted controlled substance in his or her blood, as those or substantially similar
24 terms are used in that jurisdiction's or Mexico's laws.

25 **SECTION 75.** 343.307 (2) (f) of the statutes is amended to read:

1 343.307 (2) (f) Operating privilege suspensions or revocations under the law
2 of another jurisdiction or Mexico arising out of a refusal to submit to chemical testing.

3 SECTION 76. 343.31 (1) (intro.) of the statutes is amended to read:

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

11 SECTION 77. 343.31 (1) (hm) of the statutes is amended to read:

12 343.31 (1) (hm) A violation of s. 343.44 (1) (a), (b), or (d), or a local ordinance
13 in conformity therewith, if the person has been convicted of 3 or more prior violations
14 of s. 343.44 (1) (a), (b), or (d), or of similar violations under s. 343.44 (1), 1997 stats.,
15 or a local ordinance in conformity therewith with s. 343.44 (1) (a), (b), or (d), or the
16 law of another jurisdiction ~~or Mexico~~ prohibiting operating a motor vehicle with a
17 suspended or revoked license or while disqualified, as those terms or substantially
18 similar terms are used in that jurisdiction's ~~or Mexico's~~ laws, within the 5-year
19 period preceding the violation. Revocation under this paragraph shall be for a period
20 of 6 months unless a lesser period of revocation is ordered under s. 343.30 (1g) (b).

Note: I have not eliminated this section. Did you want me to?

21 SECTION 78. 343.31 (2) of the statutes is amended to read:

22 343.31 (2) The department shall revoke the operating privilege of any resident
23 person who is a licensee under this chapter or, if the person has not been issued an
24 operator's license by any jurisdiction, is ~~or~~ a resident upon receiving notice of the

1 conviction of such person in another jurisdiction ~~or Mexico~~ for an offense therein
 2 which, if committed in this state, would have been cause for revocation under this
 3 section or for revocation under s. 343.30 (1q) or which is identified in the rules under
 4 s. 343.02 (3) (b) as an offense for which a person is subject to revocation. Such
 5 offenses shall include violation of any law of another jurisdiction ~~or Mexico~~ that
 6 prohibits a person from using a motor vehicle while intoxicated or under the
 7 influence of a controlled substance or controlled substance analog, or a combination
 8 thereof; with an excess or specified range of alcohol concentration; while under the
 9 influence of any drug to a degree that renders the person incapable of safely driving;
 10 or while having a detectable amount of a restricted controlled substance in his or her
 11 blood, as those or substantially similar terms are used in that jurisdiction's ~~or~~
 12 ~~Mexico's~~ laws. ~~Upon receiving similar notice with respect to a nonresident, the~~
 13 ~~department shall revoke the privilege of the nonresident to operate a motor vehicle~~
 14 ~~in this state. Such revocation shall not apply to the operation of a commercial motor~~
 15 ~~vehicle by a nonresident who holds a valid commercial driver license issued by~~
 16 ~~another state. This subsection does not apply if the jurisdiction, ~~or Mexico,~~ in which~~
 17 ~~the offense was committed suspended or revoked the person's operating privilege in~~
 18 ~~that jurisdiction, ~~or Mexico,~~ as a result of the conviction and the period of suspension~~
 19 ~~or revocation in that jurisdiction, ~~or Mexico,~~ has expired or if, at the time of the~~
 20 ~~conviction, the person ^{was licensed in or} resided in the ^{another} jurisdiction, ~~or Mexico,~~ in which the offense was~~
 21 ~~committed.~~

****NOTE: In response to the DOT note related to created s. 343.31 (2g), which was bill section 77 of the "1" draft, the provision was not existing law, but was created for purposes of the draft - I have eliminated the section. The reason I created this provision is that current s. 343.31 (2) allows DOT to *revoke* for any out-of-state conviction for an offense therein that would fall within s. 343.31, and s. 343.31 (2m) allows DOT to *suspend or revoke* only for specified offenses, but I can't find any authority for DOT to *suspend* for any out-of-state conviction for an offense therein that would fall within s. 343.31. For example, the created s. 343.31 (2g) would have allowed suspension of an operating

privilege for an out-of-state violation equivalent to s. 343.31 (2r). With the deletion of this created s. 343.31 (2g), I don't see authority under s. 343.31 for DOT to suspend for an out-of-state violation equivalent to s. 343.31 (2r). Please let me know if I am mistaken in understanding that you want this provision deleted.

