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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 133

Relating to: operating a motor vehicle while suspended, revoked, or disqualified.

By Senators Taylor, Lehman and Plale; cosponsored by Representatives Grigsby, Kessler, Fields, Berceau, Smith, Young, Sinicki, Mason, A. Ott, A. Williams and Toles.

March 24, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

April 16, 2009 **PUBLIC HEARING HELD**

Present: (6) Senators Holperin, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (1) Senator Sullivan.

Appearances For

- Lena Taylor — 4th Senate District
- Nichole Yunk, Milwaukee — Justice 2000
- James Gramling, Milwaukee — Center for Drivers License Recovery

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Rick Kleist, Madison — Wisconsin DOT
- Jeff Plale — 7th Senate District

Registrations Against

- Jeff Wiswell, Madison — Wisconsin Sheriffs and Deputy Sheriffs Association

Registrations for Information Only

- None.

April 30, 2009 **EXECUTIVE SESSION HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Moved by Senator Sullivan, seconded by Senator Plale that **Senate Bill 133** be recommended for passage.

Ayes: (4) Senators Holperin, Sullivan, Plale and Hansen.

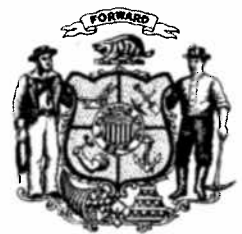
Noes: (3) Senators Leibham, Kedzie and Grothman.

PASSAGE RECOMMENDED, Ayes 4, Noes 3

Elizabeth Novak
Committee Clerk



WISCONSIN STATE LEGISLATURE





DISTRICT ATTORNEY DANE COUNTY



BRIAN W. BLANCHARD
District Attorney

JUDY SCHWAEMLE
Deputy District Attorney
Felon Unit

TIMOTHY R. VERHOFF
Deputy District Attorney
Criminal Traffic &
Misdemeanor Unit

MICHAEL S. WALSH
Deputy District Attorney
Juvenile Unit

SUZANNE BEAUDOIN
Director
Victim Witness Unit

KATHY McDERMOTT
Administrative Services
Supervisor

VIA FACSIMILE

April 9, 2009

Senator Jim Holperin, Chair
Senate Committee on Transportation
Wisconsin State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Re: Senate Bill 133

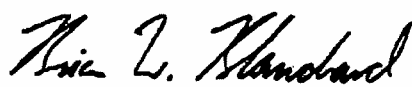
Dear Senator Holperin,

We write in strong support of Senate Bill 133, now scheduled for a public hearing before the Transportation Committee on April 16, 2009. The public justifiably expects police and prosecutors to prioritize cases and seek penalties that fit conduct that can be proven in court. The laws need to distinguish between drivers who have been caught operating vehicles dangerously and those who have not. The circuit courts should not be clogged with revocation cases for persons who do not appear to be dangerous drivers.

SB 133 takes the positive step of dropping the mandatory revocation of a license upon a fourth conviction for operating after suspension, allowing revocation at the discretion of the judge. Operating after suspension cases for non-dangerous drivers could remain in municipal courts. This would free up circuit court time for drunk driving, reckless driving, other serious traffic cases, child abuse, sexual assault, and other critical cases. Dangerous drivers would continue to be revoked and prosecuted in circuit courts.

A UW Milwaukee study in 2006 established that having a valid driver's license correlates more strongly with sustained employment than even a GED. Revoking safe drivers undermines the labor force, and needlessly keeps citizens from providing for themselves and their children. Thank you for considering these thoughts.

Sincerely,



Brian W. Blanchard
Dane County District Attorney



John T. Chisholm
Milwaukee County District Attorney

cc: Nichole Yunk, Justice 2000 Center for Driver's License Recovery & Employability





**Senate Committee on Transportation, Tourism, Forestry, &
Natural Resources**

Testimony of Senator Lena C Taylor
Senate Bill 133 – Reform of OWS/OAR revocations
Thursday, April 16, 2009

Honorable Chairman Holperin and members,

Thank you for the opportunity to testify today on Senate Bill 133, a much needed and common sense bill to reform the driver's license revocation procedures for 4th offense Operating while Suspended (OWS) or Operating after Revocation (OAR).

Traveling on the State of the Justice System tour last session, I learned of a massive problem that was clogging the courts and administrative functions at DOT. That issue was our antiquated statutory language about revoking a driver's license for 4th OWS or OAR. Today there will be more testimony that you will hear outlining the many different problems that exist. However, if you simply look at the LRB analysis of this bill you can see the cumbersome current law provisions. SB 133 moves us to a much simpler process to correct this very complicated mess.

