

**2019 DRAFTING REQUEST**

**Bill**

For: **Administration-Budget** Drafter: **emueller**  
 By: **Aslesen** Secondary Drafters:  
 Date: **2/22/2019** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email:  
 Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**  
**eric.mueller@legis.wisconsin.gov**  
**zachary.wyatt@legis.wisconsin.gov**

**Pre Topic:**

DOA:.....Aslesen, BB0453 -

**Topic:**

Driver's cards

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 2/22/2019	anienaja 2/22/2019			
/P1	mduchek 2/25/2019	anienaja 2/25/2019	lparisi 2/22/2019		State
/P2			dwalker 2/25/2019		State

FE Sent For: **<END>**

**Mueller, Eric**

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**From:** Hanaman, Cathlene  
**Sent:** Friday, February 22, 2019 1:42 PM  
**To:** Wyatt, Zachary; Mueller, Eric  
**Subject:** FW: Statutory Language Drafting Request - 2019-21  
**Attachments:** Drivers Cards.pdf

**From:** Aslesen, Matthew - DOA <Matthew.Aslesen@wisconsin.gov>  
**Sent:** Friday, February 22, 2019 1:42 PM  
**To:** Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>  
**Cc:** Ziegler, Paul - DOA <Paul2.Ziegler@wisconsin.gov>; Aslesen, Matthew - DOA <Matthew.Aslesen@wisconsin.gov>  
**Subject:** Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Driver's Cards

Tracking Code: BB0453

SBO Team: TLGED

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Agency Acronym: 395

Agency Number: 395

Priority: High

Intent:

See attached-

Issuance of motor vehicle operator's licenses and identification cards by the Department of Transportation.

Attachments: True

19-0199/P3

Please send completed drafts to [SBOSatlanguage@spmail.enterprise.wistate.us](mailto:SBOSatlanguage@spmail.enterprise.wistate.us)



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-0199/P3 2232/01  
EVM&MED:amn

RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

2/22/19

1        **AN ACT to renumber and amend** 343.14 (2) (br) and 343.14 (2) (es); **to amend**  
2            66.1011 (1), 66.1201 (2m), 66.1213 (3), 66.1301 (2m), 66.1333 (3) (e) 2., 86.195  
3            (5) (c), 106.50 (1), 106.50 (1m) (h), 106.50 (1m) (nm), 106.50 (5m) (f) 1., 106.52  
4            (3) (a) 1., 106.52 (3) (a) 2., 106.52 (3) (a) 3., 106.52 (3) (a) 4., 106.52 (3) (a) 5.,  
5            111.31 (1), 111.31 (2), 111.31 (3), 111.321, 194.025, 224.77 (1) (o), 230.01 (2) (b),  
6            230.18, 234.29, 343.03 (3m), 343.14 (2j), 343.165 (1) (c), 343.165 (1) (e), 343.165  
7            (3) (b), 343.165 (3) (c), 343.165 (4) (b), 343.165 (4) (d), 343.165 (7) (a) (intro.),  
8            343.20 (1) (a), 343.20 (1) (f), 343.20 (1m), 343.20 (2) (a), 343.50 (3) (a) and (b),  
9            343.50 (5) (b), 343.50 (5) (c), 343.50 (6), 343.50 (10) (c), 452.14 (3) (n) and 632.35;  
10          and **to create** 343.14 (2) (br) 2., 343.14 (2) (es) 2m., 343.165 (7) (c), 343.17 (3)  
11          (a) 16., 343.50 (5) (bm) and 343.50 (8) (c) 6. of the statutes; **relating to:** issuance

TRANSPORTATION  
DRIVERS AND MOTOR VEHICLES  
1. Driver's cards

①

of motor vehicle operator's licenses and identification cards by the Department

②

of Transportation.

the budget

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

This bill allows the Department of Transportation to issue driver's licenses and identification cards to certain persons who do not provide documentary proof of their lawful presence in the United States.

Under 2007 Wisconsin Act 20, certain provisions specified in the federal REAL ID Act of 2005 (REAL ID) were incorporated into state law and these provisions became effective on January 1, 2013. Among these provisions was the requirement that DOT follow certain procedures in processing applications for driver's licenses and identification cards. However, under 2011 Wisconsin Acts 23 and 32, DOT may process applications for driver's licenses and identification cards in a manner other than that required by REAL ID if the driver's licenses and identification cards are marked to indicate that they are not REAL ID compliant and DOT processes the applications in compliance with DOT practices and procedures applicable immediately prior to implementation of REAL ID.

Under current law, an applicant for a driver's license or identification card, regardless of whether it is REAL ID compliant or REAL ID noncompliant, must provide to DOT 1) an identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth; 2) documentation, which may be the same as item 1) above, showing the applicant's date of birth; 3) proof of the applicant's social security number or verification that the applicant is not eligible for a social security number; 4) documentation showing the applicant's name and address of principal residence; and 5) documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States. However, in processing an application for a REAL ID noncompliant driver's license or identification card, DOT is not required to meet the standards for document retention and verification that are imposed for REAL ID compliant products.

Under this bill, an applicant for a REAL ID noncompliant driver's license or identification card (noncompliant REAL ID) is not required to provide documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States. Also, an applicant may, in lieu of item 1) above, provide an individual taxpayer identification number, a foreign passport, or any other documentation deemed acceptable to the department and, in lieu of items 2) and 4) above, provide documentation deemed acceptable to the department. If the applicant does not have a social security number, the applicant is required to provide verification only that he or she does not have one, rather than verification that he or she is not eligible for one. In processing an application for, and issuing or renewing, a noncompliant REAL ID, DOT may not include any question or require any proof or documentation as to whether the applicant is a U.S. citizen or is otherwise lawfully present in the United States. The bill does not change any current law requirements related to driver

qualifications such as minimum age or successful completion of knowledge and driving skills tests.