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

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, if the person has not been issued an operator's license by any jurisdiction, is a resident upon receiving notice of the conviction of that person under a law of another jurisdiction or Mexico 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 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 or Mexico, in which the offense was committed suspended or revoked the person's operating privilege in that jurisdiction or Mexico, as a result of the conviction and the period of suspension or revocation in that jurisdiction or Mexico, has expired or if, at the time of the conviction, the person ^{was licensed in or} resided in ^{another} the jurisdiction or Mexico in which the offense was committed.

SECTION 80. 343.31 (2r) of the statutes is amended to read:

strike → Subject to sub^b (2z) (b), the

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343.31 (2r) The department shall suspend a person's the operating privilege of a person who is a licensee under this chapter or, if the person has not been issued an operator's license by any jurisdiction, is 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 the department under this chapter or any other law relating to the ownership or operation of motor vehicles.

SECTION 81. 343.31 (2z) of the statutes is created to read:

343.31 (2z) Notwithstanding subs. (1) and (2r), the department may suspend or, respectively, shall suspend or revoke, in the manner provided in subs. (1) and (2r), the operating privilege of a person who is ~~not~~ ^{non} 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) other than, if this state is a party to an agreement under s. 343.02 (3) (a), an offense identified in the rules under s. 343.02 (3) (b).

SECTION 82. 343.31 (3) (b) of the statutes is repealed.

SECTION 83. 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) ^{and} (2m) shall be the same as if the person were convicted of the offense in this state.

SECTION 84. 343.31 (3) (bm) (intro.) of the statutes is amended to read:

343.31 (3) (bm) (intro.) For any person who is a licensee under this chapter or, if the person has not been issued an operator's license by any jurisdiction, is 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):

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

Insert 43-9

Insert 43-11

1 343.31 (3) (c) Any person who is a licensee under this chapter or, if the person
 2 has not been issued an operator's license by any jurisdiction, is a resident ² or is subject ^{who}
 3 to suspension or revocation of the person's operating privilege under sub. (2z) ^(a) and
 4 who is convicted under s. 940.09 of causing the death of another or of an unborn child
 5 by the operation or handling of a motor vehicle shall have his or her operating
 6 privilege revoked for 5 years. If there was a minor passenger under 16 years of age
 7 or an unborn child, as defined in s. 939.75 (1), in the motor vehicle at the time of the
 8 violation that gave rise to the conviction under s. 940.09, the revocation period is 10
 9 years.

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

11 343.31 (3) (d) (intro.) Any person who is a licensee under this chapter or, if the
 12 person has not been issued an operator's license by any jurisdiction, is a resident ³ or ^{who}
 13 is subject to suspension or revocation of the person's operating privilege under sub.
 14 (2z) ^(a) and who is convicted of knowingly fleeing or attempting to elude a traffic officer
 15 under s. 346.04 (3) shall have his or her operating privilege revoked as follows:

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

17 343.31 (3) (e) Any person who is a licensee under this chapter or if the person
 18 has not been issued an operator's license by any jurisdiction, is a resident ⁴ or is subject ^{who}
 19 to suspension or revocation of the person's operating privilege under sub. (2z) ^(a) and
 20 who is convicted under s. 346.63 (2) shall have his or her operating privilege revoked
 21 for not less than one year nor more than 2 years. If there was a minor passenger
 22 under 16 years of age in the motor vehicle at the time of the violation that gave rise
 23 to the conviction under s. 346.63 (2), the minimum and maximum revocation periods
 24 are doubled.

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

1 343.31 (3) (f) Any person who is a licensee under this chapter or, if the person
 2 has not been issued an operator's license by any jurisdiction, is a resident ³ or is subject ^{who}
 3 to ~~suspension~~ or revocation of the person's operating privilege under sub. (2z) ^(a) and
 4 who is convicted under s. 940.25 shall have his or her operating privilege revoked for
 5 2 years. If there was a minor passenger under 16 years of age or an unborn child,
 6 as defined in s. 939.75 (1), in the motor vehicle at the time of the violation that gave
 7 rise to the conviction under s. 940.25, the revocation period is 4 years.

