

**2019 DRAFTING REQUEST****Bill**

For: **David Crowley (608) 266-5580** Drafter: **emueller**  
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 Date: **9/27/2019** **eshea**  
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 Same as LRB:

May Contact:

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**Pre Topic:**

No specific pre topic given

**Topic:**

No suspension of operator's license for nontraffic offenses

**Instructions:**

Redraft 2017 AB 1034

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 9/30/2019	anienaja 10/2/2019			
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/1			mbarman	lparisi	

Vers.    Drafted

Reviewed

Submitted  
11/6/2019

Jacketed  
11/21/2019

Required

FE Sent For:

*Not Needed*

**<END>**

**Mueller, Eric**

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**From:** Caudill, Kyle  
**Sent:** Friday, September 27, 2019 9:17 AM  
**To:** Mueller, Eric  
**Cc:** Schabo, Timothy  
**Subject:** Bill Drafts of 2017 Bills

Good morning Eric,

Rep. Crowley was hoping to get a couple bills from the 2017 biennium drafted for this session. They are:

- LRB 2485/P4 (No suspension of driver licenses for nontraffic offenses)
- LRB 3940 (Electronic copies of driver licenses)
- LRB 2971/P4 (Collection of traffic stop info)

Let me know if you need more from me. Thanks.

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Respectfully,

Kyle Caudill  
Legislative Aide  
Office of Rep. David Crowley (D-17)

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State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-2485/1 4484/PI  
EVM/ARG/EHS/CMH:klm&emw/ann

RMNR

In 10/1  
Due 10/2

2017 ASSEMBLY BILL 1034

SA  
ref  
PwS

March 21, 2018 - Introduced by Representatives CROWLEY, C. TAYLOR, FIELDS, ANDERSON, VRUWINK, ZEPNICK, ZAMARRIPA, BOWEN, SARGENT, SUBECK and SPREITZER, cosponsored by Senators JOHNSON, MILLER and RISSER. Referred to Committee on Criminal Justice and Public Safety.

Gen!

1 AN ACT *to repeal* 118.163 (1) (c), 118.163 (2) (a), 118.163 (2m), 125.07 (4) (cm),  
2 125.085 (3) (bp), 343.23 (3) (a), 343.24 (3), 343.28 (3), 343.30 (1z), 343.30 (6),  
3 343.32 (1m), 343.345, 346.655 (4), 346.657 (3), 346.93 (2f), 346.93 (2g) (a) and  
4 (b), 767.73, 800.095 (1) (a), 938.342 (1g) (a), 938.342 (2) and 938.364; *to*  
5 *renumber* 343.23 (3) (b) and 938.344 (2e) (a) 1., 2. and 3.; *to renumber and*  
6 *amend* 346.93 (2g) (intro.); and *to amend* 85.103 (6), 118.163 (3), 125.07 (4)  
7 (bs) 1. to 4., 125.07 (4) (c) 1. to 4., 125.07 (4) (e) 2. (intro.), 125.07 (4) (e) 4.,  
8 125.085 (3) (bd), 343.085 (4), 343.10 (1) (a), 343.10 (5) (b), 343.30 (2d), 343.30  
9 (5), 343.31 (2s), 343.32 (3), 800.09 (3) (a), 800.09 (3) (b) (intro.), 800.095 (3),  
10 938.17 (2) (g), 938.34 (8), 938.34 (8d) (d), 938.34 (14r) (a), 938.343 (2), 938.344  
11 (2) (a), 938.344 (2) (b), 938.344 (2) (c), 938.344 (2b) (a), 938.344 (2b) (b), 938.344  
12 (2b) (c), 938.344 (2d) (a), 938.344 (2d) (b), 938.344 (2d) (c), 938.344 (2e) (a)  
13 (intro.), 938.355 (6) (d) 2., 938.355 (6m) (a) 1m., 938.355 (6m) (ag), 943.21 (3m)

**ASSEMBLY BILL 1034**

- 1 (a) 2., (b), (c) and (d) and 961.50 (1) (intro.) of the statutes; **relating to:**  
2 suspensions of operator's licenses for certain nontraffic offenses.
- 

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

This bill limits the reasons for which a person's motor vehicle operating privilege may be suspended.

Under current law, a circuit court may suspend a person's operating privilege upon conviction of certain offenses, including traffic violations, operating a motor vehicle without a license, operating a motor vehicle while intoxicated, and certain sexual assault offenses. A circuit court may also suspend a person's operating privilege if the person fails to pay certain court surcharges. Also under current law, the Department of Transportation must suspend a person's operating privilege if the person is delinquent in making certain child or family support payments.

This bill eliminates a circuit court's authority to suspend a person's operating privilege upon conviction of an offense that is not related to the operation of a motor vehicle and for failure to pay a court surcharge. This bill also eliminates DOT's authority to suspend a person's operating privilege for failure to make certain child or family support payments.

Under current law, if a person intentionally absconds without paying for gas, the court may suspend the person's operating privilege for a second offense and must suspend the person's operating privilege for a third or subsequent offense. In addition, current law allows a court to suspend a person's operating privilege if the person is convicted of a violation of the Uniform Controlled Substances Act. Under this bill, the suspension of the person's operating privilege applies only if the pertinent offenses involved or occurred in a vehicle.