Under current law, most driver's licenses issued by DOT are issued for an initial two-year period and must be renewed every eight years thereafter. In general, an applicant for renewal of a driver's license must pass an eyesight test and have his or her photograph taken with each renewal. Most identification cards issued by DOT are issued for an initial period of eight years and are renewable for eight-year periods thereafter, and applicants, generally, must have their photograph taken with each renewal.

Under this bill, an applicant for a noncompliant REAL ID who does not provide a social security number is issued a noncompliant REAL ID that displays, on its face, the words "Not valid for voting purposes. Not evidence of citizenship or immigration status." and that has a four-year renewal period rather than an eight-year renewal period. The initial period for a noncompliant REAL ID under the bill is also two years. With each renewal, DOT has discretion whether or not to take a new photograph and, for a driver's license, give an eyesight test. However, DOT must take a new photograph and, for a driver's license, give an eyesight test at least once every eight years.

With limited exceptions, DOT may not disclose social security numbers obtained from operator's license or identification card applicants. This bill prohibits DOT from disclosing the fact that an applicant has verified to DOT that the applicant does not have a social security number, except that DOT may disclose this information to the Elections Commission.

This bill also prohibits discrimination on the basis of a person's status as a holder or a nonholder of a noncompliant REAL ID, adding this license status as a prohibited basis for discrimination in employment, housing, and the equal enjoyment of a public place of accommodation or amusement.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1           **SECTION 1.** 66.1011 (1) of the statutes is amended to read:
- 2           66.1011 (1) **DECLARATION OF POLICY.** The right of all persons to have equal
- 3           opportunities for housing regardless of their sex, race, color, disability, as defined in
- 4           s. 106.50 (1m) (g), sexual orientation, as defined in s. 111.32 (13m), religion, national
- 5           origin, marital status, family status, as defined in s. 106.50 (1m) (k), status as a
- 6           victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u),

**SECTION 1**

1 status as a holder or nonholder of a license under s. 343.03 (3m), lawful source of  
2 income, age, or ancestry is a matter both of statewide concern under ss. 101.132 and  
3 106.50 and also of local interest under this section and s. 66.0125. The enactment  
4 of ss. 101.132 and 106.50 by the legislature does not preempt the subject matter of  
5 equal opportunities in housing from consideration by political subdivisions, and does  
6 not exempt political subdivisions from their duty, nor deprive them of their right, to  
7 enact ordinances that prohibit discrimination in any type of housing solely on the  
8 basis of an individual being a member of a protected class.

9 **SECTION 2.** 66.1201 (2m) of the statutes is amended to read:

10 66.1201 (2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit,  
11 facility, or privilege under ss. 66.1201 to 66.1211 may not be denied the right, benefit,  
12 facility, or privilege in any manner for any purpose nor be discriminated against  
13 because of sex, race, color, creed, national origin, sexual orientation, status as a  
14 victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u),  
15 or national origin status as a holder or nonholder of a license under s. 343.03 (3m).

16 **SECTION 3.** 66.1213 (3) of the statutes is amended to read:

17 66.1213 (3) DISCRIMINATION. Persons otherwise entitled to any right, benefit,  
18 facility, or privilege under this section may not be denied the right, benefit, facility,  
19 or privilege in any manner for any purpose nor be discriminated against because of  
20 sex, race, color, creed, national origin, sexual orientation, status as a victim of  
21 domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), or  
22 national origin status as a holder or nonholder of a license under s. 343.03 (3m).

23 **SECTION 4.** 66.1301 (2m) of the statutes is amended to read:

24 66.1301 (2m) DISCRIMINATION. Persons entitled to any right, benefit, facility,  
25 or privilege under ss. 66.1301 to 66.1329 may not be denied the right, benefit, facility,

1 or privilege in any manner for any purpose nor be discriminated against because of  
2 sex, race, color, creed, national origin, sexual orientation, status as a victim of  
3 domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), or  
4 national origin status as a holder or nonholder of a license under s. 343.03 (3m).

5 **SECTION 5.** 66.1333 (3) (e) 2. of the statutes is amended to read:

6 66.1333 (3) (e) 2. Persons otherwise entitled to any right, benefit, facility, or  
7 privilege under this section may not be denied the right, benefit, facility, or privilege  
8 in any manner for any purpose nor be discriminated against because of sex, race,  
9 color, creed, national origin, sexual orientation, status as a victim of domestic abuse,  
10 sexual assault, or stalking, as defined in s. 106.50 (1m) (u), or national origin status  
11 as a holder or nonholder of a license under s. 343.03 (3m).

12 **SECTION 6.** 86.195 (5) (c) of the statutes is amended to read:

13 86.195 (5) (c) *Conformity with discrimination laws.* Each business identified  
14 as a motorist service on a specific information sign shall, as a condition of eligibility  
15 for erection, installation and maintenance of a sign under this section, give written  
16 assurance to the department that the business conforms with all applicable laws  
17 concerning the provisions of public accommodations without regard to race, religion,  
18 color, sex or, national origin, or status as a holder or nonholder of a license under s.  
19 343.03 (3m).