8 **SECTION 89.** 343.31 (3) (i) of the statutes is amended to read:

9 343.31 (3) (i) If a person who is a licensee under this chapter or, if the person
 10 has not been issued an operator's license by any jurisdiction, is a resident ³ or is subject ^{who}
 11 to ~~suspension~~ or revocation of the person's operating privilege under sub. (2z) ^(a) and
 12 who is convicted for a violation of s. 346.67 (1) where the accident involved great
 13 bodily harm, the period of revocation is 2 years.

14 **SECTION 90.** 343.31 (3) (j) of the statutes is amended to read:

15 343.31 (3) (j) If a person who is a licensee under this chapter, if the person has
 16 not been issued an operator's license by any jurisdiction, is a resident ³ or is subject ^{who}
 17 to ~~suspension~~ or revocation of the person's operating privilege under sub. (2z) ^(a) and
 18 who is convicted for a violation of s. 346.67 (1) where the accident involved death, the
 19 period of revocation is 5 years.

20 **SECTION 91.** 343.315 (2) (f) 7. of the statutes, as created by 2003 Wisconsin Act
 21 33, is amended to read:

22 343.315 (2) (f) 7. Operating a commercial motor vehicle when the person does
 23 not have in his or her immediate possession the person's commercial driver license
 24 document, including any special restrictions cards that, if the commercial driver
 25 license is issued under this chapter, are issued under s. 343.10 (7) (d) or 343.17 (4),

1 unless the person produces in court or in the office of the law enforcement officer that
2 issued the citation, by the date that the person must appear in court or pay any fine
3 or forfeiture with respect to the citation, a commercial driver license document
4 issued to the person prior to the date of the citation and valid at the time of the
5 citation.

6 **SECTION 92.** 343.315 (2) (fm) of the statutes is amended to read:

7 343.315 (2) (fm) A person is disqualified for a period of 60 days from operating
8 a commercial motor vehicle if convicted of violating s. 343.14 (5) or 345.17 or the law
9 of another jurisdiction or Mexico for an offense therein which, if committed in this
10 state, would have been a violation of s. 343.14 (5) or 345.17, if the violation relates
11 to an application for a commercial driver license.

12 **SECTION 93.** 343.315 (2) (h) of the statutes, as affected by 2003 Wisconsin Act
13 33, is amended to read:

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

1 **SECTION 94.** 343.315 (2) (j) (intro.) of the statutes is amended to read:

2 343.315 (2) (j) (intro.) A person is disqualified for a period of 60 days from
3 operating a commercial motor vehicle if convicted of a railroad crossing violation, or
4 120 days if convicted of 2 railroad crossing violations or one year if convicted of 3 or
5 more railroad crossing violations, arising from separate occurrences committed
6 within a 3-year period while driving or operating a commercial motor vehicle. In this
7 paragraph, "railroad crossing violation" means a violation of a federal, state, or local
8 law, rule, or regulation, including the law of another jurisdiction ~~or Mexico~~, relating
9 to any of the following offenses at a railroad crossing:

10 **SECTION 95.** 343.315 (3) (a) of the statutes is amended to read:

11 343.315 (3) (a) Notwithstanding s. 343.39, if a person's license or operating
12 privilege is revoked or suspended as the result of an offense committed after
13 March 31, 1992, which results in disqualification under sub. (2), the department
14 shall immediately disqualify the person from operating a commercial motor vehicle
15 for the period required under sub. (2). The person's authorization to operate a
16 commercial motor vehicle shall not be reinstated upon expiration of the period of
17 revocation or suspension unless the period of disqualification has also expired.
18 During Subject to par. (bm), during any period of disqualification in which the
19 person's license or operating privilege is not revoked or suspended, the department
20 may issue an operator's license to the person for the operation of vehicles other than
21 commercial motor vehicles.

