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CHAPTER 338

AN ACT to amend 85.08 (25) (b), (25c), (a), (b), (c) and (d) of the statutes, relating to the granting and revocation of an occupational license to operate a motor vehicle.

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

SECTION 1. 85.08 (25) (b) of the statutes is amended to read:

85.08 (25) (b) Operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or dangerous drug * * *;

SECTION 2. 85.08 (25c) (a), (b), (c) and (d) are amended to read:

85.08 (25c) (a) * * * *If a person has had or will have his license revoked because he has been convicted of operating a motor vehicle while under the influence of intoxicating liquor, and if such person is engaged in an occupation or trade making it essential that he operate a motor vehicle, that person may file with a judge of a court of record or of a municipal court having criminal jurisdiction in the county of residence a verified petition setting forth in detail his need for operating a motor vehicle. Thereupon, if the petitioner has not been convicted of any such offense within the 18-month period immediately preceding the present conviction, the judge may order the commissioner to issue an occupational license to such person. A copy of the petition shall be mailed to the department* * * *

together with the order for the occupational license. No occupational license shall be ordered or issued until after 90 days following the date of the conviction.

(b) An occupational license means authority to operate a motor vehicle not to exceed 12 hours per day and then only where such operation is an essential part of the occupation or trade. The order for issuance of an occupational license shall contain definite restrictions as to hours of the day, type of occupation, areas or routes of travel to be permitted under such license. The occupational license shall be conditioned on the furnishing of satisfactory proof to the commissioner of the motor vehicle department of the financial responsibility of the owner of the vehicle or vehicles which are to be operated by the holder of the occupational license as specified in s. 85.09 or that he is a self-insurer as specified in s. 85.09 (6m). If the order for an occupational license permits the convicted operator to operate vehicles other than those registered in the name of the person or company by which he is employed, the commissioner of the motor vehicle department shall not issue an occupational license to such person until such person has filed acceptable proof of his financial responsibility as specified in s. 85.09. * * *

(c) *The period of restricted operation under an occupational license shall be for one year from the date of conviction. Where * * * an occupational license is issued and is not revoked during the year * * * the licensee may obtain a new license at the end of such year if, but only if, he complies with the conditions specified in sub. (26).*

(d) In the event that an occupational licensee is convicted for operating in violation of his restrictions, or of a serious traffic violation, or if the judge does not, upon the facts, see fit to permit such person to retain such occupational license, the commissioner shall, upon receipt of notice thereof, revoke * * * *the occupational license.* Such revocation shall be effective as of the date of such violation, conviction or withdrawal order and shall continue with the same force and effect as other revocations made by the commissioner under sub. (25).

Approved June 25, 1953.