20 **SECTION 7.** 106.50 (1) of the statutes is amended to read:

21 106.50 (1) INTENT. It is the intent of this section to render unlawful  
22 discrimination in housing. It is the declared policy of this state that all persons shall  
23 have an equal opportunity for housing regardless of sex, race, color, sexual  
24 orientation, disability, religion, national origin, marital status, family status, status  
25 as a holder or nonholder of a license under s. 343.03 (3m), status as a victim of

**SECTION 7**

1 domestic abuse, sexual assault, or stalking, lawful source of income, age, or ancestry  
2 and it is the duty of the political subdivisions to assist in the orderly prevention or  
3 removal of all discrimination in housing through the powers granted under ss.  
4 66.0125 and 66.1011. The legislature hereby extends the state law governing equal  
5 housing opportunities to cover single-family residences that are owner-occupied.  
6 The legislature finds that the sale and rental of single-family residences constitute  
7 a significant portion of the housing business in this state and should be regulated.  
8 This section shall be considered an exercise of the police powers of the state for the  
9 protection of the welfare, health, peace, dignity, and human rights of the people of  
10 this state.

11 **SECTION 8.** 106.50 (1m) (h) of the statutes is amended to read:

12 106.50 (1m) (h) "Discriminate" means to segregate, separate, exclude, or treat  
13 a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r)  
14 because of sex, race, color, sexual orientation, disability, religion, national origin,  
15 marital status, family status, status as a holder or nonholder of a license under s.  
16 343.03 (3m), status as a victim of domestic abuse, sexual assault, or stalking, lawful  
17 source of income, age, or ancestry.

18 **SECTION 9.** 106.50 (1m) (nm) of the statutes is amended to read:

19 106.50 (1m) (nm) "Member of a protected class" means a group of natural  
20 persons, or a natural person, who may be categorized because of sex, race, color,  
21 disability, sexual orientation, religion, national origin, marital status, family status,  
22 status as a holder or nonholder of a license under s. 343.03 (3m), status as a victim  
23 of domestic abuse, sexual abuse, or stalking, lawful source of income, age, or ancestry.

24 **SECTION 10.** 106.50 (5m) (f) 1. of the statutes is amended to read:



1           106.50 **(5m)** (f) 1. Nothing in this section prohibits an owner or agent from  
2 requiring that a person who seeks to buy or rent housing supply information  
3 concerning family status, and marital, financial, and business status but not  
4 concerning race, color, disability, sexual orientation, ancestry, national origin,  
5 religion, creed, status as a holder or nonholder of a license under s. 343.03 (3m),  
6 status as a victim of domestic abuse, sexual assault, or stalking, or, subject to subd.  
7 2., age.

8           **SECTION 11.** 106.52 (3) (a) 1. of the statutes is amended to read:

9           106.52 **(3)** (a) 1. Deny to another or charge another a higher price than the  
10 regular rate for the full and equal enjoyment of any public place of accommodation  
11 or amusement because of sex, race, color, creed, disability, sexual orientation,  
12 national origin, or ancestry or because a person holds or does not hold a license under  
13 s. 343.03 (3m).

14           **SECTION 12.** 106.52 (3) (a) 2. of the statutes is amended to read:

15           106.52 **(3)** (a) 2. Give preferential treatment to some classes of persons in  
16 providing services or facilities in any public place of accommodation or amusement  
17 because of sex, race, color, creed, sexual orientation, national origin, or ancestry or  
18 because a person holds or does not hold a license under s. 343.03 (3m).

19           **SECTION 13.** 106.52 (3) (a) 3. of the statutes is amended to read:

20           106.52 **(3)** (a) 3. Directly or indirectly publish, circulate, display or mail any  
21 written communication which the communicator knows is to the effect that any of  
22 the facilities of any public place of accommodation or amusement will be denied to  
23 any person by reason of sex, race, color, creed, disability, sexual orientation, national  
24 origin, or ancestry or because a person holds or does not hold a license under s. 343.03

1 (3m) or that the patronage of a person is unwelcome, objectionable or unacceptable  
2 for any of those reasons.

3 **SECTION 14.** 106.52 (3) (a) 4. of the statutes is amended to read:

4 106.52 (3) (a) 4. Refuse to furnish or charge another a higher rate for any  
5 automobile insurance because of race, color, creed, disability, national origin, or  
6 ancestry or because a person holds or does not hold a license under s. 343.03 (3m).

7 **SECTION 15.** 106.52 (3) (a) 5. of the statutes is amended to read:

8 106.52 (3) (a) 5. Refuse to rent, charge a higher price than the regular rate or  
9 give preferential treatment, because of sex, race, color, creed, sexual orientation,  
10 national origin, or ancestry or because a person holds or does not hold a license under  
11 s. 343.03 (3m), regarding the use of any private facilities commonly rented to the  
12 public.

13 **SECTION 16.** 111.31 (1) of the statutes is amended to read:

14 111.31 (1) The legislature finds that the practice of unfair discrimination in  
15 employment against properly qualified individuals by reason of their age, race,  
16 creed, color, disability, marital status, sex, national origin, ancestry, sexual  
17 orientation, arrest record, conviction record, military service, use or nonuse of lawful  
18 products off the employer's premises during nonworking hours, or declining to  
19 attend a meeting or to participate in any communication about religious matters or  
20 political matters, substantially and adversely affects the general welfare of the state.  
21 Employers, labor organizations, employment agencies, and licensing agencies that  
22 deny employment opportunities and discriminate in employment against properly  
23 qualified individuals solely because of their age, race, creed, color, disability, marital  
24 status, sex, national origin, ancestry, sexual orientation, arrest record, conviction  
25 record, military service, status as a holder or nonholder of a license under s. 343.03

1     (3m), use or nonuse of lawful products off the employer's premises during  
2     nonworking hours, or declining to attend a meeting or to participate in any  
3     communication about religious matters or political matters, deprive those  
4     individuals of the earnings that are necessary to maintain a just and decent standard  
5     of living.