Under current law, with exceptions, a person under the age of 21 may not procure or attempt to procure alcohol beverages; possess or consume alcohol beverages; be on alcohol beverage licensed premises; or use or maintain false identification that shows the person as being of legal drinking age (underage violation). A person who commits an underage violation is subject to various penalties, including suspension of the person's operating privilege. This bill eliminates the suspension of a person's operating privilege as a penalty for an underage violation.

Under current law, if a court assigned jurisdiction under the Juvenile Justice Code (juvenile court) adjudges a juvenile delinquent, the juvenile court must issue an order imposing one or more dispositions. This bill eliminates suspension of a juvenile's operating privilege as a penalty for the following actions:

1. Violating a condition of a dispositional order.
2. Violating the Uniform Controlled Substances Act, unless the violation involved a motor vehicle.
3. Possession, manufacture, or delivery of drug paraphernalia, unless the violation involved a motor vehicle.

**ASSEMBLY BILL 1034**

*or a delinquency victim and witness assistance surcharge*

Additionally, the bill limits a suspension of a juvenile's operating privileges for failure to pay a forfeiture to a period of one year.

Finally, the bill eliminates the ability of a county, city, village, or town to authorize, by ordinance, a court to suspend the operating privilege of a juvenile who is a dropout between the ages of 16 and 18 or who is a habitual truant.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 85.103 (6) of the statutes is amended to read:

2           85.103 (6) The department may disclose the personal identifier of any person  
3 who has made a designation under sub. (2) or (3) if the department discloses the  
4 personal identifier under s. 341.17 (9), 342.06, 343.027, 343.14, 343.234, 343.235,  
5 343.24 (3) and (4), or 343.247.

Insert  
3-5

6           **SECTION 2.** 118.163 (1) (c) of the statutes is repealed.

7           **SECTION 3.** 118.163 (2) (a) of the statutes is repealed.

8           **SECTION 4.** 118.163 (2m) of the statutes is repealed.

9           **SECTION 5.** 118.163 (3) of the statutes is amended to read:

10           × 118.163 (3) An ordinance enacted by a county under sub. (1m), or (2) ~~or~~ (2m)  
11 is applicable and may be enforced in that part of any city or village located in the  
12 county and in any town located in the county regardless of whether the city, village  
13 or town has enacted an ordinance under sub. (1m), or (2) ~~or~~ (2m).

14           **SECTION 6.** 125.07 (4) (bs) 1. to 4. of the statutes are amended to read:

15           × 125.07 (4) (bs) 1. For a first violation, a forfeiture of not less than \$250 nor more  
16 than \$500, ~~suspension of the person's operating privilege as provided under s. 343.30~~  
17 ~~(6) (b) 1.,~~ or participation in a supervised work program or other community service  
18 work under par. (cg) or ~~any combination~~ both of these penalties.

**ASSEMBLY BILL 1034****SECTION 6**

1           2. For a violation committed within 12 months of one previous violation, ~~either~~  
2 a forfeiture of not less than \$300 nor more than \$500, or participation in a supervised  
3 work program or other community service work under par. (cg) or ~~any combination~~  
4 both of these penalties. ~~In addition, the person's operating privilege may be~~  
5 ~~suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par.~~  
6 ~~(a) involved a motor vehicle the person's operating privilege shall be suspended as~~  
7 ~~provided under s. 343.30 (6) (b) 2.~~

8           3. For a violation committed within 12 months of 2 previous violations, ~~either~~  
9 a forfeiture of not less than \$500 nor more than \$750, or participation in a supervised  
10 work program or other community service work under par. (cg) or ~~any combination~~  
11 both of these penalties. ~~In addition, the person's operating privilege may be~~  
12 ~~suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par.~~  
13 ~~(a) involved a motor vehicle the person's operating privilege shall be suspended as~~  
14 ~~provided under s. 343.30 (6) (b) 3.~~

15           4. For a violation committed within 12 months of 3 or more previous violations,  
16 ~~either~~ a forfeiture of not less than \$750 nor more than \$1,000, or participation in a  
17 supervised work program or other community service work under par. (cg) or ~~any~~  
18 ~~combination~~ both of these penalties. ~~In addition, the person's operating privilege~~  
19 ~~may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation~~  
20 ~~of par. (a) involved a motor vehicle the person's operating privilege shall be~~  
21 ~~suspended as provided under s. 343.30 (6) (b) 3.~~

22           **SECTION 7.** 125.07 (4) (c) 1. to 4. of the statutes are amended to read:

23           × 125.07 (4) (c) 1. For a first violation, a forfeiture of not less than \$100 nor more  
24 than \$200, ~~suspension of the person's operating privilege as provided under s. 343.30~~

**ASSEMBLY BILL 1034**

1 (6) (b) 1., or participation in a supervised work program or other community service  
2 work under par. (cg) or ~~any combination~~ both of these penalties.

