

State of Wisconsin



1995 Assembly Bill 821

Date of enactment: **May 17, 1996**
Date of publication*: **May 31, 1996**

1995 WISCONSIN ACT 338

AN ACT *to amend* 20.395 (1) (as), 20.395 (1) (at), 83.42 (8), 84.01 (17), 86.30 (title) and (2) (e), 341.08 (2) (d), 341.08 (4m), 341.26 (7) (b), 342.17 (2) and (4) (b) 1. (intro.), 342.20 (3), 343.23 (1) (intro.), 343.23 (1) (c), 343.23 (2), 343.23 (4) (intro.), 343.30 (4), 343.30 (5), 343.32 (3), 343.36 and 346.65 (6) (m) of the statutes; and *to affect* 1995 Wisconsin Act (Senate Bill 541), section 9; **relating to:** applications for vehicle registration and titling; notification to county clerks of expected highway improvements for 6-year periods; the period of motor vehicle operating privilege suspension imposed by the department of transportation; driving record files maintained by the department of transportation; motor vehicle operating privilege suspension for nonpayment of a forfeiture, penalty assessment and jail assessment or noncompliance with a community service work order; motor vehicle operating privilege suspensions by the secretary of transportation; notification of creation of a security interest in a vehicle; distribution of suspension, revocation and disqualification lists and records of convictions by nonresidents; the effective date of the increase in the maximum speed limit; and immobilization of a motor vehicle (suggested as remedial legislation by the department of transportation).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of transportation and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 20.395 (1) (as) of the statutes is amended to read:

20.395 (1) (as) *Transportation aids to counties, state funds.* The amounts in the schedule for ~~local~~ general transportation aids to counties under s. 86.30.

NOTE: See the NOTE following the treatment of s. 86.30 (title) and (2) (e), stats.

SECTION 2. 20.395 (1) (at) of the statutes is amended to read:

20.395 (1) (at) *Transportation aids to municipalities, state funds.* The amounts in the schedule for ~~local~~ general transportation aids to municipalities under s. 86.30.

NOTE: See the NOTE following the treatment of s. 86.30 (title) and (2) (e), stats.

SECTION 3. 83.42 (8) of the statutes is amended to read:

83.42 (8) **AIDS.** State aids for rustic roads shall be determined in accordance with the ~~local~~ general transportation aids provisions of s. 86.30.

NOTE: See the NOTE following the treatment of s. 86.30 (title) and (2) (e), stats.

SECTION 4. 84.01 (17) of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

84.01 (17) IMPROVEMENTS FOR NEXT 6 YEARS. In each odd-numbered year, the department shall determine, as far as possible, what improvements will be made during the following 6-year period, and shall notify the county clerks prior to ~~November~~ February 1 of each ~~odd-numbered~~ even-numbered year, as to the improvements in their respective counties. Such notice shall also be given to the department of natural resources and to the department of agriculture, trade and consumer protection.

NOTE: This SECTION changes the date by which DOT must provide notice of planned highway improvements to county clerks, the department of natural resources and the department of agriculture, trade and consumer protection from November 1 of each odd-numbered year to February 1 of each even-numbered year. DOT states that this revision is necessary because it will bring the statute into conformity with DOT's practice of sending out printed 6-year improvement books by February 1 of each even-numbered year. DOT states that the current requirement to send the information out on November 1 of the odd-numbered year, and again on February 1 of the even-numbered year, serves no useful purpose because it is unlikely that information in the November 1 printout will be needed prior to the time that the books are sent out February 1.

SECTION 5. 86.30 (title) and (2) (e) of the statutes are amended to read:

86.30 (title) Local General transportation aids.

(2) (e) Aid payments. Local General transportation aids under this section shall be calculated and distributed on the basis of a calendar year. Local General transportation aids shall be paid in 4 equal instalments on the first Monday in January, April, July and October. If adjustments are necessary, the department may adjust any of the scheduled aid payments in a calendar year. The payments shall be made from the appropriation under s. 20.395 (1) (as) or (at) for the fiscal year in which the payments are made.

NOTE: This amendment changes the title of the program under s. 86.30, stats., from "local transportation aids" to "general transportation aids", which DOT states is the current name of this program.

SECTION 6. 341.08 (2) (d) of the statutes is amended to read:

341.08 (2) (d) The city, village or town and the county in which the vehicle is customarily kept.