6           **SECTION 17.** 111.31 (2) of the statutes is amended to read:

7           111.31 (2) It is the intent of the legislature to protect by law the rights of all  
8     individuals to obtain gainful employment and to enjoy privileges free from  
9     employment discrimination because of age, race, creed, color, disability, marital  
10    status, sex, national origin, ancestry, sexual orientation, arrest record, conviction  
11    record, military service, status as a holder or nonholder of a license under s. 343.03  
12    (3m), use or nonuse of lawful products off the employer's premises during  
13    nonworking hours, or declining to attend a meeting or to participate in any  
14    communication about religious matters or political matters, and to encourage the  
15    full, nondiscriminatory utilization of the productive resources of the state to the  
16    benefit of the state, the family, and all the people of the state. It is the intent of the  
17    legislature in promulgating this subchapter to encourage employers to evaluate an  
18    employee or applicant for employment based upon the individual qualifications of  
19    the employee or applicant rather than upon a particular class to which the individual  
20    may belong.

21           **SECTION 18.** 111.31 (3) of the statutes is amended to read:

22           111.31 (3) In the interpretation and application of this subchapter, and  
23    otherwise, it is declared to be the public policy of the state to encourage and foster  
24    to the fullest extent practicable the employment of all properly qualified individuals  
25    regardless of age, race, creed, color, disability, marital status, sex, national origin,

1 ancestry, sexual orientation, arrest record, conviction record, military service, status  
2 as a holder or nonholder of a license under s. 343.03 (3m), use or nonuse of lawful  
3 products off the employer's premises during nonworking hours, or declining to  
4 attend a meeting or to participate in any communication about religious matters or  
5 political matters. Nothing in this subsection requires an affirmative action program  
6 to correct an imbalance in the work force. This subchapter shall be liberally  
7 construed for the accomplishment of this purpose.

8 **SECTION 19.** 111.321 of the statutes is amended to read:

9 **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to  
10 111.365, no employer, labor organization, employment agency, licensing agency, or  
11 other person may engage in any act of employment discrimination as specified in s.  
12 111.322 against any individual on the basis of age, race, creed, color, disability,  
13 marital status, sex, national origin, ancestry, arrest record, conviction record,  
14 military service, status as a holder or nonholder of a license under s. 343.03 (3m), use  
15 or nonuse of lawful products off the employer's premises during nonworking hours,  
16 or declining to attend a meeting or to participate in any communication about  
17 religious matters or political matters.

18 **SECTION 20.** 194.025 of the statutes is amended to read:

19 **194.025 Discrimination prohibited.** No motor carrier may engage in any  
20 practice, act or omission which results in discrimination on the basis of race, creed,  
21 sex ~~or~~, national origin, or status as a holder or nonholder of a license under s. 343.03  
22 (3m).

23 **SECTION 21.** 224.77 (1) (o) of the statutes is amended to read:

24 **224.77 (1) (o)** In the course of practice as a mortgage banker, mortgage loan  
25 originator, or mortgage broker, except in relation to housing designed to meet the

1 needs of elderly individuals, treat a person unequally solely because of sex, race,  
2 color, handicap, sexual orientation, as defined in s. 111.32 (13m), religion, national  
3 origin, age, or ancestry, the person's lawful source of income, or the sex, marital  
4 status, status as a holder or nonholder of a license under s. 343.03 (3m), or status as  
5 a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m)  
6 (u), of the person maintaining a household.

7 **SECTION 22.** 230.01 (2) (b) of the statutes is amended to read:

8 230.01 (2) (b) It is the policy of this state to provide for equal employment  
9 opportunity by ensuring that all personnel actions including hire, tenure or term,  
10 and condition or privilege of employment be based on the ability to perform the duties  
11 and responsibilities assigned to the particular position without regard to age, race,  
12 creed or religion, color, disability, sex, national origin, ancestry, sexual orientation,  
13 ~~or~~ political affiliation, or status as a holder or nonholder of a license under s. 343.03  
14 (3m).

15 **SECTION 23.** 230.18 of the statutes is amended to read:

16 **230.18 Discrimination prohibited.** No question in any form of application  
17 or in any evaluation used in the hiring process may be so framed as to elicit  
18 information concerning the partisan political or religious opinions or affiliations of  
19 any applicant nor may any inquiry be made concerning such opinions or affiliations  
20 and all disclosures thereof shall be discountenanced except that the director may  
21 evaluate the competence and impartiality of applicants for positions such as clinical  
22 chaplain in a state institutional program. No discriminations may be exercised in  
23 the recruitment, application, or hiring process against or in favor of any person  
24 because of the person's political or religious opinions or affiliations or because of age,  
25 sex, disability, race, color, sexual orientation, national origin, ~~or~~ ancestry, or status

1 as a holder or nonholder of a license under s. 343.03 (3m) except as otherwise  
2 provided.

