

2009 DRAFTING REQUEST

Bill

Received: 09/04/2008

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Transportation

By/Representing: Kristie Nielson

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: EVM

Submit via email: YES

Requester's email: Kristie.Nielson@dot.state.wi.us

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

Pre Topic:

No specific pre topic given

Topic:

Allow electronically certified vehicle documents as authentic evidence in court (NB 0911 04)

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>
/?				_____			S&L
/P1	agary 09/25/2008	jdyer 09/27/2008	mduchek 09/29/2008	_____	sbasford 09/29/2008	sbasford 08/03/2009	S&L
/1	emueller 08/03/2009	jdyer 08/18/2009	rschluet 08/18/2009	_____	cduerst 08/18/2009	cduerst 08/18/2009	

FE Sent For:

at
intro

For Assembly - sent to
Rep. Steinbrink see email
attached

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/P1	agary 09/25/2008	jdye 09/27/2008	mduchek 09/29/2008	_____	sbasford 09/29/2008		

/1 EVM
FE Sent For: 8/3/09

<END>

Jacket for
Assembly please
Li

[Handwritten signature]
9/29

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May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **EVM**

Submit via email: **YES**

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1/?	agary	PI 9/27/08	ND 9/29	ND 9/29			

FE Sent For:

<END>

Gary, Aaron

From: Nielson, Kristie [kristie.nielson@dot.state.wi.us]
Sent: Thursday, July 24, 2008 9:52 AM
To: Gary, Aaron
Subject: 2009-11 Non-Budget Legislation Proposal Requests
Attachments: NB 0911-02.doc; NB 0911-03.doc; NB 0911-04.doc; NB 0911-05.doc; NB 0911-06.doc; NB 0911-07.doc; NB 0911-13.doc; NB 0911-14.doc; NB 0911-15.doc; NB 0911-16.doc; NB 0911-27.doc; NB 0911-28.doc; NB 0911-29.doc; NB 0911-30.doc; NB 0911-31.doc; NB 0911-32.doc; considerationrequest-72408.pdf

Please see the attached letter of request and the corresponding Tier 1 documents.

Kristie J.N. Nielson Corning

Federal-State Policy & Budget Analysis

Executive Office of Policy, Budget & Finance
Wisconsin Department of Transportation
Room 132B, 4802 Sheboygan Avenue
Hill Farm State Transportation Building
Madison, WI 53707-7910

Phone: 608/261.8617

FAX: 608/261-8626

kristie.nielson@dot.state.wi.us

LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL

Wisconsin Department of Transportation

2009-2011 BIENNIUM

DT1586 5/2008

Instructions: Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s). Include this form with your budget submittal materials or return one completed copy to the Office of Policy, Budget & Finance (OPBF), Attention: Paul Hammer. The form is available in the department forms catalog on dotnet.

Short Title of Topic Allow electronically certified vehicle documents as authentic evidence in court			
Type of Proposal <input type="checkbox"/> Budget <input checked="" type="checkbox"/> Non-Budget	OGC OFFICE USE ONLY "T" Number Assigned "B" Number Assigned "NB" Number Assigned NB 0911-04		
Date Submitted June 17, 2008	Division(s) Motor Vehicles		
OPBF Contact Person Karen Baetsen	Area Code - Telephone Number 608-266-0179		
Lead Division Contact Person Carson P. Frazier	Area Code - Telephone Number 608-266-7857		
OGC Contact Person Mike Kernats	Area Code - Telephone Number 608-267-7940		
Define Problem Precisely Under S.909.02(4), driver license records that are electronically certified are accepted as authentic for court proceedings, without other "extrinsic evidence of authentication." Under S.909.02(4), vehicle records that are certified by the custodian or other authorized person, are accepted as authentic, but records electronically certified are not mentioned.			
Description of Proposed Change Amend S.909.02(4) to add that records maintained by the department of transportation under chapters 341, 342, 345, 348, 194, 218, and 110.20, that are electronically certified in any manner determined by the department of transportation, are treated the same as records maintained under s.343.23.			
Justification for Change DMV is currently expanding its capability to electronically certify records, beyond driver license records, to all DMV-maintained records. These records are often used in court proceedings, and authorization that electronically certified records are acceptable in court is needed. While DMV understands that recent law changes allow electronic signatures in any circumstance that hand-written signatures have been required, it is unclear whether those law changes by themselves will allow electronically certified records to be accepted in court. This proposal would explicitly state that electronically certified records would be accepted in court without other "extrinsic evidence of authentication."			
Describe any legislative history and related statutory language 2005 Act 25, the 2005-07 Biennial Budget, added the language allowing driver license records certified electronically to be accepted in court.			

