

2009 DRAFTING REQUEST

Bill

Received: 01/06/2009

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Amy Sue Vruwink (608) 266-8366

By/Representing: John/Christian

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - driver licenses

Extra Copies: RLR, TJD

Submit via email: YES

Requester's email: Rep.Vruwink@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Allowing living will and health care power of attorney information to be written on operator's licenses

Instructions:

Redraft 2007 AB-356

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 01/13/2009	bkraft 01/14/2009		_____			State
/1			jfrantze 01/14/2009	_____	cduerst 01/14/2009	mbarman 02/06/2009	

FE Sent For:

<END>

→ AT Intro

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/?	agary	11 bjk 1/14					

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<END>

in 1/13

1331/1

LRB-~~1011~~  
ARG:wlj:jf

wanted  
by 1/20

bjk  
RMNR

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2007 ASSEMBLY BILL 356

D-note

May 29, 2007 - Introduced by Representatives VRUWINK, SHILLING, SUDER, SHERIDAN, BOYLE, POPE-ROBERTS, MOLEPSKE, TRAVIS, POCAN, GUNDERSON, BERCEAU, SINICKI, ALBERS and WOOD, cosponsored by Senators KREITLOW, LASSA, LEHMAN, RISSER and ERPENBACH. Referred to Committee on Transportation.

SA ✓  
x-ref ✓

Insert

regen.

- 1 AN ACT *to amend* 343.17 (3) (b); and *to create* 343.177 of the statutes; **relating**
- 2 **to:** requiring the Department of Transportation to establish rules allowing
- 3 living will and health care power of attorney information to be included on
- 4 driver's licenses, extending the time limit for emergency rule procedures,
- 5 providing an exemption from emergency rule procedures, providing an
- 6 exemption from rule-making procedures, and granting rule-making authority.

***Analysis by the Legislative Reference Bureau***

Under current law, any person at least 18 years of age and of sound mind may voluntarily execute a declaration to physicians (commonly known as a "living will") authorizing the withholding or withdrawal of life-sustaining procedures or of feeding tubes when the person is in a terminal condition or is in a persistent vegetative state. Also, under current law, any person at least 18 years of age and of sound mind may voluntarily execute a power of attorney for health care, under which, if the person is found to be incapacitated, the person's designated agent may make health care decisions on behalf of the person. The Department of Health and Family Services (DHFS) must prepare and provide copies of living will and health care power of attorney forms, in quantities, to health care professionals, hospitals, nursing homes, county clerks, and local bar associations, and individually to private persons.

\*  
\*  
d

This bill requires the Department of Transportation (DOT) to establish by rule a procedure that allows any person who has been issued a regular operator's license

**ASSEMBLY BILL 356**

and who has executed a living will or health care power of attorney to write, in a space provided on the back of the operator's license, the identity of an individual who has custody of the person's living will or designated as the person's agent under a health care power of attorney.

X The bill also requires DOT to make available on its Internet Web site the living will and health care power of attorney forms prepared by DHS.

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:*

X  
**SECTION 1.** 343.17 (3) (b) of the statutes is amended to read:

Insert 2-1  
2 343.17 (3) (b) The reverse side of the license shall contain an explanation of any  
3 restriction codes or endorsement abbreviations used on the front of the license, in  
4 sufficient detail to identify the nature of the restrictions or endorsements to a law  
5 enforcement officer of this state or another jurisdiction. Except for a commercial  
6 driver license, a part of the reverse side of each license shall be printed to serve as  
7 a document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an  
8 anatomical gift under s. 157.06 (2) (i). A part of the reverse side of each license shall  
9 be printed to allow a licensee to write on the license document information  
10 authorized by rule under s. 343.177 (1).

X  
**SECTION 2.** 343.177 of the statutes is created to read:

**343.177 Living will and health care power of attorney information. (1)**

13 The department shall, by rule, establish a procedure that allows any person who has  
14 been issued a regular license, as described in s. 343.03 (3) (a), and who has executed  
15 a declaration to physicians under ch. 154 or a power of attorney for health care under  
16 ch. 155 to write, in a space provided on the back of the license document, the identity  
17 of an individual having custody of the person's declaration to physicians or  
18 designated as the person's agent under a power of attorney for health care or, as

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1 applicable, of both such individuals. The rules shall require the licensee, if the  
2 licensee revokes a declaration to physicians under ch. 154 or a power of attorney for  
3 health care under ch. 155, or changes the individual previously identified on the  
4 license document as having custody of the declaration to physicians or designated as  
5 the licensee's agent under a power of attorney for health care, to promptly cross out  
6 any inaccurate or outdated information written by the licensee on the license  
7 document under authority of this subsection.