3 2. For a violation committed within 12 months of one previous violation, ~~either~~  
4 a forfeiture of not less than \$200 nor more than \$300, or participation in a supervised  
5 work program or other community service work under par. (cg) or ~~any combination~~  
6 both of these penalties. ~~In addition, the person's operating privilege may be~~  
7 ~~suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par.~~  
8 ~~(b) involved a motor vehicle the person's operating privilege shall be suspended as~~  
9 ~~provided under s. 343.30 (6) (b) 2.~~

10 3. For a violation committed within 12 months of 2 previous violations, ~~either~~  
11 a forfeiture of not less than \$300 nor more than \$500, or participation in a supervised  
12 work program or other community service work under par. (cg) or ~~any combination~~  
13 both of these penalties. ~~In addition, the person's operating privilege may be~~  
14 ~~suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par.~~  
15 ~~(b) involved a motor vehicle the person's operating privilege shall be suspended as~~  
16 ~~provided under s. 343.30 (6) (b) 3.~~

17 4. For a violation committed within 12 months of 3 or more previous violations,  
18 either a forfeiture of not less than \$500 nor more than \$1,000, or participation in a  
19 supervised work program or other community service work under par. (cg) or ~~any~~  
20 ~~combination~~ both of these penalties. ~~In addition, the person's operating privilege~~  
21 ~~may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation~~  
22 ~~of par. (b) involved a motor vehicle the person's operating privilege shall be~~  
23 ~~suspended as provided under s. 343.30 (6) (b) 3.~~

24 **SECTION 8.** 125.07 (4) (cm) of the statutes is repealed.

25 **SECTION 9.** 125.07 (4) (e) 2. (intro.) of the statutes is amended to read:



**ASSEMBLY BILL 1034****SECTION 9**

1       ~~×~~125.07 (4) (e) 2. (intro.) After ordering a penalty under par. (bs) or (c), the court,  
2 with the agreement of the defendant, may enter an additional order staying the  
3 execution of the penalty order and suspending or modifying the penalty imposed,  
4 ~~except that the court may not stay, suspend or modify the suspension of a person's~~  
5 ~~operating privilege required under par. (bs) or (c).~~ The order under this subdivision  
6 shall require the defendant to do any of the following:

7           **SECTION 10.** 125.07 (4) (e) 4. of the statutes is amended to read:

8       ~~×~~125.07 (4) (e) 4. If the defendant completes the alcohol abuse treatment  
9 program or court-approved alcohol abuse education program, the approved  
10 treatment facility or court-approved alcohol abuse education program shall, with  
11 the written informed consent of the defendant, notify the agency primarily  
12 responsible for providing services to the defendant that the defendant has complied  
13 with the order and the court shall notify the defendant of whether or not the penalty  
14 will be reinstated. ~~If the court had ordered the suspension of the defendant's~~  
15 ~~operating privilege under par. (bs) or (c), the court may order the secretary of~~  
16 ~~transportation to reinstate the operating privilege of the defendant if he or she~~  
17 ~~completes the alcohol abuse treatment program or court-approved alcohol abuse~~  
18 ~~education program.~~

19           **SECTION 11.** 125.085 (3) (bd) of the statutes is amended to read:

20       ~~×~~125.085 (3) (bd) Any underage person who violates par. (b) is subject to a  
21 forfeiture of not less than \$300 nor more than \$1,250, ~~suspension of the person's~~  
22 ~~operating privilege under s. 343.30 (6) (bm), or~~ participation in a supervised work  
23 program or other community service work under par. (bh) or ~~any combination both~~  
24 of these penalties.

25           **SECTION 12.** 125.085 (3) (bp) of the statutes is repealed.

**ASSEMBLY BILL 1034**

1           **SECTION 13.** 343.085 (4) of the statutes is amended to read:

2           × 343.085 (4) The secretary may require that a person be continued on  
3 probationary status beyond the period of first issuance if such person appears by the  
4 records of the department to have repeatedly violated any of the state traffic laws or  
5 any local ordinance in conformity therewith or any law of a federally recognized  
6 American Indian tribe or band in this state in conformity with any of the state traffic  
7 laws. ~~A person may not be continued on probationary status due to a suspension~~  
8 ~~under s. 343.30 (6).~~

9           **SECTION 14.** 343.10 (1) (a) of the statutes is amended to read:

10           × 343.10 (1) (a) If a person's license or operating privilege is revoked or  
11 suspended under this chapter or s. ~~767.73~~, 938.34 (14q), 943.21 (3m), or 961.50 and  
12 if the person is engaged in an occupation, including homemaking or full-time or  
13 part-time study, or a trade making it essential that he or she operate a motor vehicle,  
14 the person, after payment of the fee provided in sub. (6), may file an application with  
15 the department setting forth in detail the need for operating a motor vehicle. No  
16 person may file more than one application with respect to each revocation or  
17 suspension of the person's license or operating privilege under this chapter or s.  
18 ~~767.73~~, 938.34 (14q), 943.21 (3m), or 961.50, except that this limitation does not  
19 apply to an application to amend an occupational license restriction.

20           **SECTION 15.** 343.10 (5) (b) of the statutes is amended to read:

21           343.10 (5) (b) *Limitations.* Occupational licenses are subject to the limitations  
22 specified in ss. 343.30 (1q) (b) and (h), 343.305 (8) (d) and (10) (b) and (em), 343.31  
23 (3m), ~~343.32 (1m)~~, ~~767.73~~ and 961.50.

24           **SECTION 16.** 343.23 (3) (a) of the statutes is repealed.

25           **SECTION 17.** 343.23 (3) (b) of the statutes is renumbered 343.23 (3).

**ASSEMBLY BILL 1034****SECTION 18**

1           **SECTION 18.** 343.24 (3) of the statutes is repealed.

2           **SECTION 19.** 343.28 (3) of the statutes is repealed.

3           **SECTION 20.** 343.30 (1z) of the statutes is repealed.

