

**2009 DRAFTING REQUEST**

**Bill**

Received: **11/11/2008**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Lena Taylor (608) 266-5810**

By/Representing: **Eric Peterson**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Sen.Taylor@legis.wisconsin.gov**

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

**Pre Topic:**

No specific pre topic given

**Topic:**

Operating privilege suspensions for drug or other controlled substance violations

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 11/14/2008	jdyer 11/21/2008		_____			S&L
/1			mduchek 11/21/2008	_____	mbarman 11/21/2008	cduerst 02/02/2009	

FE Sent For:

<END>

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/?	agary	1 11/21 JLD	MD 11/21 PWF	MD 11/21			

FE Sent For:

<END>

**Gary, Aaron**

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**To:** Peterson, Eric  
**Subject:** RE: Driver License bills

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

From: Peterson, Eric  
Sent: Monday, November 10, 2008 11:02 AM  
To: Gary, Aaron  
Subject: FW: Driver License bills

Aaron,

I need redrafting done for the 09 session based on bills from the 07 session.

1- Please redraft 2007 SB 410

Please contact me at the office if you have questions. Nicole Yunk of Justice 2000, Inc and Mitch Warren of DOT are authorized to see and comment on drafting.

Thanks,  
Eric

Eric M. Peterson  
Office of Senator Lena C. Taylor  
608-266-5810

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

From: Warren, Mitchell [mailto:mitchell.warren@dot.state.wi.us]  
Sent: Friday, November 07, 2008 2:48 PM  
To: Mcginnis, Cindy; Peterson, Eric  
Cc: Nikki Yunk (E-mail)  
Subject: Driver License bills

Hi Cindy and Eric, I hope fall is treating you well.

Speaking with Nichole Yunk I understand you're planning on beginning the drafting on the Driver License Recovery Omnibus package, and the Federal Drug opt-out.

I thought I'd throw my \$.02 out from DOT.

As I recall, the opt-out bill and companion joint resolutions were perfect last session. Recommend a redraft using those bills as models. Please remember, this is not a proposal that DOT supports nor opposes.

Take care.

-Mitch

Mitchell Warren, Operations Chief  
DMV Bureau of Field Services  
WisDOT  
(608) 266-2743  
mitchell.warren@dot.state.wi.us

9  
2007 SENATE BILL 410

9  
jw  
RMNR

LPS  
PWF  
please

January 24, 2008 - Introduced by Senators TAYLOR and MILLER, cosponsored by Representatives GRIGSBY, FIELDS, MASON, PARISI, SINICKI, TOLES, TURNER and KESSLER. Referred to Committee on Judiciary, Corrections, and Housing.

4

Gen

- 1 AN ACT *to amend* 343.32 (1m) (b) (intro.), 938.34 (14r) (a) and 961.50 (1) (intro.)
- 2 of the statutes; **relating to:** motor vehicle operating privilege suspensions for
- 3 controlled substance violations. ✓

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

Current law requires a court to suspend the motor vehicle operating privilege of a person, including a juvenile, ✓ if the person is convicted of any violation of the state's ✓ Uniform Controlled Substances Act (drug violation). ✓ ~~NO~~

~~NO~~ Under this bill, a court may, but is not required to, suspend a person's motor vehicle operating privilege if the person is convicted of a drug violation.

Also under current law, ✓ the Department of Transportation (DOT) ✓ must suspend a person's operating privilege whenever ✓ DOT receives notice that the person has been convicted in another state for an offense that, if committed in this state, ✓ would be a drug violation. ✓ ~~NO~~

~~NO~~ Under this bill, ✓ DOT may, ✓ but is not required to, suspend a person's motor vehicle operating privilege if the person is convicted in another state for an offense that, if committed in this state, ✓ would be a drug violation. ✓

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:***

## SENATE BILL 410

## SECTION 1

1           **SECTION 1.** 343.32 (1m) (b) (intro.)<sup>✓</sup> of the statutes is amended to read:

2           343.32 **(1m)** (b) (intro.) The secretary shall<sup>✓</sup> may suspend a person's operating  
3 privilege for not less than 6 months nor more than 5 years whenever notice has been  
4 received of the conviction of such person under federal law or the law of a federally  
5 recognized American Indian tribe or band in this state or the law of another  
6 jurisdiction for any offense therein which, if the person had committed the offense  
7 in this state and been convicted of the offense under the laws of this state, would have  
8 required permitted<sup>✓</sup> suspension of such person's operating privilege under s. 961.50.  
9 The person is eligible for an occupational license under s. 343.10 as follows:

10           **SECTION 2.** 938.34 (14r) (a)<sup>✓</sup> of the statutes is amended to read:

11           938.34 **(14r)** (a) In addition to any other dispositions imposed under this  
12 section, if the juvenile is found to have violated ch. 961, the court shall<sup>✓</sup> may suspend  
13 the juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6  
14 months nor more than 5 years. ~~The~~ If a court suspends a person's operating privilege  
15 under this paragraph,<sup>✓</sup> the court shall immediately take possession of any suspended  
16 license and forward it to the department of transportation together with the notice  
17 of suspension stating that the suspension or revocation is for a violation of ch. 961.

18           **SECTION 3.** 961.50 (1) (intro.)<sup>✓</sup> of the statutes is amended to read:

19           961.50 **(1)** (intro.) If a person is convicted of any violation of this chapter, the  
20 court shall may, in addition to any other penalties that may apply to the crime,  
21 suspend the person's operating privilege, as defined in s. 340.01 (40), for not less than  
22 6 months nor more than 5 years. ~~The~~ If a court suspends a person's operating  
23 privilege under this subsection,<sup>✓</sup> the court shall immediately take possession of any  
24 suspended license and forward it to the department of transportation together with

**SENATE BILL 410**

1 the record of conviction and notice of the suspension. The person is eligible for an  
2 occupational license under s. 343.10 as follows:

3 **SECTION 4. Initial applicability.**

4 (1) This act first applies to violations occurring on the effective date of this  
5 subsection. ✓

6 (END)

**Duerst, Christina**

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**From:** Peterson, Eric  
**Sent:** Monday, February 02, 2009 4:22 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-0709/1 Topic: Operating privilege suspensions for drug or other controlled substance violations

**RUSH**

Please Jacket LRB 09-0709/1 for the SENATE.