

Assembly Bill 832

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CHAPTER 232

AN ACT to renumber 20.420 (81); to amend 110.07 (1), 110.08 (1) and (3), 341.25 (1) (a), 341.26 (3) (a) and (g), 343.30 (1) and 343.32 (2); to repeal and recreate 343.06 (3); and to create 15.87, 20.420 (81) (b), 20.420 (82) (c), 20.560 (71m), 110.08 (4), 343.085 and 343.30 (1m) of the statutes, relating to the governor's highway safety program.

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

SECTION 1. It is declared that there exists in Wisconsin a highway safety problem which constitutes a serious and growing menace to the public health, safety and welfare of the residents of the state; that the existence of such problems constitutes an economic and social liability of state-wide concern; and that better co-operation and co-ordination of effort is desired among the various local and state traffic law enforcement agencies and among the several state agencies concerned with the highway safety problem.

SECTION 2. 15.87 of the statutes is created to read:

15.87 GOVERNOR'S COUNCIL ON TRAFFIC LAW ENFORCEMENT. (1) There is created a governor's council on traffic law enforcement to be composed of 17 members. The governor shall appoint 5 members who shall be recognized community leaders in the fields of business, labor and industry, and 8 members plus 4 alternate members (2 in each area plus an alternate to be chosen to represent any absent member for that area) who shall be professionals in the traffic law enforcement field representing: state traffic enforcement officers; county sheriffs and deputy sheriffs; county patrols; and municipal chiefs of police. Such appointments shall be for 3-year terms. Two senators including a representative of the minority party shall be appointed as are standing committees and 2 assemblymen including a representative of the minority party shall be appointed by the speaker of the assembly for terms ending on February 1 of each odd-numbered year. Vacancies shall be filled by the governor for the unexpired term. Members shall be reimbursed for their actual and necessary expenses in the performance of their duties from the appropriation under s. 20.560 (71m).

(2) The council shall elect a chairman and shall meet at the call of the chairman and undertake studies which the governor or the chairman deems advisable. The council, with the governor's approval, may also undertake studies which it deems advisable.

(3) The council shall make recommendations to the governor for better utilization of enforcement agencies, equipment and communications; shall designate the reports to be filed with it by such agencies; shall report to the governor any proposals for changes in the law which it believes will bring about a better over-all enforcement effort; and shall issue a biennial report to the governor and the legislature.

(4) The council may inspect and examine the records of any enforcement agency and may call upon any enforcement officer or supervisor of any officer or group of enforcement officers for advice or information.

SECTION 2m. 20.420 (81) of the statutes is renumbered 20.420 (81) (a).

SECTION 2n. 20.420 (81) (b) of the statutes is created to read:

20.420 (81) (b) Beginning on the effective date of this paragraph (1965), 40 cents of each fee under ss. 341.25 (1) (a) and (2) (intro. par.) and 341.26 (3) (a) and (g) shall be allotted to the appropriate municipality as determined under s. 86.35 in addition to all other funds received by the municipality under s. 86.35.

SECTION 3. 20.420 (82) (c) of the statutes is created to read:

20.420 (82) (c) Beginning on the effective date of this subsection (1965), \$1.20 of each fee under s. 341.25 (1) (a), for highway improvement and the elimination of road hazards.

SECTION 3m. 20.560 (71m) of the statutes is created to read:

20.560 (71m) HIGHWAY SAFETY PROGRAM. On the effective date of this subsection (1965), and annually beginning July 1, 1966, 40 cents of each fee under s. 341.25 (1) (a), to be allocated to supplement the appropriations under subs. (73) and (74) in the ratio and on the dates determined necessary by the department with the concurrent approval of the commissioner of administration. The expenses of the governor's council on traffic law enforcement shall be charged to the appropriation made by this subsection.

SECTION 4. 110.07 (1) of the statutes is amended to read:

110.07 (1) The commissioner of motor vehicles shall employ not to exceed ~~250~~ 300 traffic officers. Such traffic officers, in addition to the director of the enforcement division of the department, shall constitute the state traffic patrol, to enforce and assist in the administration of chs. 110, 194 and 341 to 349, or orders or rules issued pursuant thereto. Such traffic officers shall have the powers of sheriff in the enforcing of the above chapters and orders or rules issued pursuant thereto. Such traffic officers shall have authority to enter any place where vehicles subject to chs. 110, 194 and 341 to 349 are stored or parked at any time to examine such vehicles, or to stop such vehicles while en route at any time upon the public highways to examine the same and make arrests for all violations thereof. It is the duty of all justices of the peace, judges, district attorneys and law enforcement officers to assist in enforcing chs. 110, 194 and 341 to 349, and orders or rules issued pursuant thereto, and law enforcement officers shall report to the motor vehicle department all arrests and disposition of court cases involving the aforementioned statutes.