4           **SECTION 21.** 343.30 (2d) of the statutes is amended to read:

5           × 343.30 (2d) A court may suspend a person's operating privilege upon conviction  
6 of any offense specified under ss. 940.225, 948.02, 948.025, 948.07, or 948.085, where  
7 the offense involved the use of a vehicle, if the court finds that it is inimical to the  
8 public safety and welfare for the offender to have operating privileges. The  
9 suspension shall be for one year or until discharge from prison or jail sentence or  
10 probation, extended supervision or parole with respect to the offenses specified,  
11 whichever date is later. Receipt of a certificate of discharge from the department of  
12 corrections or other responsible supervising agency, after one year has elapsed since  
13 the suspension, entitles the holder to reinstatement of operating privileges. The  
14 holder may be required to present the certificate to the secretary if the secretary  
15 deems necessary.

16           **SECTION 22.** 343.30 (5) of the statutes is amended to read:

17           343.30 (5) No court may suspend or revoke an operating privilege except as  
18 authorized by this chapter or ch. 345, 351, or 938 or s. ~~767.73, 800.095 (1) (a)~~, 943.21  
19 (3m), or 961.50. When a court revokes, suspends, or restricts a juvenile's operating  
20 privilege under ch. 938, the department of transportation shall not disclose  
21 information concerning or relating to the revocation, suspension, or restriction to any  
22 person other than a court, district attorney, county corporation counsel, city, village,  
23 or town attorney, law enforcement agency, driver licensing agency of another  
24 jurisdiction, or the minor whose operating privilege is revoked, suspended, or

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1 restricted, or his or her parent or guardian. Persons entitled to receive this  
2 information shall not disclose the information to other persons or agencies.

3 **SECTION 23.** 343.30 (6) of the statutes is repealed.

4 **SECTION 24.** 343.31 (2s) of the statutes is amended to read:

5 ~~343.31 (2s)~~ The department may suspend a person's operating privilege for 2  
6 years upon receiving a record of conviction under s. 973.137 (2), where the offense  
7 involved the use of a vehicle. If the department receives a record of conviction under  
8 s. 973.137 (2), where the offense involved the use of a vehicle or a notice of suspension  
9 under s. 938.34 (14q) for a person whose license or operating privilege is currently  
10 suspended or revoked or for a person who does not currently possess a valid  
11 operator's license, the suspension is first effective on the date on which the person  
12 is first eligible for issuance, renewal, or reinstatement of an operator's license.

13 **SECTION 25.** 343.32 (1m) of the statutes is repealed.

14 **SECTION 26.** 343.32 (3) of the statutes is amended to read:

15 ~~343.32 (3)~~ ~~Except as provided in sub. (1m), a~~ A revocation or suspension under  
16 this section may be for any period not exceeding one year unless a different period  
17 is specifically prescribed by law.

18 **SECTION 27.** 343.345 of the statutes is repealed.

19 **SECTION 28.** 346.655 (4) of the statutes is repealed.

20 **SECTION 29.** 346.657 (3) of the statutes is repealed.

21 **SECTION 30.** 346.93 (2f) of the statutes is repealed.

22 **SECTION 31.** 346.93 (2g) (intro.) of the statutes is renumbered 346.93 (2g) and  
23 amended to read:

24 ~~346.93 (2g)~~ Any person violating this section may be required to forfeit not less  
25 than \$20 nor more than \$400 ~~and shall have his or her operating privilege.~~

**ASSEMBLY BILL 1034****SECTION 32**

1           **SECTION 32.** 346.93 (2g) (a) and (b) of the statutes are repealed.

2           **SECTION 33.** 767.73 of the statutes is repealed.

3           **SECTION 34.** 800.09 (3) (a) of the statutes is amended to read:

4           ~~800.09 (3) (a)~~ If the operating privilege of a defendant is suspended under this  
5 section ~~or s. 800.095~~, the court may terminate that suspension and substitute an  
6 installment payment plan for paying the amount of the judgment that takes into  
7 account the defendant's income.

8           **SECTION 35.** 800.09 (3) (b) (intro.) of the statutes is amended to read:

9           ~~800.09 (3) (b) (intro.)~~ If the operating privilege of a defendant is suspended  
10 under this section ~~or s. 800.095~~, the court shall terminate that suspension and  
11 substitute an installment payment plan for the payment of the amount of the  
12 judgment that takes into account the defendant's income if all of the following  
13 conditions apply:

14           **SECTION 36.** 800.095 (1) (a) of the statutes is repealed.

15           **SECTION 37.** 800.095 (3) of the statutes is amended to read:

16           800.095 (3) Subsection (1) ~~(a)~~ and (b) does not apply to orders for restitution  
17 under s. 800.093 or in cases where service of the summons and complaint or citation  
18 is made by mail as authorized in s. 800.01 (2) (e).