8 (2) The department shall make available, at no charge, on a portion of its  
9 Internet Web site related to driver licensing the declaration to physicians form  
10 specified in s. 154.03 (2) (intro.) and the power of attorney for health care form  
11 specified in s. 155.30 (3) (intro.). If these forms are available on the Internet Web site  
12 of the department of health and family services, the department of transportation  
13 may, in lieu of posting the forms on its own Web site, provide a link to the forms on  
14 the Web site of the department of health and family services.

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A at p. 4, line 12

SECTION 3. Nonstatutory provisions.

16 (1) The department of transportation shall submit in proposed form the rules  
17 required under section 343.177 (1) of the statutes, as created by this act, to the  
18 legislative council staff under section 227.15 (1) of the statutes no later than May 11,

19 2008. *The first day of the 6th month beginning after the effective date of this subsection x2*

20 (2) Using the emergency rules procedure under section 227.24 of the statutes,  
21 the department of transportation shall promulgate the rules required under section

22 343.177 (1) of the statutes, as created by this act, for purposes of implementing this  
23 act, for the period before the effective date of the rules submitted under subsection

24 (1). The department shall promulgate these emergency rules no later than May 11,

25 2008. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these emergency

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B at p. 4, line 12

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**ASSEMBLY BILL 356**

1 rules may remain in effect until July 1, 2009, or the date on which permanent rules  
2 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the  
3 statutes, the department is not required to provide evidence that promulgating a rule  
4 under this subsection as an emergency rule is necessary for the preservation of the  
5 public peace, health, safety, or welfare and is not required to provide a finding of  
6 emergency for a rule promulgated under this subsection.

**SECTION 4. Initial applicability.**

8 (1) This act first applies to operator's licenses issued on the effective date of this  
9 subsection.

**SECTION 5. Effective dates.** This act takes effect on May 11, 2008, except as

11 follows:

12 (1) SECTION 3 (1) and (2) of this act takes effect on January 1, 2008, or the day  
13 after publication, whichever is later.

14 (END)

the first day of the 6th month beginning  
after publication

D-Note

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1331/lins  
ARG:.....

Cjk

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**INSERT 2-1:**

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restriction codes or endorsement abbreviations used on the front of the license, in

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enforcement officer of this state or another jurisdiction. Except for a commercial

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a record of gift under s. 157.06 (2) (t) or a record of refusal under s. 157.06 (2) (u).

10

A part of the reverse side of each license shall be printed to allow a licensee to write

11

on the license document information authorized by rule under s. 343.177 (1).

History: 1971 c. 140; 1977 c. 29 s. 1654 (7) (a); 1977 c. 124, 272; 1979 c. 89, 306, 355; 1981 c. 20; 1985 a. 316 s. 25; 1989 a. 105, 298; 1991 a. 269; 1993 a. 19; 1995 a. 113; 1997 a. 27; 1999 a. 9, 140; 2003 a. 33; 2005 a. 126; 2007 a. 20, 106.

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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1331/1dn

ARG:.....

Lbjk

Date

This is a redraft of 2007 AB-356. I have modified the effective date because the effective date in AB-356 no longer works.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.wisconsin.gov](mailto:aaron.gary@legis.wisconsin.gov)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1331/1dn  
ARG:bjk:jf

January 14, 2009

This is a redraft of 2007 AB-356. I have modified the effective date because the effective date in AB-356 no longer works.

Aaron R. Gary  
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Phone: (608) 261-6926  
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**Barman, Mike**

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**From:** Mielke, Jon  
**Sent:** Friday, February 06, 2009 1:00 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-1331/1 Topic: Allowing living will and health care power of attorney information to be written on operator's licenses

Please Jacket LRB 09-1331/1 for the ASSEMBLY.