



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0508/3
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 933**

February 7, 2006 - Offered by Representative RHOADES.

1 **AN ACT to amend** 118.163 (2) (a), 343.10 (8) (intro.), 343.15 (1) (b), 343.15 (4) (b)
2 and 938.342 (1g) (a); and **to create** 118.125 (2) (em), 118.16 (2) (cg) 5., 118.16
3 (2) (cv), 343.10 (8m) and 343.343 of the statutes; **relating to:** suspension of a
4 motor vehicle operating privilege for habitual truancy.

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

5 **SECTION 1.** 118.125 (2) (em) of the statutes is created to read:
6 118.125 (2) (em) School attendance records may be released to the department
7 of transportation if the pupil's parent or guardian has given written permission
8 under s. 343.15 (1) (b), if the pupil has given written permission under s. 343.15 (4)
9 (b), or if the school obtains written permission from the pupil's parent or guardian
10 for the release of these records.

11 **SECTION 2.** 118.16 (2) (cg) 5. of the statutes is created to read:

1 118.16 (2) (cg) 5. A statement that the child’s operating privilege is subject to
2 suspension at the end of the semester under s. 343.343.

3 **SECTION 3.** 118.16 (2) (cv) of the statutes is created to read:

4 118.16 (2) (cv) At the end of each semester, shall provide to the department of
5 transportation the name of each pupil who is a habitual truant if the pupil’s parent
6 or guardian has given written permission under s. 343.15 (1) (b), if the pupil has
7 given written permission under s. 343.15 (4) (b), or if the school obtains written
8 permission from the pupil’s parent or guardian for the release of these records.

9 **SECTION 4.** 118.163 (2) (a) of the statutes is amended to read:

10 118.163 (2) (a) Suspension of the person’s operating privilege for not less than
11 30 days nor more than one year. A suspension under this subsection may be imposed
12 in addition to a suspension of the person’s operating privilege under s. 343.343. The
13 court shall immediately take possession of any suspended license and forward it to
14 the department of transportation together with a notice stating the reason for and
15 the duration of the suspension.

16 **SECTION 5.** 343.10 (8) (intro.) of the statutes is amended to read:

17 343.10 (8) VIOLATION OF RESTRICTIONS. (intro.) Any Except as provided in sub.
18 (8m), any person who violates a restriction on an occupational license as to hours of
19 the day, area, routes or purpose of travel, vehicles allowed to be operated, use of an
20 ignition interlock device, sobriety or use of alcohol, controlled substances or
21 controlled substance analogs shall be:

22 **SECTION 6.** 343.10 (8m) of the statutes is created to read:

23 343.10 (8m) VIOLATION OF RESTRICTIONS BY HABITUAL TRUANTS. A person whose
24 operating privilege is suspended under s. 343.343 and who violates any restriction
25 on an occupational license may be prosecuted under s. 343.343 (2).

1 **SECTION 7.** 343.15 (1) (b) of the statutes is amended to read:

2 343.15 (1) (b) The adult sponsor under par. (a) shall sign and verify on the
3 application that the person under 18 years of age is enrolled in a school program or
4 high school equivalency program and is not a habitual truant as defined in s. 118.16
5 (1) (a), has graduated from high school or been granted a declaration of high school
6 graduation equivalency or is enrolled in a home-based private educational program,
7 as defined in s. 115.001 (3g), and, if the person is enrolled in a school program or high
8 school equivalency program, shall grant written permission for the person's school
9 program to release records of the person's attendance to the department. If the adult
10 sponsor under par. (a) is not the person's parent or guardian, the person's parent or
11 guardian shall grant written permission for the person's school program to release
12 records of the person's attendance to the department, if the person is enrolled in a
13 school program or high school equivalency program.

14 **SECTION 8.** 343.15 (4) (b) of the statutes is amended to read:

15 343.15 (4) (b) A person who is not required to have an adult sponsor under par.
16 (a) shall sign and verify on the application that he or she is enrolled in a school
17 program or high school equivalency program and is not a habitual truant as defined
18 in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of
19 high school graduation equivalency or is enrolled in a home-based private
20 educational program, as defined in s. 115.001 (3g), and, if the person is enrolled in
21 a school program or high school equivalency program, shall grant written permission
22 for the person's school program to release records of the person's attendance to the
23 department.

24 **SECTION 9.** 343.343 of the statutes is created to read:

343.343 Suspension of operating privileges for habitual truants. (1)

The department shall suspend for 6 months the operating privileges of a person who is under the age of 18 and who is reported as a habitual truant under s. 118.16 (2) (cv).

(2) No person whose operating privilege is suspended under sub. (1) and who obtains an occupational license under s. 343.10 may violate any restriction on an occupational license. The department shall suspend the operating privilege of a person who violates this subsection for one year.

SECTION 10. 938.342 (1g) (a) of the statutes is amended to read:

938.342 (1g) (a) Suspend the person's operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than one year. A suspension under this subsection may be imposed in addition to a suspension of the person's operating privilege under s. 343.343. The court shall immediately take possession of the suspended license and forward it to the department of transportation together with a notice stating the reason for and duration of the suspension.

SECTION 11. Effective date.

(1) This act takes effect on September 1, 2006.

(END)