NOTE: This SECTION requires applications for vehicle registration submitted to DOT to include the name of the county in which the vehicle is customarily kept. Currently, applications for vehicle registration are only required to include the name of the city, village or town in which the vehicle is kept. DOT states that this revision is necessary because several vehicle registration-related programs are based on the county where the vehicle is kept and it is, therefore, important to have the county noted on the vehicle registration.

SECTION 7. 341.08 (4m) of the statutes is amended to read:

341.08 (4m) At least 30 days prior to the expiration of a vehicle's registration, the department shall mail to the last-known address of the registrant or, if the vehicle

is subject to a lease agreement, of the lessee designated by the registrant, a notice of the date upon which the registration must be renewed and an application form for renewal of registration. The application form or an accompanying document shall include a list of any unpaid citations for nonmoving traffic violations or any judgments for violation of ch. 110, 194 or 341 to 350, an administrative rule of the department, or an ordinance enacted in accordance with s. 349.06, including parking violations, entered against the registrant which remain unpaid. The list of unpaid citations for nonmoving traffic violations shall be based on information obtained under s. 345.28 (4). The list of unpaid judgments shall be based on information obtained under s. 345.47 (1) (d). If there is a citation for any nonmoving traffic violation entered against the registrant or designated lessee which is unpaid, he or she shall be notified that the vehicle may not be registered until the citation is paid or the registrant or designated lessee appears in court to respond to the citation. If there is a judgment entered against the registrant or designated lessee which is unpaid, he or she shall be notified that the vehicle may not be registered until the judgment is paid.

NOTE: This SECTION requires notices for renewal of vehicle registration to be mailed to a lessee designated by the vehicle's registrant, if the vehicle is subject to a lease. DOT states that this change will enable a lessee to receive timely notice of the need to renew the vehicle's registration.

SECTION 8. 341.26 (7) (b) of the statutes is amended to read:

341.26 (7) (b) When engaged in passenger-carrying operations other than as provided in par. (a) or sub. (2) (d), a school bus shall be registered as a motor bus at a fee determined under s. 341.25 (2), or as an automobile or station wagon at the fee provided in s. 341.25 (1) (a). Fees for registration under s. 341.25 (2) may be paid in accordance with ss. 341.30 and 341.31. Fees for part-quarterly registration shall be computed on the basis of one-twelfth of the annual fee multiplied by the number of months of the current quarter which have not fully expired on the date of the application. If a vehicle was not operated in other than school bus service, an affidavit a statement of nonoperation satisfactory to the department shall be filed with the application.

SECTION 9. 342.17 (2) and (4) (b) 1. (intro.) of the statutes are amended to read:

342.17 (2) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a secured party named in the certificate of title, the transferee shall promptly mail or deliver to the department the last certificate of title, an application for a new certificate in the form the department prescribes, and an affidavit a statement made by or on behalf of the secured party that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.

(4) (b) 1. (intro.) The department shall transfer the decedent's interest in any vehicle to his or her surviving spouse upon receipt of the title executed by the surviving spouse and ~~an affidavit~~ a statement by the spouse which shall state:

NOTE: These amendments delete the requirement that a notarized affidavit be filed with an application for a certificate of vehicle registration by a school bus engaged in certain passenger carrying operations and with an application for certain title transfers. Instead, filing of a nonnotarized statement would be sufficient, in order to reduce inconvenience for these applicants as well as to reduce the workload for the department of transportation staff who may have to return unnotarized documents to applicants for notarization.

SECTION 10. 342.20 (3) of the statutes is amended to read:

342.20 (3) Upon receipt of the certificate of title, application and the required fee, the department shall issue to the owner a new certificate containing the name and address of the new secured party. The department shall deliver to such new secured party and to the register of deeds of the county of the ~~debtor's~~ owner's residence, memoranda, in such form as the department prescribes, evidencing the notation of the security interest upon the certificate; and thereafter, upon any assignment, termination or release of the security interest, additional memoranda evidencing such action.

NOTE: Currently, when DOT issues a new certificate of title for a vehicle upon notification that a new security interest in the vehicle has been created, DOT issues to the vehicle owner a new certificate of title containing the name and address of the new secured party and sends memoranda concerning the new security interest to the new secured party and the register of deeds of the county of the debtor's residence.