3 **SECTION 24.** 234.29 of the statutes is amended to read:

4 **234.29 Equality of occupancy and employment.** The authority shall  
5 require that occupancy of housing projects assisted under this chapter be open to all  
6 regardless of sex, race, religion, sexual orientation, status as a holder or nonholder  
7 of a license under s. 343.03 (3m), status as a victim of domestic abuse, sexual assault,  
8 or stalking, as defined in s. 106.50 (1m) (u), or creed, and that contractors and  
9 subcontractors engaged in the construction of economic development or housing  
10 projects, shall provide an equal opportunity for employment, without discrimination  
11 as to sex, race, religion, sexual orientation, or creed.

12 **SECTION 25.** 343.03 (3m) of the statutes is amended to read:

13 **343.03 (3m) NONCITIZEN LIMITED-TERM LICENSE.** If the issuance of any license  
14 described under sub. (3) requires the license applicant to present any documentary  
15 proof specified in s. 343.14 (2) (es) ~~2. to 7.~~ 1m. b. to g. or (im) 2m. b., the license shall  
16 display on the front side of the license, in addition to any legend or label described  
17 in sub. (3), a legend identifying the license as limited term or, if the license authorizes  
18 the operation of a commercial motor vehicle, as a nondomiciled license. This  
19 noncitizen limited-term license may not be renewed except as provided in s. 343.165  
20 (4) (c). A nondomiciled license may not be issued to a resident of Canada or Mexico.  
21 Section 344.62 applies to a person operating a motor vehicle under the authorization  
22 of a license issued under this subsection.

23 **SECTION 26.** 343.14 (2) (br) of the statutes is renumbered 343.14 (2) (br) 1. and  
24 amended to read:

1           343.14 (2) (br) 1. If Except as provided in subd. 2., if the applicant does not have  
2 a social security number, a statement made or subscribed under oath or affirmation  
3 that the applicant does not have a social security number and is not eligible for a  
4 social security number. The statement shall provide the basis or reason that the  
5 applicant is not eligible for a social security number, as well as any information  
6 requested by the department that may be needed by the department for purposes of  
7 verification under s. 343.165 (1) (c). The form of the statement shall be prescribed  
8 by the department, with the assistance of the department of children and families.  
9 A license that is issued or renewed under s. 343.17 in reliance on a statement  
10 submitted under this ~~paragraph~~ subdivision is invalid if the statement is false.

11           **SECTION 27.** 343.14 (2) (br) 2. of the statutes is created to read:

12           343.14 (2) (br) 2. If the applicant does not have a social security number and  
13 the application is for an operator's license that contains the marking specified in s.  
14 343.03 (3r) or an identification card that contains the marking specified in s. 343.50  
15 (3) (b), a statement made or subscribed under oath or affirmation that the applicant  
16 does not have a social security number. The form of the statement shall be prescribed  
17 by the department, with the assistance of the department of children and families.  
18 A license that is issued or renewed under s. 343.17 in reliance on a statement  
19 submitted under this subdivision is invalid if the statement is false.

20           **SECTION 28.** 343.14 (2) (es) of the statutes is renumbered 343.14 (2) (es) 1m.,  
21 and 343.14 (2) (es) 1m. (intro.), as renumbered, is amended to read:

22           343.14 (2) (es) 1m. (intro.) Subject to sub. (2g) (a) 2. d. and s. 343.125 (2) (a) and  
23 (b), and except as provided in subd. 2m., valid documentary proof that the individual  
24 is a citizen or national of the United States or an alien lawfully admitted for  
25 permanent or temporary residence in the United States or has any of the following:

1           **SECTION 29.** 343.14 (2) (es) 2m. of the statutes is created to read:

2           343.14 (2) (es) 2m. Valid documentary proof under subd. 1m. is not required if  
3 the application is for an operator's license that contains the marking specified in s.  
4 343.03 (3r) or an identification card that contains the marking specified in s. 343.50  
5 (3) (b).

6           **SECTION 30.** 343.14 (2j) of the statutes is amended to read:

7           343.14 (2j) Except as otherwise required to administer and enforce this  
8 chapter, the department of transportation may not disclose a social security number  
9 obtained from an applicant for a license under sub. (2) (bm) to any person except to  
10 the department of children and families for the sole purpose of administering s.  
11 49.22, to the department of workforce development for the sole purpose of enforcing  
12 or administering s. 108.22, to the department of revenue for the purposes of  
13 administering state taxes and collecting debt, to the driver licensing agency of  
14 another jurisdiction, or to the elections commission for the sole purpose of allowing  
15 the chief election officer to comply with the terms of the agreement under s. 6.36 (1)  
16 (ae). The department of transportation may not disclose to any person the fact that  
17 an applicant has provided verification under s. 343.165 (7) (c) 2. that the applicant  
18 does not have a social security number, except to the elections commission for  
19 purposes of administering the agreement described in s. 5.056.

20           **SECTION 31.** 343.165 (1) (c) of the statutes is amended to read:

21           343.165 (1) (c) Proof of the applicant's social security number or, except as  
22 provided in sub. (7) (c) 2. and s. 343.14 (2g) (a) 4., verification that the applicant is  
23 not eligible for a social security number.

24           **SECTION 32.** 343.165 (1) (e) of the statutes is amended to read:



1           343.165 (1) (e) Subject to ss. 343.125 (2) (a) and (b) and 343.14 (2g) (a) 2. d., and  
2           except as provided in sub. (7) (c) 1. and s. 343.14 (2) (es) 2m., the documentary proof  
3           described in s. 343.14 (2) (es) 1m.