Under the bill, revocations for a fourth offense OAR or OWS will be permissive with the court rather than mandatory. The bill further repeals requirements for DOT to administratively revoke a person's operating privilege in these circumstances. These changes have been drafted and carefully vetted by the courts, the Department of Transportation, and community agencies, like Justice 2000, that are working to get people driving legally so they can get a job, get to work, and contribute to our society.

Making these changes improves the efficiency of our court system, restores judicial discretion to this process, and removes an administrative burden from the Department of Transportation. These changes were a part of 2007 Senate Bill 532 that passed the Senate and was approved by the Assembly Committee on Transportation. I would encourage and ask for your support of this bill.

Thank you.

HERE TO SERVE YOU!



DANE COUNTY
COURT COMMISSIONER CENTRE

215 S HAMILTON ST RM 2000
MADISON WI 53703

608-266-4311
FAX 608-267-8859

Barb Smith, Arraignment Clerk
Lori Gerlach, Court Reporter
Jake Skibba, Court Reporter

TODD E. MEURER
CIRCUIT COURT COMMISSIONER
Criminal, Traffic, Civil Forfeiture Cases

Date?

Senator Jim Holperin, Chair
Senate Committee on Transportation, Tourism, Forestry, and Natural Resources
Wisconsin State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Holperin:

I am writing to express my support for Senate Bill 133. This bill is scheduled for a public hearing before the Committee on Transportation, Tourism, Forestry, and Natural Resources on Thursday April 16, 2009. Unfortunately, I am not sure I can escape from my court schedule during that time to appear in person.

Although this is an extremely important piece of legislation, it is not terribly controversial. The change provided in this Bill was unanimously passed by the Senate during the last session. (2007-08 SB 532). I am hoping this idea will again garner strong support.

Current law requires the courts or the Department of Transportation to revoke the driver licenses of individuals convicted of their fourth offense of operating while suspended. This mandatory revocation has created massive problems for circuit courts and for non-dangerous drivers.

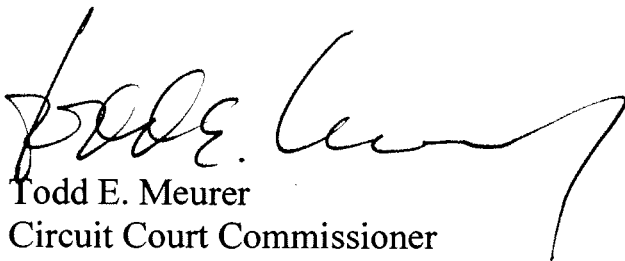
Allow me to offer some history. I was a member of the Governor's Task Force on Operating After Revocation (OAR) during the 1990's. The OAR Task Force was assigned the job of rewriting the laws concerning Operating after Revocation and Suspension. Consequently, the OAR Task Force basically designed the current law on Operating After Revocation and While Suspended. It clearly was our intent to strictly limit (with only a narrow exception) the substantial criminal penalties for Operating After Revocation to dangerous driving offenders. The current mandatory

revocation upon a fourth conviction was the limited exception to this general policy. Unfortunately, the number of cases that fit this "limited" exception has skyrocketed beyond what the OAR Task Force ever could have imagined. The wide net thrown by this "limited" exception has ensnared countless numbers of non-dangerous drivers. The current law has revoked their ability to reinstate their driving privileges and subjected them to criminal penalties. Most of the individuals revoked by the current law were originally suspended only for failure to pay a traffic forfeiture. These individuals are usually quite poor and do not have any dangerous driving offenses on their record. Unfortunately, the mandatory revocation requires them to obtain expensive proof of insurance in order to reinstate their licenses and subjects them to future criminal penalties. All of this greatly hinders their ability to reinstate their licenses and to find employment. Police, prosecutors and circuit courts have been deluged with cases of Operating After Revocation involving non-dangerous offenders. Countless hours and scarce resources are spent processing these cases.

SB 133 will continue to allow courts the discretion to revoke the licenses of dangerous offenders. The courts will continue to have the ability to protect the public from dangerous driving offenders.

SB 133 is good public policy. It is consistent with the goals of the OAR Task Force that designed our current law. I urge you to give SB 133 your strong support. Please share my thoughts with other members of your committee.

Sincerely,



Todd E. Meurer
Circuit Court Commissioner