SECTION 5. 110.08 (1) and (3) of the statutes are amended to read:

110.08 (1) The motor vehicle department shall employ ~~not to exceed 133 persons whose duty it shall be to give a sufficient number of operator's license examinations, including chauffeur's license examinations, as prescribed by law examiners.~~ One of the persons so employed shall be the chief examiner. He shall have general supervisory powers over the other examiners and shall be responsible for the training of the other examiners ~~them~~ and for assigning and co-ordinating their operations and functions. ~~Not to exceed activities.~~ One person per district shall be an intermediate supervising examiner. The department may contract for specialists in driver's license examining to augment the department training program for examiners. ~~The department shall train and assign sufficient examining personnel to carry out an intensive driver improvement program including re-examination and personal interview of problem drivers.~~

(3) The director of the driver control division shall employ state examiners, *driver improvement personnel* and clerical personnel at local examining centers, under ~~ch. 16~~ *the classified service*.

SECTION 6. 110.08 (4) of the statutes is created to read:

110.08 (4) The department shall employ, train and assign sufficient driver improvement personnel to carry out an intensive driver improvement program including the re-examination and personal interview of problem drivers.

SECTION 7. 341.25 (1) (a) of the statutes is amended to read:

341.25 (1) (a) For each automobile or station wagon, a fee of ~~\$16,~~ \$18, except that an automobile registered in this state prior to September 1, 1947, at a fee of less than \$18 *shall be registered at such lesser fee plus an additional fee of \$2. Two dollars of each fee prescribed under this paragraph shall be allotted as provided in ss. 20.420 (81) (b) and (82) (c) and 20.560 (71m).*

SECTION 7m. 341.25 (2) (intro. par.) of the statutes is amended to read:

341.25 (2) (intro. par.) The following schedule shall be used in determining fees based on gross weight, *but each fee shall be increased by \$2 to be allotted as provided in ss. 20.420 (81) (b) and (82) (c) and 20.560 (71m):*

SECTION 7n. 341.26 (3) (a) and (g) are amended to read:

341.26 (3) (a) For each farm truck having a gross weight of 10,000 pounds or less, a fee of ~~\$10~~, \$12, of which \$2 is to be allotted as provided in ss. 20.420 (81) (b) and (82) (c) and 20.560 (71m). For each farm truck having a gross weight of more than 10,000 pounds, a fee which is one-fourth of the fee prescribed by s. 341.25, without regard to the \$2 additional fee prescribed in s. 341.25 (2) (intro. par.), for a motor truck of the same gross weight, plus \$2, which \$2 shall be allotted as provided in ss. 20.420 (81) (b) and (82) (c) and 20.560 (71m);

(g) The following schedule shall be used in determining fees for vehicles registered pursuant to par. (c), (d) or (e), but each fee shall be increased by \$2 to be allotted as provided in ss. 20.420 (81) (b) and (82) (c) and 20.560 (71m):

SECTION 8. 343.06 (3) of the statutes is repealed and recreated to read:

343.06 (3) To any person under age 18 unless such person has satisfactorily completed a course in driver education in public schools approved by the department of public instruction, in vocational schools approved by the state board of vocational and adult education, and in nonpublic and private schools which meet the minimum standards set by the department of public instruction, or has satisfactorily completed a course in driver training given by a school licensed under s. 343.61 and approved by the motor vehicle department, or passes an examination prepared and administered by the motor vehicle department, and has attained the age of 16, except as provided in ss. 343.07 and 343.08. No operator's license shall be issued unless a driver's examination has been administered by the motor vehicle department.

SECTION 9. 343.085 of the statutes is created to read:

343.085 PROBATIONARY LICENSES TO NEW DRIVERS. (1) Except as provided in sub. (2), the department shall issue a probationary license to all applicants for original license. The probationary license shall remain in effect during the entire period of the first issuance of an operator's license. Such license shall be of a special identifying color.

(2) Any person moving to this state who has been licensed in another state for at least 3 years, who presently holds a valid license from another state and who has passed his 21st birthday is exempt from this section.