19           **SECTION 38.** 938.17 (2) (g) of the statutes is amended to read:

20           ~~938.17 (2) (g)~~ *Disposition; truancy or school dropout ordinance violations.* If  
21 the municipal court finds that a juvenile violated a municipal ordinance enacted  
22 under s. 118.163 (1m), it shall enter a dispositional order under s. 938.342 (1d). If  
23 a municipal court finds that a juvenile violated a municipal ordinance enacted under  
24 s. 118.163 (2), it shall enter a dispositional order under s. 938.342 (1g), and may enter  
25 a dispositional order under s. 938.342 (1m) (a), that is consistent with the municipal

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1 ordinance. ~~If a municipal court finds that a juvenile violated a municipal ordinance~~  
2 ~~enacted under s. 118.163 (2m), it shall enter a dispositional order under s. 938.342~~  
3 ~~(2) that is consistent with the municipal ordinance.~~

4 **SECTION 39.** 938.34 (8) of the statutes is amended to read:

5 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
6 this disposition is in the best interest of the juvenile and the juvenile's rehabilitation.  
7 The maximum forfeiture that the court may impose under this subsection for a  
8 violation by a juvenile is the maximum amount of the fine that may be imposed on  
9 an adult for committing that violation or, if the violation is applicable only to a person  
10 under 18 years of age, \$100. The order shall include a finding that the juvenile alone  
11 is financially able to pay the forfeiture and shall allow up to 12 months for payment.  
12 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
13 other alternatives under this section; or the court may suspend any license issued  
14 under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's  
15 operating privilege, as defined in s. 340.01 (40), for not more than ~~2 years~~ one year.  
16 If the court suspends any license under this subsection, the clerk of the court shall  
17 immediately take possession of the suspended license if issued under ch. 29 or, if the  
18 license is issued under ch. 343, the court may take possession of, and if possession  
19 is taken, shall destroy, the license. The court shall forward to the department ~~which~~  
20 that issued the license a notice of suspension stating that the suspension is for failure  
21 to pay a forfeiture imposed by the court, together with any license issued under ch.  
22 29 of which the court takes possession. If the forfeiture is paid during the period of  
23 suspension, the suspension shall be reduced to the time period ~~which~~ that has  
24 already elapsed and the court shall immediately notify the department, which shall  
25 then, if the license is issued under ch. 29, return the license to the juvenile. Any

**ASSEMBLY BILL 1034****SECTION 39**

1 recovery under this subsection shall be reduced by the amount recovered as a  
2 forfeiture for the same act under s. 938.45 (1r) (b).

3 **SECTION 40.** 938.34 (8d) (d) of the statutes is amended to read:

4 ~~>~~938.34 (8d) (d) If the juvenile fails to pay the surcharge under par. (a), the court  
5 may vacate the surcharge and order other alternatives under this section, in  
6 accordance with the conditions specified in this chapter; or the court may suspend  
7 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or  
8 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less  
9 than 30 days nor more than ~~5 years~~ one year. If the court suspends any license under  
10 this subsection, the clerk of the court shall immediately take possession of the  
11 suspended license if issued under ch. 29 or, if the license is issued under ch. 343, the  
12 court may take possession of, and if possession is taken, shall destroy, the license.  
13 The court shall forward to the department ~~which~~ that issued the license a notice of  
14 suspension stating that the suspension is for failure to pay a surcharge imposed by  
15 the court, together with any license issued under ch. 29 of which the court takes  
16 possession. If the surcharge is paid during the period of suspension, the suspension  
17 shall be reduced to the time period ~~which~~ that has already elapsed and the court shall  
18 immediately notify the department, which shall then, if the license is issued under  
19 ch. 29, return the license to the juvenile.

20 **SECTION 41.** 938.34 (14r) (a) of the statutes is amended to read:

21 ~~>~~938.34 (14r) (a) In addition to any other dispositions imposed under this  
22 section, if the juvenile is found to have violated ch. 961 and the violation involved a  
23 motor vehicle, the court may suspend the juvenile's operating privilege, as defined  
24 in s. 340.01 (40), for not less than 6 months nor more than 5 years. If a court suspends  
25 a person's operating privilege under this paragraph, the court may take possession

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1 of any suspended license. If the court takes possession of a license, it shall destroy  
2 the license. The court shall forward to the department of transportation the notice  
3 of suspension stating that the suspension or revocation is for a violation of ch. 961.

4 **SECTION 42.** 938.342 (1g) (a) of the statutes is repealed.

5 **SECTION 43.** 938.342 (2) of the statutes is repealed.

6 **SECTION 44.** 938.343 (2) of the statutes is amended to read:

7 938.343 (2) FORFEITURE. Impose a forfeiture not to exceed the maximum  
8 forfeiture that may be imposed on an adult for committing that violation or, if the  
9 violation is only applicable to a person under 18 years of age, \$50. The order shall  
10 include a finding that the juvenile alone is financially able to pay and shall allow up  
11 to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
12 suspend any license issued under ch. 29 or suspend the juvenile's operating privilege,  
13 as defined in s. 340.01 (40), for not more than ~~2 years~~ one year. The court shall  
14 immediately take possession of the suspended license if issued under ch. 29 or, if the  
15 license is issued under ch. 343, the court may take possession of, and if possession  
16 is taken, shall destroy, the license. The court shall forward to the department ~~which~~  
17 that issued the license the notice of suspension stating that the suspension is for  
18 failure to pay a forfeiture imposed by the court, together with any license issued  
19 under ch. 29 of which the court takes possession. If the forfeiture is paid during the  
20 period of suspension, the court shall immediately notify the department, which shall,  
21 if the license is issued under ch. 29, return the license to the person. Any recovery  
22 under this subsection shall be reduced by the amount recovered as a forfeiture for  
23 the same act under s. 938.45 (1r) (b).