22 **SECTION 96.** 343.315 (3) (b) of the statutes is amended to read:

23 343.315 (3) (b) If a person's license or operating privilege is not otherwise
24 revoked or suspended as the result of an offense committed after March 31, 1992,
25 which results in disqualification under sub. (2) (a) to (f), (h), (i), or (j), the department

1 shall, subject to par. (bm), immediately disqualify the person from operating a
2 commercial motor vehicle for the period required under sub. (2) (a) to (f), (h), (i), or
3 (j). Upon proper application by the person and payment of a duplicate license fee,
4 the department may issue a separate license authorizing only the operation of
5 vehicles other than commercial motor vehicles. Upon expiration of the period of
6 disqualification, the person may apply for authorization to operate commercial
7 motor vehicles under s. 343.26.

8 SECTION 97. 343.315 (3) (bm) of the statutes is created to read:

9 343.315 (3) (bm) If this state is a party to an agreement under s. 343.02 (3) (a),

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

14 1. If the person is a licensee under this chapter or, if the person has not been
15 issued an operator's license by any jurisdiction, is a resident, the department shall
16 disqualify the person and record the disqualification under s. 343.23 (1). The
17 department may take administrative action against the licensee or resident on the
18 disqualification.

19 2. Subject to s. 343.23 (2) (am) 30 If the person is not a resident, the department may not disqualify the person,
20 or record the disqualification under s. 343.23 (1), but shall provide notice of the
21 disqualification to the person's home jurisdiction along with notice of the conviction
22 as required under s. 343.36 (3). If the person is not a resident, the department may
23 not take administrative action against the person on the disqualification

24 SECTION 98. 343.315 (3) (d) of the statutes is amended to read:

The department may record the disqualification under s. 343.23 (2m)

1 343.315 (3) (d) Disqualifications Subject to sub. (4), disqualifications shall be
2 effective from the date of conviction of the disqualifying offense the order of
3 disqualification.

****NOTE: In response to the DOT note, I have revised amended s. 343.315 (3) (d).
Since the date of the order of disqualification may still be different from the date that the
notice of disqualification is mailed, I have retained the "subject to" language. Perhaps
s. 343.315 (3) (d) ~~should~~ be repealed?

4 SECTION 99. 343.32 (1) of the statutes is repealed.

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

****NOTE: I have retained the repeal of s. 343.32 (1m) (a) despite the elimination
from this draft of created s. 343.01 (2) (cv). Accordingly, the definition in s. 340.01 (41m)
will control. Is this okay?

6 SECTION 101. 343.32 (1m) (b) (intro.) of the statutes is amended to read:

7 343.32 (1m) (b) (intro.) The secretary shall suspend a person's the operating
8 privilege of a person who is a licensee under this chapter or, if the person has not been
9 issued an operator's license by any jurisdiction, is a resident for not less than 6
10 months nor more than 5 years whenever notice has been received of the conviction
11 of such person under federal law or the law of a federally recognized American Indian
12 tribe or band in this state or the law of another jurisdiction or Mexico for any offense
13 therein which, if the person had committed the offense in this state and been
14 convicted of the offense under the laws of this state, would have required suspension
15 of such person's operating privilege under s. 961.50. The person is eligible for an
16 occupational license under s. 343.10 as follows:

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49-15

Please
Fix Comp

renumbered 343.32(1s)(a) and

17 SECTION 102. 343.32 (1s) of the statutes is amended to read:

18 343.32 (1s) (a) The Notwithstanding ss. 125.085 (3) (bd) and 343.30 (6) (bm), the
19 secretary shall suspend the operating privilege of any person who is a licensee under
20 this chapter or, if the person has not been issued an operator's license by any
21 jurisdiction, is a resident and who has been convicted under state law or under a local

1 ordinance which is in conformity therewith or under a law of a federally recognized
 2 American Indian tribe or band in this state which is in conformity with state law, or
 3 the law of another jurisdiction ~~or Mexico~~ for an offense therein which, if committed
 4 in this state, would have been cause for suspension under this subsection, of altering
 5 the person's license, loaning the person's license to another or unlawfully or
 6 fraudulently using or permitting an unlawful or fraudulent use of a license.

