



2007 SENATE BILL 408

January 22, 2008 – Introduced by Senators TAYLOR, SCHULTZ, PLALE and MILLER, cosponsored by Representatives GRIGSBY, TURNER and SINICKI. Referred to Committee on Transportation and Tourism.

1 **AN ACT to amend** 343.10 (1) (a) and (b), 343.10 (4) (b), 343.10 (5) (a) 1. and 343.10
2 (7) (e) of the statutes; **relating to:** motor vehicle occupational licenses issued
3 by the Department of Transportation.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions and limitations, a person may apply to the Department of Transportation (DOT) for an occupational license if the person's operating privilege is revoked or suspended for various specified offenses and the person is engaged in an occupation or trade, including study or homemaking, making it essential that he or she operate a motor vehicle. The occupational license must contain definite restrictions as to hours of the day, hours per week, type of occupation, and areas or routes of travel that are permitted under the occupational license. These restrictions may not authorize vehicle operation for more than 12 hours per day and 60 hours per week. The occupational license may permit travel to and from church during specified hours and travel necessary to comply with a driver safety plan if the travel does not exceed these daily and weekly time restrictions.

This bill allows DOT to issue a person an occupational license, regardless of occupational need, if the person is required to travel to comply with a physical placement order and it is essential that he or she operate a motor vehicle to do so. The person's application for an occupational license must explain why operating a motor vehicle is essential to the person's compliance with a physical placement order and identify the court issuing the placement order and the relevant terms of the placement order. The occupational license authorizes the licensee to operate a motor

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vehicle only when that operation is essential to the licensee's compliance with a physical placement order. An occupational license issued to a person required to travel to comply with a physical placement order may permit travel for not more than 72 hours per week. The bill also allows an occupational license to permit travel to and from any place of religious worship, not just a church.

For further information see the *state* 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.** 343.10 (1) (a) and (b) of the statutes are amended to read:

2 343.10 (1) (a) If a person's license or operating privilege is revoked or
3 suspended under this chapter or s. 767.73, 938.34 (14q), 943.21 (3m), or 961.50 and
4 if the person is engaged in an occupation, including homemaking or full-time or
5 part-time study, or ~~a trade making~~ or is required to travel to comply with a physical
6 placement order under ch. 767 so that it is essential that he or she operate a motor
7 vehicle, the person, after payment of the fee provided in sub. (6), may file an
8 application with the department setting forth in detail the need for operating a motor
9 vehicle. No person may file more than one application with respect to each revocation
10 or suspension of the person's license or operating privilege under this chapter or s.
11 767.73, 938.34 (14q), 943.21 (3m), or 961.50, except that this limitation does not
12 apply to an application to amend an occupational license restriction.

13 (b) The application shall be in a form established by the department and shall
14 identify the specific motor vehicle that the applicant seeks authorization to operate,
15 including the vehicle classification and any required endorsements. The application
16 shall include an explanation of why operating the motor vehicle is essential to the
17 person's livelihood or to compliance with a physical placement order under ch. 767
18 and identify the person's occupation or trade or the relevant terms of the placement

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1 order. The application shall identify the applicant's employer or the court issuing the
2 placement order, and include proof of financial responsibility as specified in s. 343.38
3 (1) (c) covering the vehicle or vehicles that the applicant requests authorization to
4 operate. The application shall identify the hours of operation and routes of travel
5 being requested by the applicant in accord with the restrictions of sub. (5).

6 **SECTION 2.** 343.10 (4) (b) of the statutes is amended to read:

7 343.10 (4) (b) If the court grants the petition, the court shall issue an order
8 authorizing the issuance of an occupational license to the person. The order for
9 issuance of an occupational license shall include definite restrictions as to hours of
10 the day, hours per week, type of occupation or relevant terms of a placement order,
11 and areas or routes of travel to be permitted under the license as provided in sub. (5).
12 A copy of the order shall be forwarded to the department. Upon receipt of the court
13 order, the petitioner shall be considered an applicant by the department for purposes
14 of this section. The occupational license issued by the department under this
15 paragraph shall contain the restrictions ordered by the court. If the court denies the
16 petition, the clerk of the court shall notify the department of the denial of the petition.

17 **SECTION 3.** 343.10 (5) (a) 1. of the statutes is amended to read:

18 343.10 (5) (a) 1. In addition to any restrictions appearing on the former
19 operator's license of the applicant, the occupational license shall contain definite
20 restrictions as to hours of the day, not to exceed 12, hours per week, not to exceed 60
21 except as provided in this subdivision, type of occupation or relevant terms of a
22 placement order, and areas or routes of travel which are permitted under the license.
23 The occupational license may permit travel to and from church or another place of
24 religious worship during specified hours if the travel does not exceed the restrictions
25 as to hours of the day and hours per week in this subdivision. If a person is required

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1 to travel to comply with a physical placement order, the occupational license may
2 permit such travel for not more than 12 hours per week in addition to the maximum
3 of 60 hours per week otherwise applicable under this subdivision, but such travel
4 may not exceed the restriction as to hours of the day specified in this subdivision.

5 The occupational license may permit travel necessary to comply with a driver safety
6 plan ordered under s. 343.30 (1q) or 343.305 if the travel does not exceed the
7 restrictions as to hours of the day and hours per week in this subdivision. The
8 occupational license may contain restrictions on the use of alcohol and of controlled
9 substances and controlled substance analogs in violation of s. 961.41.

10 **SECTION 4.** 343.10 (7) (e) of the statutes is amended to read:

11 343.10 (7) (e) The occupational license issued by the department shall contain
12 the restrictions required by sub. (5). The occupational license authorizes the licensee
13 to operate a motor vehicle only when that operation is an essential part of the
14 licensee's occupation or trade or is essential to the licensee's compliance with a
15 physical placement order under ch. 767. If the department determines that the
16 applicant is eligible under sub. (2), the department may impose such conditions and
17 limitations upon the authorization to operate motor vehicles as in the secretary's
18 judgment are necessary in the interest of public safety and welfare, including
19 reexamination of the person's qualifications to operate a motor vehicle or a particular
20 type thereof. The department may limit such authorization to include, without
21 limitation, the operation of particular vehicles, particular kinds of operation and
22 particular traffic conditions.

23 **SECTION 5. Initial applicability.**

24 (1) This act first applies to applications for occupational licenses received by
25 the department of transportation on the effective date of this subsection.

