



State of Wisconsin
1997 - 1998 LEGISLATURE

LRB-4994/1

PEN:all:km

1997 SENATE BILL 470

February 25, 1998 - Introduced by Senators HUELSMAN, RISSER, DARLING, GROBSCHMIDT, ROSENZWEIG, WEEDEN and WINEKE, cosponsored by Representatives R. YOUNG, OTTE, RILEY, HAHN, BOCK, GREEN, GROTHMAN, HANSON, HARSDORF, KEDZIE, LA FAVE, F. LASEE, J. LEHMAN, NOTESTEIN, PLOUFF, POWERS, STASKUNAS, ZIEGELBAUER and BALDWIN. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 **AN ACT to repeal** 343.18 (3) (b), 343.30 (6) (e), 343.31 (1) (h), 343.31 (1m), 343.31
2 (3) (g), 343.31 (3) (h), 343.31 (4), 343.315 (1) (a), 343.32 (1) (d), 343.32 (2) (g),
3 343.44 (2g), 343.44 (2m), 344.08 (3) and 351.02 (1) (a) 4.; **to renumber and**
4 **amend** 343.30 (1g), 343.31 (1) (e), 343.315 (1) (b), 343.32 (1) (b), 343.38 (1) (c)
5 and 343.44 (4m); **to amend** 125.07 (4) (bs) 3., 125.07 (4) (bs) 4., 125.07 (4) (c)
6 3., 125.07 (4) (c) 4., 341.63 (2) and (3), 343.06 (2), 343.085 (3), 343.085 (5), 343.10
7 (1) (e), 343.16 (5) (a), 343.18 (3) (a), 343.23 (2) (b), 343.30 (1), 343.30 (1n), 343.30
8 (1q) (b) 1., 343.30 (1q) (b) 2., 343.30 (1q) (b) 4m., 343.30 (1q) (c) 1. (intro.), 343.30
9 (1q) (d), 343.30 (1z), 343.30 (2d), 343.30 (2m), 343.30 (3), 343.30 (6) (b) (intro.),
10 343.30 (6) (b) 3., 343.30 (6) (c), 343.30 (6) (d), 343.305 (10) (d), 343.307 (1)
11 (intro.), 343.31 (1) (b), 343.31 (2), 343.31 (2m), 343.31 (3) (b), 343.31 (3) (bm) 1.,
12 343.31 (3) (bm) 2., 343.31 (3) (bm) 4m., 343.32 (1m) (b) (intro.), 2. and 3., 343.32
13 (2) (a), 343.32 (2) (bg), 343.32 (2) (c), 343.32 (6), 343.38 (2), 343.38 (3), 343.39
14 (1) (a), 343.44 (2p) (intro.), 343.44 (2r), 343.44 (2s), 344.02 (title), 344.02 (1),