****NOTE: In response to the DOT note, I have added the "notwithstanding" to avoid any potential confusion. The offense under s. 125.085 overlaps in nature with that described in s. 343.32 (1s), but suspension by the court for the s. 125.085 violation is permissive, not mandatory. Under s. 343.32 (1s), suspension is mandatory. The "notwithstanding" makes clear which authority is overriding. I also note that I did not add "or Mexico" after "another jurisdiction." Is this okay? Finally, is s. 343.32 (1s) a DLA Code violation? (This may affect created s. 343.32 (2m).)

SECTION 103. 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, if the person has not been issued an operator's license by any jurisdiction, is a resident upon receiving notice of the suspension or revocation in another jurisdiction ~~or Mexico~~ 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 rules 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 occurring in another jurisdiction ~~or Mexico~~ which, if occurring in this state, would have been cause for administrative suspension under s. 343.305 (7) (a).

****NOTE: The DOT note here makes me realize that I have no idea what DOT wants on the failure to comply issue. As I read the DOT note, DOT wants the draft to cover only WI failure to comply suspensions. I had previously thought that DOT wanted a newly created provision in the draft to cover out-of-state failure to comply suspensions - where a resident in another state has judgment entered, then moves to WI and becomes a WI resident, then is subject to a failure to comply suspension in the other state based upon a judgment entered when the person was a resident of the other state. I now assume here that I misapprehended DOT's intent, so I have entirely deleted created s. 343.32 (1z). Yet, I also cannot figure out how current law provisions are inadequate to cover DOT's

Insert 50-6
 Insert 50-7B

Insert 50-17

concerns on the failure to comply issue. If you want s. 343.32 (1z) retained but modified or want a "failure to comply" subsection created in s. 343.31, or desire some other change, I would appreciate suggested language and placement for it.

SECTION 104. 343.32 (2) (a) of the statutes is amended to read:

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, if the person has not been issued an operator's license by any jurisdiction, is 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 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 or Mexico 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.

might
51-13

****NOTE: In response to the DOT note, under current law, suspension by DOT is permissive, not mandatory. I believe that the existing statute also provides DOT with significant discretion in how it will carry out its function under s. 343.32 (2). Accordingly, I believe that all of the issues raised in the note can be addressed on a sub-statutory level, perhaps in rule-making, and do not need to be addressed in these statutes, other than to provide DOT with the authority to use out-of-state convictions in circumstances under which DOT deems fit to do so. If DOT nonetheless wants specific language added, I would appreciate suggested language.

jurisdiction or committed non-DLA offenses

18

SECTION 105. ~~343.32 (2m)~~ of the statutes is created to read:

I am assuming that DOT would not, under any circumstances, want to suspend a nonresident's operating privilege based on points, even if the nonresident was licensed in a non-DLA member

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

7 SECTION 106. 343.32 (3) of the statutes is amended to read:

8 343.32 (3) Except as provided in sub. (1m), a ~~revocation or~~ suspension under
9 this section may be for any period not exceeding one year unless a different period
10 is specifically prescribed by law. The period of suspension for an offense committed
11 in another jurisdiction or Mexico shall be the same as if the offense had been
12 committed in this state. *disqualification is required under s. 343.315(3)(b)m*

13 SECTION 107. 343.325 (4) of the statutes is amended to read:

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

21 SECTION 108. 343.34 (1) of the statutes is amended to read:

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

1 SECTION 109. 343.34 (2) of the statutes is amended to read:

2 343.34 (2) When a person who is a licensee under this chapter or, if the person
 3 has not been issued an operator's license by any jurisdiction, is a resident has been
 4 convicted under s. 343.16 (7) (b) or the law of another jurisdiction or Mexico for an
 5 offense which, if committed in this state, would have been a violation of s. 343.16 (7)
 6 (b) or when a person who is not a resident has been convicted under s. 343.16 (7) (b)
 7 unless this state is a party to an agreement under s. 343.02 (3) (a) and the offense
 8 under s. 343.16 (7) (b) is identified in the rules under s. 343.02 (3) (b).

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9 SECTION 110. 343.345 of the statutes is amended to read:

10 343.345 **Restriction, limitation or suspension of operating privilege.**
 11 The department shall restrict, limit or suspend a person's the operating privilege of
 12 a person who is a licensee under this chapter or, if the person has not been issued an
 13 operator's license by any jurisdiction, is or a resident if the person is delinquent in
 14 making court-ordered payments of child or family support, maintenance, birth
 15 expenses, medical expenses or other expenses related to the support of a child or
 16 former spouse, or who fails to comply, after appropriate notice, with a subpoena or
 17 warrant issued by the department of workforce development or a county child
 18 support agency under s. 59.53 (5) and related to paternity or child support
 19 proceedings, as provided in a memorandum of understanding entered into under s.
 20 49.857.