24 **SECTION 45.** 938.344 (2) (a) of the statutes is amended to read:



**ASSEMBLY BILL 1034****SECTION 45**

1       ~~× 938.344 (2) (a) For a first violation, a forfeiture of not more than \$50,~~  
2       ~~suspension of the juvenile's operating privilege under s. 343.30 (6) (b) 1., or~~  
3       ~~participation in a supervised work program or other community service work under~~  
4       ~~s. 938.34 (5g).~~

5               **SECTION 46.** 938.344 (2) (b) of the statutes is amended to read:

6       ~~× 938.344 (2) (b) For a violation committed within 12 months of one previous~~  
7       ~~violation, a forfeiture of not more than \$100 or participation in a supervised work~~  
8       ~~program or other community service work under s. 938.34 (5g). In addition, the~~  
9       ~~juvenile's operating privilege may be suspended under s. 343.30 (6) (b) 2., except that~~  
10       ~~if the violation of s. 125.07 (4) (b) involved a motor vehicle the juvenile's operating~~  
11       ~~privilege shall be suspended under s. 343.30 (6) (b) 2.~~

12               **SECTION 47.** 938.344 (2) (c) of the statutes is amended to read:

13       ~~× 938.344 (2) (c) For a violation committed within 12 months of 2 or more~~  
14       ~~previous violations, a forfeiture of not more than \$500 or participation in a~~  
15       ~~supervised work program or other community service work under s. 938.34 (5g). In~~  
16       ~~addition, the juvenile's operating privilege may be suspended under s. 343.30 (6) (b)~~  
17       ~~3., except that if the violation of s. 125.07 (4) (b) involved a motor vehicle the juvenile's~~  
18       ~~operating privilege shall be suspended under s. 343.30 (6) (b) 3.~~

19               **SECTION 48.** 938.344 (2b) (a) of the statutes is amended to read:

20       ~~× 938.344 (2b) (a) For a first violation, a forfeiture of not less than \$250 nor more~~  
21       ~~than \$500, suspension of the juvenile's operating privilege under s. 343.30 (6) (b) 1.,~~  
22       ~~or participation in a supervised work program or other community service work~~  
23       ~~under s. 938.34 (5g).~~

24               **SECTION 49.** 938.344 (2b) (b) of the statutes is amended to read:

**ASSEMBLY BILL 1034**

1       ~~938.344 (2b)~~ (b) For a violation committed within 12 months of one previous  
2 violation, a forfeiture of not less than \$300 nor more than \$500 or participation in a  
3 supervised work program or other community service work under s. 938.34 (5g). ~~In~~  
4 ~~addition, the juvenile's operating privilege may be suspended under s. 343.30 (6) (b)~~  
5 ~~2., except that if the violation involved a motor vehicle the juvenile's operating~~  
6 ~~privilege shall be suspended under s. 343.30 (6) (b) 2.~~

7       **SECTION 50.** 938.344 (2b) (c) of the statutes is amended to read:

8       ~~938.344 (2b)~~ (c) For a violation committed within 12 months of 2 or more  
9 previous violations, a forfeiture of \$500 or participation in a supervised work  
10 program or other community service work under s. 938.34 (5g). ~~In addition, the~~  
11 ~~juvenile's operating privilege may be suspended under s. 343.30 (6) (b) 3., except that~~  
12 ~~if the violation involved a motor vehicle the juvenile's operating privilege shall be~~  
13 ~~suspended under s. 343.30 (6) (b) 3.~~

14       **SECTION 51.** 938.344 (2d) (a) of the statutes is amended to read:

15       ~~938.344 (2d)~~ (a) For a first violation, a forfeiture of not less than \$100 nor more  
16 than \$500, ~~suspension of the juvenile's operating privilege under s. 343.30 (6) (b) 1.,~~  
17 or participation in a supervised work program or other community service work  
18 under s. 938.34 (5g).

19       **SECTION 52.** 938.344 (2d) (b) of the statutes is amended to read:

20       ~~938.344 (2d)~~ (b) For a violation committed within 12 months of a previous  
21 violation, a forfeiture of not less than \$300 nor more than \$500, ~~suspension of the~~  
22 ~~juvenile's operating privilege under s. 343.30 (6) (b) 2.,~~ or participation in a  
23 supervised work program or other community service work under s. 938.34 (5g).

24       **SECTION 53.** 938.344 (2d) (c) of the statutes is amended to read:

## ASSEMBLY BILL 1034

## SECTION 53

1       ~~938.344 (2d) (c) For a violation committed within 12 months of 2 or more~~  
2       ~~previous violations, a forfeiture of \$500, suspension of the juvenile's operating~~  
3       ~~privilege under s. 343.30 (6) (b) 3., or participation in a supervised work program or~~  
4       ~~other community service work under s. 938.34 (5g).~~

5               **SECTION 54.** 938.344 (2e) (a) (intro.) of the statutes is amended to read:

6       ~~938.344 (2e) (a) (intro.) If a court finds a juvenile committed a violation under~~  
7       ~~s. 961.573 (2), 961.574 (2), or 961.575 (2), or a local ordinance that strictly conforms~~  
8       ~~to one of those statutes and the violation involved a motor vehicle, the court shall may~~  
9       ~~suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less~~  
10       ~~than 6 months nor more than 5 years and, in addition, shall.~~

11               ~~(am) If a court finds a juvenile committed a violation under s. 961.573 (2),~~  
12       ~~961.574 (2), or 961.575 (2), or a local ordinance that strictly conforms to those~~  
13       ~~statutes, the court shall order one of the following penalties:~~

14               **SECTION 55.** 938.344 (2e) (a) 1., 2. and 3. of the statutes are renumbered 938.344  
15       (2e) (am) 1., 2. and 3.