SENATE BILL 470

1 344.02 (3), 344.02 (4), 344.04 (title), 344.04 (1), 344.04 (2), 344.04 (3), 344.05 (1),
2 344.08 (title), 344.08 (1), 344.08 (2), 344.09 (title), 344.09 (1), 344.09 (2), 344.12,
3 344.13 (1), 344.13 (2), 344.13 (3), 344.14 (title), 344.14 (1), 344.14 (1g), 344.14
4 (1m) (intro.), 344.14 (2) (e), 344.14 (2) (h), 344.18 (title), 344.18 (1) (intro.),
5 344.18 (1) (a), 344.18 (1) (b), 344.18 (1) (c), 344.18 (1) (d), 344.18 (1m) (a), 344.18
6 (1m) (b), 344.18 (3) (intro.), 344.18 (3) (b), 344.18 (3m) (a), 344.18 (3m) (b),
7 344.18 (3r), 344.18 (4), 344.19 (2), 344.19 (3), 344.19 (3g), 344.19 (3m) (a), 344.19
8 (3m) (b), 344.24, 344.25 (intro.), 344.25 (1), 344.25 (3), 344.25 (5), 344.26 (title),
9 344.26 (1), 344.27 (title), 344.27 (2), 344.27 (3), 344.29, 344.40 (title), 344.40 (1)
10 (a), 344.40 (1) (b), 344.40 (2) (a), 344.40 (2) (b), 344.41 (3) (a), 344.45 (title),
11 344.45 (1), 344.46 (1), 344.46 (3), 344.55 (2), 345.47 (1) (b), 351.02 (1) (a) 10.,
12 351.11, 767.303 (1) and (2), 800.09 (1) (c), 800.095 (4) (b) 4., 938.34 (8), 938.34
13 (14m), 938.34 (14r) (a) and (c), 938.343 (2), 938.344 (2) (c), 938.344 (2b) (c),
14 938.344 (2d) (c), 938.344 (2e) (a) (intro.), 938.344 (2e) (b), 938.344 (2e) (c) and
15 961.50 (1) (intro.); **to repeal and recreate** 343.10 (8), 343.44 (title), 343.44 (1)
16 and 343.44 (2); and **to create** 13.0965, 343.10 (2) (dm), 343.30 (2g), 343.31 (1)
17 (hm), 343.31 (2u), 343.38 (1) (c) 2. c. and d., 343.44 (1g), 343.44 (3) (title), 343.44
18 (4) (title), 343.44 (4r) (title), 343.44 (5) (title) and 351.09 of the statutes;
19 **relating to:** operating a motor vehicle with a suspended or revoked operating
20 privilege, habitual traffic offenders, penalties involving sanctions against an

SENATE BILL 470

- 1 operating privilege or operator's license, the revocation of operating privileges
2 and vehicle registrations for failure to deposit security and providing a penalty.
-

Analysis by the Legislative Reference Bureau

This bill contains the recommendations of the governor's 1995 task force on operating a motor vehicle with an operating privilege that is suspended or revoked (OWS/OAR).

Under current law, operating privileges are suspended or revoked as a sanction for a variety of offenses, some of which are unrelated to driving and motor vehicles. The key distinction between suspension and revocation as a sanction is that a person must provide and maintain proof of liability insurance in order to reinstate a revoked operating privilege, while no such proof of insurance is required to reinstate a suspended operating privilege. Both sanctions effectively prohibit a person from operating a motor vehicle. A person who operates while suspended (OWS) or operates after revocation (OAR) commits either a crime or a civil infraction, depending upon the underlying offense that led to the suspension or revocation. Because of the uncertainty of whether OWS or OAR is a crime or a civil infraction, a traffic officer who stops a person suspected of OWS or OAR must determine the underlying offense that led to the suspension or revocation before deciding whether to arrest the person for a crime, or write a ticket for a civil infraction. This determination must be repeated by the prosecutor deciding which charges to bring, by the defendant in assessing the propriety of the charges, and by the court in imposing a penalty.

This bill makes 2 general changes to the OWS and OAR laws. First, it makes OWS a civil infraction (punishable only by a forfeiture) and OAR a crime (punishable only by a fine or imprisonment), regardless of the underlying offense that led to the suspension or revocation. Second, the bill reorganizes the sanctions of suspension and revocation so that an operating privilege may generally be revoked only for serious driving-related offenses, such as operating while intoxicated, hit-and-run and eluding a traffic officer. An operating privilege may be suspended for any other offense.

To effect this reorganization, the bill eliminates revocation (but allows or requires suspension) for the following offenses: juvenile alcohol and drug violations; violations of law by a juvenile delinquent using a motor vehicle; illegal drug use or possession; exceeding the permissible number of demerit points assessed for traffic violations; any violation of traffic law (other than specified offenses), regardless of demerit point accumulation; sexual assault, child sexual assault and child enticement; violating a license restriction; serious traffic violation by a person holding an occupational license; perjury; making a false affidavit, statement or certification to DOT; and unlawful use, duplication or alteration of an operator's license. The bill also eliminates suspension (but allows or requires revocation) for noncompliance, other than for a failure to pay a fee, with a court-ordered assessment of the person's use of intoxicants or with a driver safety plan.

