



1995 ASSEMBLY BILL 821

January 26, 1996 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Highways and Transportation.

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

Analysis by the Legislative Reference Bureau

Under current law, the department of transportation (DOT) is required to mail to a motor vehicle registrant a notice of vehicle registration renewal and a renewal

registration application form at least 30 days before the expiration of the current registration period. This bill requires DOT, for a vehicle subject to a lease agreement, to mail a registration renewal notice and a registration renewal application form to the vehicle's lessee designated by the registrant.

Under current law, a school bus registered under the reduced registration fee for school buses is required to annually submit a notarized statement of nonoperation attesting that the school bus is not routinely used to transport passengers who are not pupils, or used to transport pupils to or from points that have not been designated by the school. This bill eliminates the requirement that the statement of school bus nonoperation be notarized.

Under current law, certain applications to DOT for motor vehicle title certificates that transfer legal title are required to contain a notarized statement supporting the legality of transferring the title, including the transfer of a repossessed vehicle and the transfer of a decedent's interest in a vehicle to his or her surviving spouse. This bill eliminates the requirement that the statement supporting the legality of transferring the title of a repossessed vehicle, or of transferring a decedent's interest in a vehicle to his or her surviving spouse, be notarized.

Current law allows a court to order that a vehicle be immobilized or equipped with an ignition interlock device if the vehicle owner's operating privilege has been revoked by a court or by DOT for certain specified offenses. Current law specifies the maximum period of immobilization or equipping with an ignition interlock device that is applicable to a vehicle owned by a person whose operating privilege has been revoked by DOT, but does not specify the maximum period applicable to a vehicle owned by a person whose operating privilege has been revoked by a court. This bill specifies that a vehicle may not be ordered immobilized for longer than the period of revocation, and that a vehicle may not be ordered equipped with an ignition interlock device for longer than 2 years longer than the period of revocation, regardless of whether the revocation was ordered by a court or by DOT.

Current law requires a person to include in his or her application for motor vehicle registration the name of the town, city or village in which the person resides. This bill requires a vehicle registrant to also include the name of the county in which the person resides.

This bill changes the title of the "local transportation aids" program to the "general transportation aids" program.

Under current law, DOT determines in each odd-numbered year what highway improvements will be made in the following 6-year period. DOT provides notice of these highway improvements by November 1 of each odd-numbered year to county clerks, the department of natural resources (DNR) and the department of agriculture, trade and consumer protection (DATCP).

The bill changes the date by which DOT must provide notice to county clerks, DNR and DATCP from November 1 of each odd-numbered year to February 1 of each even-numbered year.

Current law requires or permits the secretary of transportation to suspend or revoke a person's motor vehicle operating privilege depending upon one or more convictions by the person of violating state or local traffic laws. A person's operating

privilege may not be revoked for more than one year unless a longer period of revocation is specifically provided by law.

The bill provides that the secretary of transportation, in exercising the power of suspension, may not suspend a person's operating privilege for more than one year unless a longer period is specifically provided by law.

Current law requires DOT to maintain a file on the driving record of each licensee, including any license, permit or endorsement applications and records of convictions and reportable accidents. The bill provides that DOT must maintain such files regardless of whether the person is licensed by DOT.

Under current law, a person's operating privilege may be suspended by a municipal court for failure to pay a judgment or to comply with a community service work order in lieu of making restitution or paying the judgment, or both. The suspension period may not exceed 5 years.

The bill clarifies a provision of state 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 a person's operating privilege for nonpayment of a judgment or noncompliance with a community service work order.

Current law requires or permits the secretary of transportation to suspend or revoke a person's motor vehicle operating privilege depending upon the person's driving record. The secretary of transportation may only exercise the power of revocation based upon the person's driving record during the preceding 4-year period. The bill specifies that the power of suspension may only be exercised by the secretary of transportation on the basis of the person's driving record during the preceding 4-year period.

Under current law, 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.

The bill 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.

Under current law, DOT maintains monthly lists of all residents of this state whose operating privilege was suspended or revoked during the preceding month. These lists are, upon request, forwarded by DOT to local police and traffic officials. Current law also requires DOT to send a certified copy of a record of conviction to the state of residence of a nonresident upon receipt of a record of conviction of the person in this state that is grounds for operating privilege suspension or revocation under the laws of this state.

The bill provides that the monthly lists maintained by DOT must include any residents of this state who were disqualified from operating commercial motor vehicles during the preceding month. A certified copy of a record of conviction must also be sent by DOT to the state of residence of a nonresident upon receipt of a record of conviction of the person in this state that is grounds for disqualification from operating commercial motor vehicles under the laws of this state.

For further information see the NOTES provided by the law revision committee of the joint legislative council.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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.