4           **SECTION 33.** 343.165 (3) (b) of the statutes is amended to read:

5           343.165 (3) (b) The department may not accept any foreign document, other  
6           than an official passport, to satisfy a requirement under sub. (1). This paragraph  
7           does not apply to an application processed under sub. (7) (c).

8           **SECTION 34.** 343.165 (3) (c) of the statutes is amended to read:

9           343.165 (3) (c) For purposes of par. (a) and sub. (1) (c), if an applicant presents  
10          a social security number that is already registered to or associated with another  
11          person, the department shall direct the applicant to investigate and take appropriate  
12          action to resolve the discrepancy and shall not issue any operator's license or  
13          identification card until the discrepancy is resolved. The department shall adopt  
14          procedures for purposes of verifying that an applicant is not eligible for a social  
15          security number, except with respect to applications processed under sub. (7) (c).

16          **SECTION 35.** 343.165 (4) (b) of the statutes is amended to read:

17          343.165 (4) (b) The department shall establish an effective procedure to  
18          confirm or verify an applicant's information for purposes of any application described  
19          in par. (a). The procedure shall include verification of the applicant's social security  
20          number or, except with respect to applications processed under sub. (7) (c),  
21          ineligibility for a social security number.

22          **SECTION 36.** 343.165 (4) (d) of the statutes is amended to read:

23          343.165 (4) (d) With any license or identification card renewal following a  
24          license or identification card expiration established under s. 343.20 (1) (a) or (1m) or  
25          343.50 (5) (bm) or (c) at other than an 8-year interval, the department may

1 determine whether the applicant's photograph is to be taken, or if the renewal is for  
2 a license the applicant is to be examined, or both, at the time of such renewal, so long  
3 as the applicant's photograph is taken, and if the renewal is for a license the  
4 applicant is examined, with a license or card renewal at least once every 8 years and  
5 the applicant's license or identification card at all times includes a photograph unless  
6 an exception under s. 343.14 (3m) or 343.50 (4g) applies.

7 **SECTION 37.** 343.165 (7) (a) (intro.) of the statutes is amended to read:

8 343.165 (7) (a) (intro.) The Subject to par. (c), the department may process an  
9 application for, and issue or renew, an operator's license or identification card  
10 without meeting the requirements under subs. (2) and (3) if all of the following apply:

11 **SECTION 38.** 343.165 (7) (c) of the statutes is created to read:

12 343.165 (7) (c) 1. Notwithstanding s. 343.14 (2) (f), in processing an application  
13 for, and issuing or renewing, an operator's license that contains the marking  
14 specified in s. 343.03 (3r) or an identification card that contains the marking  
15 specified in s. 343.50 (3) (b), the department may not include any question or require  
16 any proof or documentation as to whether the applicant is a citizen or national of the  
17 United States or lawfully present in the United States.

18 2. For an application processed under this paragraph, if the applicant does not  
19 provide proof of the applicant's social security number, the applicant shall provide  
20 verification, in the manner described in s. 343.14 (2) (br) 2., that the applicant does  
21 not have a social security number.

22 3. Notwithstanding sub. (1) (a), for an application processed under this  
23 paragraph, an applicant may provide an individual taxpayer identification number,  
24 a foreign passport, or any other documentation deemed acceptable to the  
25 department, in lieu of the documentation required under sub. (1) (a).

1           4. Notwithstanding sub. (1) (b) and (d), for an application processed under this  
2 paragraph, an applicant may provide any documentation deemed acceptable to the  
3 department, in lieu of the documentation required under sub. (1) (b) or (d).

4           **SECTION 39.** 343.17 (3) (a) 16. of the statutes is created to read:

5           343.17 (3) (a) 16. If the license is marked as provided in s. 343.03 (3r) and the  
6 license applicant did not provide a verified social security number with the license  
7 application, the words "Not valid for voting purposes. Not evidence of citizenship or  
8 immigration status."

9           **SECTION 40.** 343.20 (1) (a) of the statutes is amended to read:

10          343.20 (1) (a) Except as otherwise expressly provided in this chapter,  
11 probationary licenses issued under s. 343.085 shall expire 2 years from the date of  
12 the applicant's next birthday. Licenses issued after cancellation shall expire on the  
13 expiration date for the prior license at the time of cancellation. Subject to s. 343.125  
14 (3), all other licenses and license endorsements shall expire 8 years after the date of  
15 issuance or, if the license application was processed under s. 343.165 (7) (c) and the  
16 applicant did not provide a verified social security number, 4 years after the date of  
17 issuance. The department may institute any system of initial license issuance which  
18 it deems advisable for the purpose of gaining a uniform rate of renewals. In order  
19 to put such a system into operation, the department may issue licenses which are  
20 valid for any period less than the ordinary effective period of such license. If the  
21 department issues a license that is valid for less than the ordinary effective period  
22 as authorized by this paragraph, the fees due under s. 343.21 (1) (b) and (d) shall be  
23 prorated accordingly.

24          **SECTION 41.** 343.20 (1) (f) of the statutes is amended to read:

1           343.20 (1) (f) The department shall cancel an operator's license, regardless of  
2 the license expiration date, if the department receives information from a local, state,  
3 or federal government agency that the licensee no longer satisfies the requirements  
4 for issuance of a license under ss. 343.14 (2) (es) and 343.165 (1) (e). This paragraph  
5 does not apply to an operator's license if the license application was processed under  
6 s. 343.165 (7) (c).