16               **SECTION 56.** 938.355 (6) (d) 2. of the statutes is amended to read:

17       ~~938.355 (6) (d) 2. Suspension of or limitation on the use of the juvenile's~~  
18       ~~operating privilege, as defined under s. 340.01 (40), or of any approval issued to the~~  
19       ~~juvenile under ch. 29 for a period of not more than 3 years. If the juvenile does not~~  
20       ~~hold a valid operator's license under ch. 343, other than an instruction permit under~~  
21       ~~s. 343.07 or a restricted license under s. 343.08, on the date of the order issued under~~  
22       ~~this subdivision, the court may order the suspension to begin on the date on which~~  
23       ~~the juvenile is first eligible for issuance or reinstatement of an operator's license~~  
24       ~~under ch. 343. If the court suspends the juvenile's operating privileges or an~~  
25       ~~approval issued under ch. 29, the court shall immediately take possession of the~~

**ASSEMBLY BILL 1034**

1     suspended approval and may take possession of, and if possession is taken, shall  
2     destroy, the suspended license. The court shall forward to the department that  
3     issued the license or approval the notice of suspension, together with any approval  
4     of which the court takes possession.

5             **SECTION 57.** 938.355 (6m) (a) 1m. of the statutes is amended to read:

6             ~~938.355 (6m) (a) 1m. Suspension or limitation on the use of the juvenile's~~  
7     ~~operating privilege, as defined under s. 340.01 (40), or of any approval issued to the~~  
8     ~~juvenile under ch. 29 for not more than one year. If the juvenile does not hold a valid~~  
9     ~~operator's license under ch. 343, other than an instruction permit under s. 343.07 or~~  
10    ~~a restricted license under s. 343.08, on the date of the order issued under this~~  
11    ~~subdivision, the court may order the suspension or limitation to begin on the date on~~  
12    ~~which the juvenile is first eligible for issuance or reinstatement of an operator's~~  
13    ~~license under ch. 343. If the court suspends a juvenile's operating privilege or an~~  
14    ~~approval issued under ch. 29, the court shall immediately take possession of the~~  
15    ~~suspended approval and may take possession of, and if possession is taken, shall~~  
16    ~~destroy, the suspended license. The court shall forward to the department that~~  
17    ~~issued the license or approval a notice stating the reason for and the duration of the~~  
18    ~~suspension, together with any approval of which the court takes possession.~~

19            **SECTION 58.** 938.355 (6m) (ag) of the statutes is amended to read:

20            ~~938.355 (6m) (ag) Violation of truancy order.~~ If the court finds by a  
21    preponderance of the evidence that a juvenile who has been found to have violated  
22    a municipal ordinance enacted under s. 118.163 (1m) has violated a condition  
23    specified under sub. (2) (b) 7., the court may order as a sanction any combination of  
24    ~~the operating privilege suspension specified in par. (a) and the dispositions specified~~  
25    in s. 938.342 (1g) (b) to (k) and (1m), regardless of whether the disposition was

**ASSEMBLY BILL 1034****SECTION 58**

1 imposed in the order violated by the juvenile. A sanction may be imposed under this  
2 paragraph only if at the dispositional hearing under s. 938.335 the court explained  
3 those conditions to the juvenile and informed the juvenile of the possible sanctions  
4 under this paragraph for a violation or if before the violation the juvenile has  
5 acknowledged in writing that he or she has read, or has had read to him or her, those  
6 conditions and possible sanctions and that he or she understands those conditions  
7 and possible sanctions.

8 **SECTION 59.** 938.364 of the statutes is repealed.

9 **SECTION 60.** 943.21 (3m) (a) 2., (b), (c) and (d) of the statutes are amended to  
10 read:

11 ~~943.21 (3m)~~ (a) 2. "Repeat offense with a vehicle" means a violation of sub. (1m)  
12 (d) that involves or occurs in a vehicle and that occurs after a person has been found  
13 by a court to have violated sub. (1m) (d) if that previous violation involved or occurred  
14 in a vehicle.

15 (b) *Driver's license suspension; 2nd offense.* Subject to pars. (c) and (d), if a  
16 person commits a repeat offense with a vehicle, the court, in addition to imposing any  
17 penalty under sub. (3) (bm), may suspend the person's operating privilege for not  
18 more than 6 months.

19 (c) *Driver's license suspension; 3rd offense.* Subject to par. (d), if a person  
20 violates sub. (1m) (d) after having been found by a court to have committed an offense  
21 that constitutes a repeat offense with a vehicle, and the current violation involves  
22 or occurs in a vehicle, the court, in addition to imposing any penalty under sub. (3)  
23 (bm), shall suspend the person's operating privilege for not more than 6 months.

24 (d) *Driver's license suspension; 4th offense.* If a person violates sub. (1m) (d)  
25 after having his or her operating privilege suspended under par. (c), and the current

**ASSEMBLY BILL 1034**

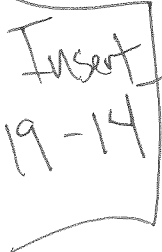
1 violation involves or occurs in a vehicle, the court, in addition to imposing any  
2 penalty under sub. (3) (bm), shall suspend the person's operating privilege for one  
3 year.