21 SECTION 111. 343.36 (title) of the statutes is amended to read:

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

25 SECTION 112. 343.36 (3) of the statutes is amended to read:

1 343.36 (3) Upon Subject to s 343.03 (7) (c), upon receiving a record of conviction
2 showing that a nonresident operator of a motor vehicle has been convicted in this
3 state of an offense which is, if the person were a resident, would be grounds for
4 revocation, or suspension or disqualification under the laws of this state or which is
5 identified in the rules under s. 343.02 (3) (b), or showing that a nonresident is
6 disqualified under s. 343.315, the department shall forward, within 30 days of
7 receiving the record of conviction, a certified copy of such record to the motor vehicle
8 administrator in the state wherein the person so convicted is a resident driver
9 licensing agency of the person's home jurisdiction. If the department subsequently
10 receives any notice under s. 343.325 (1) or (6) related to the conviction, the
11 department shall forward a certified copy of the notice to the same driver licensing
12 agency.

13 **SECTION 113.** 343.36 (3m) of the statutes is created to read:

14 343.36 (3m) (a) Subject to s. 343.03 (7) (b), upon suspending or revoking the
15 operating privilege of a nonresident under s. 343.31 or 343.32, or disqualifying the
16 nonresident under s. 343.315 (3), the department shall forward notice of the
17 department's action within 30 days of the action to the driver licensing agency of the
18 person's home jurisdiction.

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

****NOTE: In response to the DOT note, this provision seems fairly important to the coherence of the draft, to statutory consistency, and to the functioning of the DLA – that if WI law permits DOT to take action against a nonresident, the state of licensure receive notice of the action. So I have retained the provision for now. Also, the amendment of

the title was not intended to expand the types of withdrawal, but was intended to address a grammatical concern.

1 **SECTION 114.** 343.38 (1) (c) 2. c. of the statutes is amended to read:

2 343.38 (1) (c) 2. c. Reinstatement of an operating privilege revoked under s.

3 343.30 (1q) (b) 2. or (d), 343.305 (10) (d) or 343.31 (3) ~~(b) or (bm)~~ 2.

****NOTE: In response to the DOT note, I'm not sure what DOT wants here. Is DOT suggesting that the provision should be repealed? Since this provision is an exception to an insurance requirement, repeal of the provision would actually create an insurance requirement. To the extent DOT is suggesting that the bill section should be removed, that can't be done, as the bill section is necessary for technical consistency in the statutes.

4 **SECTION 115.** 343.38 (2) of the statutes is amended to read:

5 343.38 (2) REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER

6 REVOCATION BY WISCONSIN. A nonresident's operating privilege revoked under the

7 laws of this state is reinstated as a matter of law when the period of revocation has

8 expired and such the nonresident obtains a valid operator's license issued by the

9 jurisdiction of the nonresident's residence and pays the fee specified in s. 343.21 (1)

10 (j).

11 **SECTION 116.** 343.38 (4) (intro.) of the statutes is amended to read:

12 343.38 (4) FIRST ISSUANCE OF LICENSE IN WISCONSIN AFTER SUSPENSION OR

13 REVOCATION BY ANOTHER STATE. (intro.) The department may issue an operator's

14 license to a person moving to this state whose operating ~~privileges have~~ privilege has

15 been previously suspended or revoked in another state jurisdiction when ~~their~~ the

16 person's operating privilege has been reinstated or the person is eligible for

17 reinstatement in that state the other jurisdiction and the following conditions have

18 been met:

****NOTE: I don't believe ss. 343.37 and 343.38 (2) and (4) need to be otherwise treated because of exceptions allowing nonresident operating privileges to be revoked for non-DLA Code violations. If the draft were to completely eliminate operating privilege suspension or revocation for nonresidents, these sections would need to be further treated.

or if the nonresident does not live in a DLA member jurisdiction