This SECTION requires DOT to send memoranda to the register of deeds of the county of the owner's residence, instead of the register of deeds of the county of the debtor's residence. DOT states that this revision will eliminate the requirement that DOT provide county registers of deeds with information (the names of codebtors who are not owners of the motor vehicle) which they are not currently required to record.

SECTION 11. 343.23 (1) (intro.) of the statutes is amended to read:

343.23 (1) (intro.) The department shall maintain a record of every application for license, permit or endorsement received by it and of every suspension, revocation and cancellation by the department and shall maintain suitable indices containing:

NOTE: See the NOTE following the treatment of s. 343.23 (1) (c), stats.

SECTION 12. 343.23 (1) (c) of the statutes is amended to read:

343.23 (1) (c) The name of every ~~licensee~~ person whose license or operating privilege has been suspended, revoked or canceled by the department and note thereon the reason for such action.

NOTE: This SECTION amends current law which requires DOT to keep records on licensees. The SECTION substitutes

the word "person" for "licensee" because, according to DOT, many records that are maintained are on nonresidents and other persons who have never applied for or been issued a license from DOT.

SECTION 13. 343.23 (2) of the statutes, as affected by 1995 Wisconsin Act 113, is amended to read:

343.23 (2) The department shall maintain a file for each licensee or other person containing the application for license, permit or endorsement, a record of reports or abstract of convictions, the status of the ~~licensee's~~ person's authorization to operate different vehicle groups, a record of any out-of-service orders issued under s. 343.305 (7) (b) or (9) (am) and a record of any reportable accident in which the ~~licensee~~ person has been involved, including specification of the any type of license and endorsements issued under this chapter under which the ~~licensee~~ person was operating at the time of the accident and an indication whether or not the accident occurred in the course of the ~~licensee's~~ person's employment as a law enforcement officer, fire fighter or emergency medical technician — paramedic or as a person engaged, by an authority in charge of the maintenance of the highway, in highway winter maintenance snow and ice removal during either a storm or cleanup following a storm. This information must be filed by the department so that the complete operator's record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled or withheld in the interest of public safety. The record of suspensions, revocations and convictions that would be counted under s. 343.307 (2) and of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension or revocation granted under s. 343.32 (2) may consider only those reports and records entered during the 4-year period immediately preceding the exercise of such power of suspension or revocation. For purposes of this subsection, "highway winter maintenance snow and ice removal" includes plowing, sanding, salting and the operation of vehicles in the delivery of those services.

NOTE: This SECTION amends current law which permits the secretary of transportation to exercise the power of revocation of a person's operating privilege based on the person's driving record during the previous 4 years. The SECTION adds that the power of suspension of a person's operating privilege may be similarly exercised by the secretary. DOT states that

this revision is necessary because the term “suspension” is currently not included in the current statute, even though the secretary of transportation has the power to suspend, in addition to the power to revoke, a person’s operating privilege.

See, also, the NOTE following the treatment of s. 343.23 (1) (c).

SECTION 14. 343.23 (4) (intro.) of the statutes is amended to read:

343.23 (4) (intro.) The department shall purge all of the following from the file of a licensee person:

NOTE: See the NOTE following the treatment of s. 343.23 (1) (c).

SECTION 15. 343.30 (4) of the statutes is amended to read:

343.30 (4) Whenever a court or judge suspends or revokes an operating privilege under this section, the court or judge shall immediately take possession of any suspended or revoked license and shall forward it as provided in s. 345.48 to the department together with the record of conviction and notice of suspension or revocation. Whenever a court or judge restricts the operating privilege of a person, the restriction court or judge shall be endorsed upon the operator’s license and forward notice of the restriction forwarded to the department.

NOTE: This SECTION changes the requirement in current law that a court or judge under specified circumstances endorse any restriction or limitation of a person’s operating privilege upon his or her operator’s license. The requirement that the court or judge notify the department of transportation (DOT) of the limitation or restriction of a person’s operating privilege remains unchanged. DOT states that this revision is necessary because licenses are currently laminated plastic and it is not practical for a court to enter an endorsement on a laminated plastic license.

SECTION 16. 343.30 (5) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

343.30 (5) No court may suspend or revoke an operating privilege except as authorized by this chapter or ch. 345, 351 or 938 or s. 161.50, 800.09 (1) (c) or 800.095 (4) (b) 4. When a court revokes, suspends or restricts a child’s operating privilege under ch. 938, the department of transportation shall not disclose information concerning or relating to the revocation, suspension or restriction to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, or the minor whose operating privilege is revoked, suspended or restricted, or his or her parent or guardian. Persons entitled to receive this information shall not disclose the information to other persons or agencies.