7           **SECTION 42.** 343.20 (1m) of the statutes is amended to read:

8           343.20 (1m) Notwithstanding sub. (1) (a), and except as provided in s. 343.165  
9 (4) (c) and as otherwise provided in this subsection, a license that is issued to a person  
10 who is not a United States citizen or permanent resident and who provides  
11 documentary proof of legal status as provided under s. 343.14 (2) (es) ~~2., 4., 5., 6., or~~  
12 ~~7.~~ 1m. b., d., e., f., or g. shall expire on the date that the person's legal presence in the  
13 United States is no longer authorized or on the expiration date determined under  
14 sub. (1), whichever date is earlier. If the documentary proof as provided under s.  
15 343.14 (2) (es) 1m. does not state the date that the person's legal presence in the  
16 United States is no longer authorized, sub. (1) shall apply except that, if the license  
17 was issued or renewed based upon the person's presenting of any documentary proof  
18 specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the license shall, subject to s. 343.165  
19 (4) (c), expire one year after the date of issuance or renewal. This subsection does not  
20 apply to a license that contains the marking specified in s. 343.03 (3r).

21           **SECTION 43.** 343.20 (2) (a) of the statutes is amended to read:

22           343.20 (2) (a) At least 30 days prior to the expiration of an operator's license,  
23 the department shall provide to the licensee notice of renewal of the license either  
24 by mail at the licensee's last-known address or, if desired by the licensee, by any  
25 electronic means offered by the department. If the license was issued or last renewed

1 based upon the person's presenting of any documentary proof specified in s. 343.14  
2 (2) (es) ~~4. to 7. 1m. d. to g.~~, the notice shall inform the licensee of the requirement  
3 under s. 343.165 (4) (c).

4 **SECTION 44.** 343.50 (3) (a) and (b) of the statutes are amended to read:

5 343.50 (3) (a) The card shall be the same size as an operator's license but shall  
6 be of a design which is readily distinguishable from the design of an operator's license  
7 and bear upon it the words "IDENTIFICATION CARD ONLY." The information on  
8 the card shall be the same as specified under s. 343.17 (3). If the issuance of the card  
9 requires the applicant to present any documentary proof specified in s. 343.14 (2) (es)  
10 ~~4. to 7. 1m. d. to g.~~, the card shall display, on the front side of the card, a legend  
11 identifying the card as temporary. The card shall contain physical security features  
12 consistent with any requirement under federal law. The card may serve as a record  
13 of gift under s. 157.06 (2) (t) and the holder may affix a sticker thereto as provided  
14 in s. 343.175 (3). The card may also serve as a record of refusal under s. 157.06 (2)  
15 (u). Except as provided in sub. (4g), the card shall contain the holder's photograph  
16 and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

17 (b) If an identification card is issued based upon the exception specified in s.  
18 343.165 (7) or (8), the card shall, in addition to any other required legend or design,  
19 be of the design specified under s. 343.17 (3) (a) 14. and include a marking similar  
20 or identical to the marking described in s. 343.03 (3r) and, if applicable, the words  
21 specified in s. 343.17 (3) (a) 16.

22 **SECTION 45.** 343.50 (5) (b) of the statutes is amended to read:

23 343.50 (5) (b) Except as provided in pars. (bm), (c), and (d) and s. 343.165 (4)  
24 (c), an original or reinstated card shall be valid for the succeeding period of 8 years

1 from the applicant's next birthday after the date of issuance, and a renewed card  
2 shall be valid for the succeeding period of 8 years from the card's last expiration date.

3 **SECTION 46.** 343.50 (5) (bm) of the statutes is created to read:

4 343.50 (5) (bm) Notwithstanding par. (d), if the identification card application  
5 was processed under s. 343.165 (7) (c) and the applicant did not provide a verified  
6 social security number, an original or reinstated card shall be valid for the succeeding  
7 period of 2 years from the applicant's next birthday after the date of issuance, and  
8 a renewed card shall be valid for the succeeding period of 2 years from the card's last  
9 expiration date.

10 **SECTION 47.** 343.50 (5) (c) of the statutes is amended to read:

11 343.50 (5) (c) Except as provided in s. 343.165 (4) (c) and as otherwise provided  
12 in this paragraph, an identification card that is issued to a person who is not a United  
13 States citizen and who provides documentary proof of legal status as provided under  
14 s. 343.14 (2) (es) 1m. shall expire on the date that the person's legal presence in the  
15 United States is no longer authorized or on the expiration date determined under  
16 par. (b), whichever date is earlier. If the documentary proof as provided under s.  
17 343.14 (2) (es) 1m. does not state the date that the person's legal presence in the  
18 United States is no longer authorized, then the card shall be valid for the period  
19 specified in par. (b) except that, if the card was issued or renewed based upon the  
20 person's presenting of any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~  
21 1m. d. to g., the card shall, subject to s. 343.165 (4) (c), expire one year after the date  
22 of issuance or renewal. This paragraph does not apply to an identification card that  
23 contains the marking specified in sub. (3) (b).

