

2013 Senate Bill 247 (LRB -0162)

An Act to amend 343.315 (2) (h) of the statutes; relating to: commercial motor vehicle out-of-service violations. (FE)

2013

08-07.	S.	Introduced by Senator Petrowski ; cosponsored by Representatives Spiros, Ripp, Brooks, Vruwink and Weatherston	331
08-07.	S.	Read first time and referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs	331
08-21.	S.	Fiscal estimate received	
08-22.	S.	Public hearing held	
08-29.	S.	Executive action taken	
08-29.	S.	Report passage recommended by Committee on Transportation, Public Safety, and Veterans and Military Affairs, Ayes 5, Noes 0	344
08-29.	S.	Available for scheduling	
10-07.	S.	Placed on calendar 10-8-2013 pursuant to Senate Rule 18(1)	390
10-08.	S.	Read a second time	394
10-08.	S.	Ordered to a third reading	394
10-08.	S.	Rules suspended	394
10-08.	S.	Read a third time and passed	394
10-08.	S.	Ordered immediately messaged	395
10-09.	A.	Received from Senate	342
10-10.	A.	Read first time and referred to committee on Rules	345
10-10.	A.	Senator Carpenter added as a coauthor	346
10-10.	A.	Placed on calendar 10-15-2013 by Committee on Rules	
10-15.	A.	Read a second time	358
10-15.	A.	Ordered to a third reading	358
10-15.	A.	Rules suspended	358
10-15.	A.	Read a third time and concurred in	358
10-15.	A.	Ordered immediately messaged	358
10-15.	S.	Received from Assembly concurred in	

9MB

2013
ENROLLED BILL

13en S B-247

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

13 -016211

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

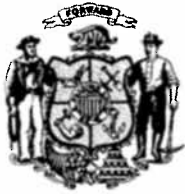
Topic Rel

10-16-13

Date

J. Phillips

Enrolling Drafter



2013 SENATE BILL 247

August 7, 2013 - Introduced by Senator PETROWSKI, cosponsored by Representatives SPIROS, RIPP, BROOKS, VRUWINK and WEATHERSTON. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1 **AN ACT to amend** 343.315 (2) (h) of the statutes; **relating to:** commercial motor
2 vehicle out-of-service violations.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from operating a commercial motor vehicle (CMV) while the person or the CMV is ordered out-of-service under state or federal law or while the motor carrier responsible for safety of the CMV has in effect a federal out-of-service order for unsatisfactory safety compliance (out-of-service violation). A person who commits an out-of-service violation must forfeit \$2,500 for the first offense and \$5,000 for any subsequent offense within a ten-year period and, with an exception, is further disqualified from operating a CMV for 90 days for the first offense, two years for a second offense within a ten-year period, or three years for a third or subsequent offense within a ten-year period.

Under this bill, a person who commits a first offense out-of-service violation is disqualified from operating a CMV for 180 days, rather than 90 days.

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:

3 SECTION 1. 343.315 (2) (h) of the statutes is amended to read:

SENATE BILL 247

SECTION 1

1 343.315 (2) (h) Except as provided in par. (i), a person shall be disqualified for
2 a period of ~~90~~ 180 days from operating a commercial motor vehicle if convicted of an
3 out-of-service violation, or 2 years if convicted of 2 out-of-service violations, or 3
4 years if convicted of 3 or more out-of-service violations, arising from separate
5 occurrences committed within a 10-year period while operating a commercial motor
6 vehicle. A disqualification under this paragraph shall be in addition to any penalty
7 imposed under s. 343.44. In this paragraph, "out-of-service violation" means
8 violating s. 343.44 (1) (c) or a law of another jurisdiction for an offense therein which,
9 if committed in this state, would have been a violation of s. 343.44 (1) (c), if the
10 operator holds a commercial driver license or is required to hold a commercial driver
11 license to operate the commercial motor vehicle.

SECTION 2. Initial applicability.

13 (1) This act first applies to violations committed on the effective date of this
14 subsection, but does not preclude the counting of other violations as prior violations
15 for purposes of administrative action by the department of transportation or
16 sentencing by a court.

(END)