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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2005 Assembly Bill 933**

**Assembly Substitute  
Amendment 1, as Amended by  
Assembly Amendment 1 to  
Assembly Substitute  
Amendment 1**

*Memo published: March 3, 2006*

*Contact: Joyce L. Kiel, Senior Staff Attorney (266-3137)*

**CURRENT LAW**

Under certain circumstances, the Department of Transportation (DOT) may issue a permit or license to operate a motor vehicle (driver's license) to a person who is under 18 years of age. With very few exceptions, current law requires a person under age 18 applying for a driver's license to have an adult sponsor. DOT cannot issue a driver's license to a person under age 18 unless the person is "enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a) [has missed part or all of five or more days of school in a semester without an acceptable excuse], has graduated from high school or been granted a declaration of high school graduation equivalency or is enrolled in a home-based private educational program" and meets certain other criteria. [s. 343.06 (1) (c), Stats.]

Under current law, there are two methods by which DOT may learn about a person's status as a habitual truant. First, when an application for a license is made by a person under age 18 applying for a driver's license, the person's adult sponsor (or the person in those limited situations when an adult sponsor is not required) must state on the application that the person is "enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency or is enrolled in a home-based private educational program." [s. 343.15 (1) (b) and (4) (b), Stats.]

Second, if a person is adjudicated by a court as a juvenile in need of protection or services (JIPS) based on habitual truancy<sup>1</sup> or is found by a court to have violated a municipal ordinance prohibiting

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<sup>1</sup> This JIPS disposition applies only if the court finds that the reason for the habitual truancy is the juvenile's refusal to attend school rather than the failure of any other person to comply with the compulsory attendance laws.

habitual truancy, one of the dispositions that may be ordered by the court is suspension of the person's driver's license for not less than 30 days nor more than one year. If this occurs, the court must immediately take possession of the suspended license and forward it to DOT with a notice stating the reason for and the duration of the suspension. [ss. 118.163 (2), 938.342 (1g) (a), and 938.345 (2), Stats.]

Subject to certain exceptions, pupil records maintained by a public school are confidential. Under current law, a school does not inform DOT that a pupil is habitually truant.

**2005 ASSEMBLY BILL 933, AS AMENDED BY THE ASSEMBLY**

2005 Assembly Bill 933, as amended by Assembly Substitute Amendment 1, as amended by Assembly Amendment 1 to Assembly Substitute Amendment 1, does the following:

1. At the end of each semester, requires each school district's school attendance officer to provide to DOT the names of pupils who are habitual truants (that is, have missed part or all of five or more school days during the semester without an acceptable excuse), provided that there is written permission to release the information to DOT.
2. Requires DOT to *automatically suspend* the pupil's driver's license of any person under age 18 reported under item 1., above. The suspension must remain in place for *six months*.
3. Requires the adult sponsor for a driver's license for a person under age 18 who is enrolled in a school program or high school equivalency program, in the application, to grant written permission to the person's program to release records of the person's attendance to DOT. If the adult sponsor is not the person's parent or guardian, the person's parent or guardian must grant such permission. If the person is in the small category of minors not required to have an adult sponsor for a driver's license, the person must grant such permission.
4. Requires DOT to forward a copy of this written permission to the person's school or high school equivalency program or otherwise notify the school or program of the permission.
5. Amends the pupil records statute to provide that school attendance records may be released to DOT if: (a) a person's parent or guardian has given permission in the driver's license application; (b) for a person who was not required to have an adult sponsor, the person gave written permission; or (c) the school obtains written permission from a parent or guardian to release attendance records to DOT.
6. Provides that the letter sent by the school attendance officer under s. 118.16 (2) (cg), Stats., to a pupil's parents or guardian when a pupil first becomes habitually truant must include a statement that the pupil's driver's license is subject to automatic suspension at the end of the semester.
7. Specifies that a court's disposition based on an adjudication of JIPS based on habitual truancy or for a municipal ordinance violation based on habitual truancy (30 days to one year) may be in addition to the automatic suspension under the amended bill.
8. Provides that if a person whose driver's license was suspended under item 2., above, obtains an occupational license, any violation of the occupational license must result in suspension of

the operating privilege for one year. (This penalty applies rather than the penalty in current law of a forfeiture of \$50 to \$200.)

9. Takes effect September 1, 2006.

**Legislative History**

Representative Rhoades introduced Assembly Substitute Amendment 1 to the bill. The Assembly Committee on Education recommended its adoption on a vote of Ayes, 11; Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 7; Noes, 4. Representatives Rhoades and Albers introduced Assembly Amendment 1 to the substitute amendment. The Assembly adopted both amendments on a voice vote. The Assembly then passed the bill, as amended, on a vote of Ayes, 52; Noes, 44; Paired, 2.

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