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

2 20.395 (1) (as) *Transportation aids to counties, state funds.* The amounts in the
3 schedule for ~~local~~ general transportation aids to counties under s. 86.30.

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

5 20.395 (1) (at) *Transportation aids to municipalities, state funds.* The amounts
6 in the schedule for ~~local~~ general transportation aids to municipalities under s. 86.30.

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

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

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

11 84.01 (17) IMPROVEMENTS FOR NEXT 6 YEARS. In each odd-numbered year, the
12 department shall determine, as far as possible, what improvements will be made
13 during the following 6-year period, and shall notify the county clerks prior to ~~Novem-~~
14 ~~ber~~ February 1 of each ~~odd-numbered~~ even-numbered year, as to the improvements
15 in their respective counties. Such notice shall also be given to the department of nat-
16 ural resources and to the department of agriculture, trade and consumer protection.

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

1 **86.30** (title) ~~Local~~ General transportation aids.

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

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

10 341.08 **(2)** (d) The city, village or town and the county in which the vehicle is
11 customarily kept.

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

13 341.08 **(4m)** At least 30 days prior to the expiration of a vehicle's registration,
14 the department shall mail to the last-known address of the registrant or, if the ve-
15 hicle is subject to a lease agreement, of the lessee designated by the registrant, a no-
16 tice of the date upon which the registration must be renewed and an application form
17 for renewal of registration. The application form or an accompanying document shall
18 include a list of any unpaid citations for nonmoving traffic violations or any judg-
19 ments for violation of ch. 110, 194 or 341 to 350, an administrative rule of the depart-
20 ment, or an ordinance enacted in accordance with s. 349.06, including parking viola-
21 tions, entered against the registrant which remain unpaid. The list of unpaid
22 citations for nonmoving traffic violations shall be based on information obtained un-
23 der s. 345.28 (4). The list of unpaid judgments shall be based on information obtained
24 under s. 345.47 (1) (d). If there is a citation for any nonmoving traffic violation en-
25 tered against the registrant or designated lessee which is unpaid, he or she shall be

1 notified that the vehicle may not be registered until the citation is paid or the regis-
2 trant or designated lessee appears in court to respond to the citation. If there is a
3 judgment entered against the registrant or designated lessee which is unpaid, he or
4 she shall be notified that the vehicle may not be registered until the judgment is paid.

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

6 341.26 (7) (b) When engaged in passenger-carrying operations other than as
7 provided in par. (a) or sub. (2) (d), a school bus shall be registered as a motor bus at
8 a fee determined under s. 341.25 (2), or as an automobile or station wagon at the fee
9 provided in s. 341.25 (1) (a). Fees for registration under s. 341.25 (2) may be paid in
10 accordance with ss. 341.30 and 341.31. Fees for part-quarterly registration shall be
11 computed on the basis of one-twelfth of the annual fee multiplied by the number of
12 months of the current quarter which have not fully expired on the date of the applica-
13 tion. If a vehicle was not operated in other than school bus service, ~~an affidavit~~ a
14 statement of nonoperation satisfactory to the department shall be filed with the ap-
15 plication.

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

17 342.17 (2) If the interest of the owner is terminated or the vehicle is sold under
18 a security agreement by a secured party named in the certificate of title, the transfer-
19 ee shall promptly mail or deliver to the department the last certificate of title, an ap-
20 plication for a new certificate in the form the department prescribes, and ~~an affidavit~~
21 a statement made by or on behalf of the secured party that the vehicle was repos-
22 sessed and that the interest of the owner was lawfully terminated or sold pursuant
23 to the terms of the security agreement.

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

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

5 342.20 (3) Upon receipt of the certificate of title, application and the required
6 fee, the department shall issue to the owner a new certificate containing the name
7 and address of the new secured party. The department shall deliver to such new se-
8 cured party and to the register of deeds of the county of the ~~debtor's~~ owner's resi-
9 dence, memoranda, in such form as the department prescribes, evidencing the nota-
10 tion of the security interest upon the certificate; and thereafter, upon any
11 assignment, termination or release of the security interest, additional memoranda
12 evidencing such action.

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

14 343.23 (1) (intro.) The department shall maintain a record of every application
15 for license, permit or endorsement received by it and of every suspension, revocation
16 and cancellation by the department and shall maintain suitable indices containing:

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

18 343.23 (1) (c) The name of every licensee person whose license or operating
19 privilege has been suspended, revoked or canceled by the department and note there-
20 on the reason for such action.