24 **SECTION 48.** 343.50 (6) of the statutes is amended to read:

1           343.50 (6) RENEWAL NOTICE. At least 30 days prior to the expiration of an  
2 identification card, the department shall provide to the card holder notice of renewal  
3 of the card either by mail at the card holder's last-known address or, if desired by  
4 the card holder, by any electronic means offered by the department. If the card was  
5 issued or last renewed based upon the person's presenting of any documentary proof  
6 specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the notice shall inform the card holder  
7 of the requirement under s. 343.165 (4) (c). The department shall include with the  
8 notice information, as developed by all organ procurement organizations in  
9 cooperation with the department, that promotes anatomical donations and which  
10 relates to the anatomical donation opportunity available under s. 343.175. The  
11 department may renew an identification card by mail or by any electronic means  
12 available to the department, but the department may not make consecutive renewals  
13 by mail or electronic means.

14           **SECTION 49.** 343.50 (8) (c) 6. of the statutes is created to read:

15           343.50 (8) (c) 6. Notwithstanding any other provision of par. (b) and this  
16 paragraph, the department may not disclose to any person the fact that an applicant  
17 has provided verification under s. 343.165 (7) (c) 2. that the applicant does not have  
18 a social security number, except to the elections commission for purposes of  
19 administering the agreement described in s. 5.056.

20           **SECTION 50.** 343.50 (10) (c) of the statutes is amended to read:

21           343.50 (10) (c) Whenever the department receives information from a local,  
22 state, or federal government agency that the card holder no longer satisfies the  
23 requirements for issuance of a card under ss. 343.14 (2) (es) and 343.165 (1) (e). A  
24 card cancelled under this paragraph may not be reinstated under sub. (5) until these

1 requirements are again satisfied. This paragraph does not apply to a card if the card  
2 application was processed under s. 343.165 (7) (c).

3 SECTION 51. 452.14 (3) (n) of the statutes is amended to read:

4 452.14 (3) (n) Treated any person unequally solely because of sex, race, color,  
5 handicap, national origin, ancestry, marital status, lawful source of income, status  
6 as a holder or nonholder of a license under s. 343.03 (3m), or status as a victim of  
7 domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u).

8 SECTION 52. 632.35 of the statutes is amended to read:

9 **632.35 Prohibited rejection, cancellation and nonrenewal.** No insurer  
10 may cancel or refuse to issue or renew an automobile insurance policy wholly or  
11 partially because of one or more of the following characteristics of any person: age,  
12 sex, residence, race, color, creed, religion, national origin, ancestry, marital status or,  
13 occupation, or status as a holder or nonholder of a license under s. 343.03 (3m).

14 SECTION 53. Initial applicability; <sup>9344</sup> Transportation

15 (1) This act first applies to applications received by the department of  
16 transportation on the effective date of this subsection.

17 SECTION 54. Effective date. <sup>9444</sup> Transportation

18 (1) This act takes effect on the first day of the 4th month beginning after  
19 publication.

20 (INS) (END)

Drivers code.



2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

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3 The treatment of ss. 66.1011 (1), 66.1201 (2m), 66.1213 (3), 66.1301 (2m),  
4 66.1333 (3) (e) 2., 86.195 (5) (c), 106.50 (1), (1m) (h) and (nm), and (5m) (f) 1., 106.52  
5 (3) (a) 1., 2., 3., 4., and 5., 111.31 (1), (2), and (3), 111.321, 194.025, 224.77 (1) (o),  
6 230.01 (2) (b), 230.18, 234.29, 343.03 (3m), 343.14 (2j), 343.165 (1) (c) and (e), (3) (b)  
7 and (c), (4) (b) and (d), and (7) (a) (intro.), 343.20 (1) (a) and (f), (1m), and (2) (a), 343.50  
8 (3) (a) and (b), (5) (b), and (c), (6), and (10) (c), 452.14 (3) (n), and 632.35, the  
9 renumbering and amendment of 343.14 (2) (br) and (es), and the creation of s. 343.14  
10 (2) (br) 2. and (es) 2m. 343.165 (7) (c), 343.17 (3) (a) 16., and 343.50 (5) (bm) and (8)

11

(c) 6.

1 (2) (br) and (es), and the creation of s. 343.14 (2) (br) 2. and (es) 2m. first apply to  
2 applications received by the department of transportation on the effective date of this  
3 subsection.

4 **SECTION 9444. Effective dates; Transportation.**

5 (1) DRIVER'S CARDS. The treatment of ss. 66.1011 (1), 66.1201 (2m), 66.1213 (3),  
6 66.1301 (2m), 66.1333 (3) (e) 2., 86.195 (5) (c), 106.50 (1), (1m) (h) and (nm), and (5m)  
7 (f) 1., 106.52 (3) (a) 1., 2., 3., 4., and 5., 111.31 (1), (2), and (3), 111.321, 194.025, 224.77  
8 (1) (o), 230.01 (2) (b), 230.18, 234.29, 343.03 (3m), 343.14 (2j), 343.165 (1) (c) and (e),  
9 (3) (b) and (c), (4) (b) and (d), and (7) (a) (intro.) and (c), 343.17 (3) (a) 16., 343.20 (1)  
10 (a) and (f), (1m), and (2) (a), 343.50 (3) (a) and (b), (5) (b), (bm), and (c), (6), (8) (c) 6.,  
11 and (10) (c), 452.14 (3) (n), and 632.35, the renumbering and amendment of s. 343.14  
12 (2) (br) and (es), and the creation of s. 343.14 (2) (br) 2. and (es) 2m. take effect on the  
13 first day of the 4th month beginning after publication.

14 (END)

↑ and SECTION 9344  
(1) of this act  
autoref

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2232/P2dn

MED:... *amm*

*Date*

This draft reconciles LRB-1539/P8 and LRB-2232/P1. Both of these drafts should continue to appear in the compiled bill.

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