(3) The commissioner may suspend a person's operating privilege under this section when such person has been assigned sufficient demerit points after conviction for traffic violations to require suspension under the rule adopted under sub. (4) and either holds a license issued under this section or by age comes under this section. The commissioner may revoke such a person's operating privilege under this section if such per-

(4) The commissioner may require that a person be continued on probationary status beyond the period of first issuance if such person appears by the records of the department to have repeatedly violated any of the state traffic laws or any local ordinance in conformity therewith. For the purpose of determining when to suspend or to continue a person on probationary status, the commissioner may determine and adopt by rule a method of weighing traffic convictions by their seriousness and may change such weighted scale from time to time as experience or the accident frequency in the state makes necessary or desirable. Such scale may be weighted differently for this licensee than the scale used to determine revocations under s. 343.32.

(5) A person under the age of 18 shall be subject to ss. 48.36 and 343.30 (2) even though he is issued the license set forth in this section.

SECTION 10. 343.30 (1) of the statutes is amended to read:

343.30 (1) A court may *suspend or revoke* a person's operating privilege for any period not exceeding one year upon such person's conviction in such court of violating any of the state traffic laws or any local ordinance which is in conformity therewith. *In exercising the authority to suspend or revoke an operating privilege, the court may suspend such privilege only when the operator has not had his operating privilege suspended or revoked previously, except under sub. (2) or s. 344.14 (1), or when his present demerit point accumulation is not more than 25% above the demerit point accumulation set for suspension or revocation. In all other cases under this section, the court shall revoke the operating privilege of such operator.*

SECTION 11. 343.30 (1m) of the statutes is created to read:

343.30 (1m) A court shall suspend the operating privilege of a person for a period of 15 days upon such person's conviction by the court of exceeding the speed limit as established by s. 346.57 (4) (h) or a higher speed limit established under s. 349.11 (2) (a), by 20 or more miles per hour. If such conviction makes the person subject to revocation under s. 343.32, the court shall immediately suspend the license, taking possession of such license and shall forward it to the department which shall proceed to act as authorized under s. 343.32, but any revocation by the commissioner shall date from the day the court took possession of the license.

SECTION 12. 343.32 (2) of the statutes is amended to read:

343.32 (2) The commissioner may *suspend or revoke* a person's operating privilege if such person appears by the records of the department to be an habitually reckless or negligent operator of a motor vehicle or to have repeatedly violated any of the state traffic laws or any local ordinance which is in conformity therewith. For the purpose of determining when to *suspend or revoke* an operating privilege under this subsection, the commissioner may determine and adopt by rule a method of weighing traffic convictions by their seriousness and may change such weighted scale from time to time as experience or the accident frequency in the state makes necessary or desirable. *When an operator accumulates more than one-half but less than the total number of demerit points required for suspension or revocation of an operating privilege or has been involved in 2 or more accidents in a one-year period where the accident report indicates that such person may have been causally negligent, the commissioner may require such operator to present himself at an examining station for a personal interview and reexamination of his driving ability. Upon conclusion of such interview and examination, the commissioner shall take action as authorized at conclusion of other examinations under s. 343.16 (3) (a). In exercising the authority to suspend or revoke an operating privilege, the commissioner may suspend such privilege only when the operator has not had his operating privilege suspended or revoked previously, except under s. 343.30 (2) or 344.14 (1), or when his present demerit point accumulation is not more than 25% above the demerit point accumulation set for suspension or revocation. In all other cases under this section, the commissioner shall revoke the operating privilege of such operator.* In regard to convictions which are not by themselves grounds for mandatory revocation of a license, such rule shall provide that demerit points accumulated when a person is not operating a vehicle as a chauffeur shall not be counted against his chauffeur's license but such rule may provide that demerit points accumulated by a person when operating a vehicle as a chauffeur shall be counted against his regu-

lar license. When a person who has had his regular license revoked continues to operate as a private operator and who also has a chauffeur's license and is convicted of any traffic violation, 12 demerit points shall be assigned against his chauffeur's license.

SECTION 13. Of the nonlegislative members first appointed by the governor under section 15.87 of the statutes, 4 members each shall be appointed for terms of 1 and 2 years, and 5 members shall be appointed for terms of 3 years. Thereafter, appointments shall be made in accordance with section 15.87.

SECTION 14. SECTIONS 3, 3m, 7, 7m, 7n and 9 of this act shall take effect on January 1, 1966.

SECTION 14m. SECTION 8 of this act shall take effect September 1, 1967.

SECTION 15. This bill is declared to be an emergency appropriation bill, recommended by the joint committee on finance, in accordance with the requirements of section 16.47 (2) of the statutes.

Approved August 24, 1965.