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

23 343.23 (2) The department shall maintain a file for each licensee or other per-
24 son containing the application for license, permit or endorsement, a record of reports
25 or abstract of convictions, the status of the licensee's person's authorization to oper-

1 ate different vehicle groups, a record of any out-of-service orders issued under s.
2 343.305 (7) (b) or (9) (am) and a record of any reportable accident in which the licens-
3 ee person has been involved, including specification of the any type of license and en-
4 dorsements issued under this chapter under which the licensee person was operating
5 at the time of the accident and an indication whether or not the accident occurred in
6 the course of the licensee's person's employment as a law enforcement officer, fire
7 fighter or emergency medical technician — paramedic or as a person engaged, by an
8 authority in charge of the maintenance of the highway, in highway winter mainte-
9 nance snow and ice removal during either a storm or cleanup following a storm. This
10 information must be filed by the department so that the complete operator's record
11 is available for the use of the secretary in determining whether operating privileges
12 of such person shall be suspended, revoked, canceled or withheld in the interest of
13 public safety. The record of suspensions, revocations and convictions that would be
14 counted under s. 343.307 (2) and of convictions for disqualifying offenses under s.
15 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions
16 for disqualifying offenses under s. 343.315 (2) (f) shall be maintained for at least 3
17 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to
18 (e) shall be maintained permanently, except that 5 years after a licensee transfers
19 residency to another state such record may be transferred to another state of licen-
20 sure of the licensee if that state accepts responsibility for maintaining a permanent
21 record of convictions for disqualifying offenses. Such reports and records may be cu-
22 mulative beyond the period for which a license is granted, but the secretary, in exer-
23 cising the power of suspension or revocation granted under s. 343.32 (2) may consider
24 only those reports and records entered during the 4-year period immediately preced-
25 ing the exercise of such power of suspension or revocation. For purposes of this sub-

1 section, "highway winter maintenance snow and ice removal" includes plowing,
2 sanding, salting and the operation of vehicles in the delivery of those services.

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

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

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

7 343.30 (4) Whenever a court or judge suspends or revokes an operating privi-
8 lege under this section, the court or judge shall immediately take possession of any
9 suspended or revoked license and shall forward it as provided in s. 345.48 to the de-
10 partment together with the record of conviction and notice of suspension or revoca-
11 tion. Whenever a court or judge restricts the operating privilege of a person, the re-
12 striction court or judge shall be endorsed upon the operator's license and forward
13 notice of the restriction ~~forwarded~~ to the department.

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

16 343.30 (5) No court may suspend or revoke an operating privilege except as au-
17 thorized by this chapter or ch. 345, 351 or 938 or s. 161.50, 800.09 (1) (c) or 800.095
18 (4) (b) 4. When a court revokes, suspends or restricts a child's operating privilege un-
19 der ch. 938, the department of transportation shall not disclose information concern-
20 ing or relating to the revocation, suspension or restriction to any person other than
21 a court, district attorney, county corporation counsel, city, village or town attorney,
22 law enforcement agency, or the minor whose operating privilege is revoked, sus-
23 pended or restricted, or his or her parent or guardian. Persons entitled to receive this
24 information shall not disclose the information to other persons or agencies.

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

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

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

5 **343.36** (title) **Department to distribute suspension ~~and~~, revocation ~~and~~**
6 **disqualification lists and nonresidents' records of conviction.** (2) Once each
7 month, the department shall compile a list of the names and addresses of all resi-
8 dents of this state whose operating privileges were revoked or suspended or who were
9 disqualified under s. 343.315 during the preceding month and the periods of those
10 revocations ~~and~~, suspensions and disqualifications and, upon request, shall forward
11 the list to the sheriff of each county, to the chief of police or the constable, respectively,
12 of each city, village and town and to all county traffic officers.

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

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

19 346.65 (6) (m) The court may order a vehicle to be immobilized under this sub-
20 section for not more than the period that the person's operating privilege is revoked
21 under s. 343.30 or 343.31. The court may order a vehicle to be equipped with an igni-
22 tion interlock device under this subsection for not more than 2 years more than the
23 period that the person's operating privilege is revoked under s. 343.30 or 343.31. If
24 the court orders any motor vehicle immobilized or equipped with an ignition inter-
25 lock device under this subsection, the owner shall be liable for the reasonable costs

1 of the immobilization or the equipping of the ignition interlock device. If a motor ve-
2 hicle that is immobilized is subject to a security agreement, the court shall release
3 the motor vehicle to the secured party upon the filing of an affidavit by the secured
4 party that the security agreement is in default and upon payment of the accrued cost
5 of immobilizing the motor vehicle.

6 **SECTION 20. Initial applicability.**

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

10 **SECTION 21. Effective dates.** This act takes effect on the day after publica-
11 tion, except as follows:

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

14 (2) The treatment of section 343.30 (5) of the statutes takes effect on July 1,
15 1996, or on the day after publication, whichever is later.

16 (END)