(Division Administrator Signature)

(Date)

(Division Administrator Signature)

(Date)

(Division Administrator Signature)

(Date)

in 9/25

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: self-authentication by electronic certification of certain
2 Department of Transportation records.

Analysis by the Legislative Reference Bureau

Under current law, documentary evidence offered before a court must meet certain requirements of authentication as a condition precedent to admissibility. Some documents, including official records, reports, and data compilations, are self-authenticating if specified requirements are met, so that extrinsic evidence of authentication is not required. Driver records maintained by the Department of Transportation (DOT) may 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.

This bill allows DOT to electronically certify additional records, in the same manner that DOT electronically certifies driver records, so that these records are self-authenticating. The additional records that DOT may electronically certify for self-authentication purposes include motor vehicle title and registration records, motor vehicle dealer records, and motor carrier records.

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. 909.02 (4) of the statutes is amended to read:

2 909.02 (4) CERTIFIED COPIES OF PUBLIC RECORDS. A copy of an official record or
 3 report or entry therein, or of a document authorized by law to be recorded or filed and
 4 actually recorded or filed in a public office, including data compilations in any form,
 5 certified as correct by the custodian or other person authorized to make the
 6 certification, by certificate complying with sub. (1), (2) or (3) or complying with any
 7 statute or rule adopted by the supreme court, or, with respect to records maintained
 8 by the department of transportation under s. ~~343.23~~ 110.20 or ch. 194, 218, 341 to
 9 343, 345, or 348, certified electronically in any manner determined by the
 10 department of transportation to conform with the requirements of s. 909.01.

History: Sup. Ct. Order, 59 Wis. 2d R1, R340 (1973); Sup. Ct. Order, 67 Wis. 2d 585, viii (1975); 1975 c. 200; 1979 c. 89; Sup. Ct. Order, 158 Wis. 2d xxv (1990); 1991 a. 32, 148, 304, 315; 1999 a. 85; 2005 a. 25; Sup. Ct. Order No. 04-09, 2005 WI 148, 283 Wis. 2d xv.

11

(END)

Basford, Sarah

From: Gaston, Geoff
Sent: Monday, August 03, 2009 10:39 AM
To: LRB.Legal
Subject: Rep.Steinbrink drafting and bill jacket requests

Rep. Steinbrink would like to have the photo enforcement of traffic light violation provisions originally included in AB 75 drafted as separate legislation. (Sections 2971-2973 of AB 75 as introduced)

He would also like to have the work zone speed violations provisions of AB 75 (sections 2989-2990) drafted as separate legislation.

In addition, could he get jackets for LRB 0097, LRB 0558/1, LRB 0107/1 & LRB 0106/1?

Thank you.

Assembly



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0097/P1

ARG:jld:md

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

No changes

ln 8/3/09

x Regen

1 AN ACT to amend 909.02 (4) of the statutes; relating to: self-authentication by
2 electronic certification of certain Department of Transportation records.

Analysis by the Legislative Reference Bureau

Under current law, documentary evidence offered before a court must meet certain requirements of authentication as a condition precedent to admissibility. Some documents, including official records, reports, and data compilations, are self-authenticating if specified requirements are met, so that extrinsic evidence of authentication is not required. Driver records maintained by the Department of Transportation (DOT) may 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.

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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:

Duerst, Christina

From: Gary, Aaron
Sent: Tuesday, August 18, 2009 9:24 AM
To: Duerst, Christina
Subject: FW: LRB-0097; DOT NB 0911 04

Christina,

You can jacket that draft. Please put a copy of this e-mail in the file also.

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Nielson, Kristie - DOT [mailto:Kristie.Nielson@dot.wi.gov]
Sent: Tuesday, August 18, 2009 9:24 AM
To: Gary, Aaron
Subject: RE: LRB-0097; DOT NB 0911 04

Yes, please. K

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Tuesday, August 18, 2009 9:19 AM
To: Nielson, Kristie - DOT
Cc: Frazier, Carson - DOT; Baetsen, Karen - DOT; Duerst, Christina - LEGIS
Subject: LRB-0097; DOT NB 0911 04

Good morning,

The above draft, relating to electronical certification of documents, was apparently provided to a legislator. That legislator has requested that the draft be jacketed (which is necessary for introduction). DOT is still the "requester" on the draft. Do we have permission from DOT to jacket the bill and provide it to the legislator's office?

Thanks. Aaron

Aaron R. Gary, *Attorney, Legislative Reference Bureau*
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us