4 **SECTION 61.** 961.50 (1) (intro.) of the statutes is amended to read:

5 ~~961.50 (1)~~ (1) (intro.) If a person is convicted of any violation of this chapter and  
6 the violation involved or occurred in a vehicle, the court may, in addition to any other  
7 penalties that may apply to the crime, suspend the person's operating privilege, as  
8 defined in s. 340.01 (40), for not less than 6 months nor more than 5 years. If a court  
9 suspends a person's operating privilege under this subsection, the court may take  
10 possession of any suspended license. If the court takes possession of a license, it shall  
11 destroy the license. The court shall forward to the department of transportation the  
12 record of conviction and notice of the suspension. The person is eligible for an  
13 occupational license under s. 343.10 as follows:

14

(END)



Insert  
19-14

SA  
ref  
PWF

**2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-4484/P1ins  
EVM:amn

**INSERT 3-5**

1           **SECTION 1.** 118.125 (2) (c) 1. of the statutes is renumbered 118.125 (2) (c).

2           **SECTION 2.** 118.125 (2) (c) 2. of the statutes is repealed.

**END INSERT 3-5**

**INSERT 19-14**

3           **SECTION 3.** 961.50 (2) of the statutes is renumbered 961.50 (2) (b) and amended  
4 to read:

5           961.50 (2) (b) For purposes of counting the number of convictions under sub.  
6 (1), convictions under the law of a federally recognized American Indian tribe or band  
7 in this state, federal law or the law of another jurisdiction, ~~as defined in s. 343.32~~  
8 ~~(1m)~~ (a), for any offense therein which, if the person had committed the offense in this  
9 state and been convicted of the offense under the laws of this state, would have  
10 required suspension or revocation of such person's operating privilege under this  
11 section, shall be counted and given the effect specified under sub. (1). The 5-year  
12 period under this section shall be measured from the dates of the violations which  
13 resulted in the convictions.

**History:** 1991 a. 39; 1993 a. 16, 480; 1995 a. 448 s. 291; Stats. 1995 s. 961.50; 1997 a. 84; 2009 a. 8, 103; 2011 a. 258.

14           **SECTION 4.** 961.50 (2) (a) of the statutes is created to read:

15           961.50 (2) (a) In this subsection, "another jurisdiction" means any state other  
16 than Wisconsin and includes the District of Columbia, the commonwealth of Puerto  
17 Rico, and any territory or possession of the United States and any province of the  
18 Dominion of Canada.



State of Wisconsin  
2019 - 2020 LEGISLATURE

①

LRB-4484/P1

EVM/ARG/EHS/CMH:amn

No  
change

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** *to repeal* 118.125 (2) (c) 2., 118.163 (1) (c), 118.163 (2) (a), 118.163 (2m),  
2           125.07 (4) (cm), 125.085 (3) (bp), 343.23 (3) (a), 343.24 (3), 343.28 (3), 343.30  
3           (1z), 343.30 (6), 343.32 (1m), 343.345, 346.655 (4), 346.657 (3), 346.93 (2f),  
4           346.93 (2g) (a) and (b), 767.73, 800.095 (1) (a), 938.342 (1g) (a), 938.342 (2) and  
5           938.364; *to renumber* 118.125 (2) (c) 1., 343.23 (3) (b) and 938.344 (2e) (a) 1.,  
6           2. and 3.; *to renumber and amend* 346.93 (2g) (intro.) and 961.50 (2); *to*  
7           *amend* 85.103 (6), 118.163 (3), 125.07 (4) (bs) 1. to 4., 125.07 (4) (c) 1. to 4.,  
8           125.07 (4) (e) 2. (intro.), 125.07 (4) (e) 4., 125.085 (3) (bd), 343.085 (4), 343.10 (1)  
9           (a), 343.10 (5) (b), 343.30 (2d), 343.30 (5), 343.31 (2s), 343.32 (3), 800.09 (3) (a),  
10          800.09 (3) (b) (intro.), 800.095 (3), 938.17 (2) (g), 938.34 (8), 938.34 (8d) (d),  
11          938.34 (14r) (a), 938.343 (2), 938.344 (2) (a), 938.344 (2) (b), 938.344 (2) (c),  
12          938.344 (2b) (a), 938.344 (2b) (b), 938.344 (2b) (c), 938.344 (2d) (a), 938.344 (2d)  
13          (b), 938.344 (2d) (c), 938.344 (2e) (a) (intro.), 938.355 (6) (d) 2., 938.355 (6m) (a)  
14          1m., 938.355 (6m) (ag), 943.21 (3m) (a) 2., (b), (c) and (d) and 961.50 (1) (intro.);



1 section, shall be counted and given the effect specified under sub. (1). The 5-year  
2 period under this section shall be measured from the dates of the violations which  
3 resulted in the convictions.

4 **SECTION 65.** 961.50 (2) (a) of the statutes is created to read:

5 961.50 (2) (a) In this subsection, "another jurisdiction" means any state other  
6 than Wisconsin and includes the District of Columbia, the commonwealth of Puerto  
7 Rico, and any territory or possession of the United States and any province of the  
8 Dominion of Canada.

9 (END)

**Parisi, Lori**

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**From:** Schabo, Timothy  
**Sent:** Thursday, November 21, 2019 3:36 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -4484/1

Please Jacket LRB -4484/1 for the ASSEMBLY.