NOTE: This SECTION clarifies a provision in current state motor vehicle licensing laws specifying the power of courts to suspend or revoke a person’s operating privilege by including the power of municipal courts to suspend or revoke a person’s operating privilege for nonpayment of a judgment or noncompliance with a community service work order. DOT states that this revision is necessary because municipal courts currently have this authority but it is not referenced in the

appropriate statute relating to revocations and suspensions of motor vehicle operating privileges by courts.

SECTION 17. 343.32 (3) of the statutes is amended to read:

343.32 (3) Except as provided in sub. (1m), a revocation or suspension under this section may be for any period not exceeding one year unless a different period is specifically prescribed by law.

NOTE: This SECTION amends s. 343.32 (3), to provide that a suspension by the secretary of transportation of a person’s operating privilege may be for a period not exceeding one year, except as otherwise provided by law. According to DOT, this provision is necessary because current law provides only that revocation may be for any period not exceeding one year and omits the reference to suspensions, even though the secretary’s general authority extends to revoking or suspending a person’s operating privilege.

SECTION 18. 343.36 of the statutes is amended to read:

343.36 (title) Department to distribute suspension and, revocation and disqualification lists and nonresidents’ records of conviction. (2) Once each month, the department shall compile a list of the names and addresses of all residents of this state whose operating privileges were revoked or suspended or who were disqualified under s. 343.315 during the preceding month and the periods of those revocations and, suspensions and disqualifications and, upon request, shall forward the list to the sheriff of each county, to the chief of police or the constable, respectively, of each city, village and town and to all county traffic officers.

(3) Upon receiving a record of conviction showing that a nonresident operator of a motor vehicle has been convicted in this state of an offense which is grounds for revocation or, suspension or disqualification under the laws of this state, the department shall forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

NOTE: This SECTION amends current law that requires DOT to distribute to certain law enforcement authorities monthly lists that it compiles regarding suspensions and revocations, as well as nonresidents’ conviction records, to include in such compiled lists the term “disqualifications”. According to DOT, this amendment is necessary because current s. 343.36 contains language which requires DOT to notify other agencies and jurisdictions when a person has his or her operating privilege revoked or suspended in Wisconsin, but does not contain language describing the new procedure for disqualifications from operating commercial motor vehicles.

SECTION 19. 346.65 (6) (m) of the statutes is amended to read:

346.65 (6) (m) The court may order a vehicle to be immobilized under this subsection for not more than the period that the person’s operating privilege is revoked under s. 343.30 or 343.31. The court may order a vehicle to be equipped with an ignition interlock device under this subsection for not more than 2 years more than the period that the person’s operating privilege is revoked

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under s. 343.30 or 343.31. If the court orders any motor vehicle immobilized or equipped with an ignition interlock device under this subsection, the owner shall be liable for the reasonable costs of the immobilization or the equipping of the ignition interlock device. If a motor vehicle that is immobilized is subject to a security agreement, the court shall release the motor vehicle to the secured party upon the filing of an affidavit by the secured party that the security agreement is in default and upon payment of the accrued cost of immobilizing the motor vehicle.

NOTE: Under current law, a court may order a vehicle to be immobilized under s. 346.65 (6), stats., for not more than the period that the person's operating privilege is revoked. In addition, a court may order a vehicle to be equipped with an ignition interlock device under this subsection for not more than 2 years more than the person's operating privilege is revoked. However, the statute authorizing a court to make such an order references only the department of transporta-

tion's authority to revoke under s. 343.31, stats. This amendment adds a reference to the court's authority to revoke under s. 343.30, stats.

SECTION 19m. 1995 Wisconsin Act (Senate Bill 541), section 9 is repealed.

SECTION 20. Initial applicability.

(1) The treatment of section 346.65 (6) (m) of the statutes first applies to court orders to immobilize a vehicle or to equip a vehicle with an ignition interlock device entered on the effective date of this subsection.

SECTION 21. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 341.08 (2) (d) and 342.20 (3) of the statutes takes effect on the first day of the 3rd month beginning after publication.

(2) The treatment of section 343.30 (5) of the statutes takes effect on July 1, 1996, or on the day after publication, whichever is later.