SENATE BILL 470

The bill also does the following:

1. Treats the operation of a commercial motor vehicle while disqualified or ordered out-of-service similar to an OAR violation. Federal law requires that operating a commercial motor vehicle while disqualified be punished at least as stringently as OAR.

2. Revokes an operating privilege for any conviction of operating while under the influence of an intoxicant or other drug (OWI). Currently, revocation is required only for 2nd or subsequent OWI convictions.

3. Requires that any bill that proposes to revoke an operating privilege be evaluated for consistency with a policy of revoking only for dangerous driving-related offenses before the bill is acted upon.

4. Weights OWS and OAR as minor traffic offenses, rather than as major traffic offenses, for purposes of determining whether a violator is a habitual traffic offender (HTO). The bill allows persons currently classified as HTO because of an OWS or OAR conviction to apply to the department of transportation (DOT) for recalculation of the person's HTO classification and allows the person to reinstate his or her operating privilege if appropriate. The bill also reduces from 6 to 3 the number of demerit points assigned for a conviction of OWS or OAR.

5. Eliminates the escalating penalty structure for 2nd and subsequent OAR convictions. Under the bill, all OAR offenses are punishable by a fine of up to \$2,500 and a term of imprisonment of up to one year. The bill requires each judicial administrative district to adopt guidelines for any aggravating and mitigating factors to be considered when sentencing for OAR. However, the bill requires revocation of an operating privilege for 6 months for a person's 4th or subsequent conviction of OWS or OAR in a 5-year period. A court may revoke the operating privilege for a shorter period only if the court states the reason for the reduction on the record.

6. Reduces from 5 to 2 years the maximum period of suspension for failure to pay any of the following: a fine or forfeiture and related assessments; restitution; driver improvement surcharge; and court-ordered family support. The bill also reduces from 5 to 2 years the maximum period of suspension for failing to comply with a community service work order.

7. Makes OWS a strict liability offense. Under the bill, it need not be proven that a person knew that his or her operating privilege was suspended when prosecuting a violation of OWS.

8. Provides that a violation of a restriction unique to an occupational license (a license issued to allow a person whose operating privilege is suspended or revoked to drive to and from work) shall be prosecuted as OWS or OAR.

9. Makes a person who fails to comply with driver safety plan for treatment of substance abuse for OWI offense causing injury ineligible for an occupational license.

The bill also undoes 1991 Wisconsin Act 269. Under current law, any person involved in a motor vehicle accident that results in injury, death or property damage of \$1,000 or more must file proof of financial responsibility (proof of the person's ability to respond in damages for liability arising from his or her use of a motor

SENATE BILL 470

vehicle) or make a deposit of security for the accident with DOT. With certain exceptions, a person who fails to provide proof of financial responsibility or a deposit of security after an accident may have his or her motor vehicle operating privilege or vehicle registration revoked. Any such revocation continues until the person provides a deposit of security or otherwise clears his or her liability or one year elapses without a legal action being commenced as a result of the accident, whichever happens earlier.

Also with certain exceptions, a person who does any of the following may have his or her operating privilege revoked:

1. Fails to report an accident resulting in more than \$1,000 in damages to a vehicle or to give DOT correct information in connection with such report.

2. Fails to pay a judgment in excess of \$500, or make satisfactory arrangements for such payment, for damages arising out of a motor vehicle accident within 30 days after the judgment becomes final.

3. Defaults in any instalment payment under a written agreement to pay a judgment against that person in instalments.

4. Fails to maintain proof of financial responsibility at any time during a period when proof of financial responsibility is required.

This bill substitutes suspension for revocation of an operating privilege or vehicle registration for such offenses. This bill does not change the duration, reinstatement requirements and other conditions of suspension from the provisions that currently apply to revocations, except that current law requires a person to provide proof of financial responsibility for 3 years after a period of revocation and requires no such proof after a period of suspension.

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:

1 **SECTION 1.** 13.0965 of the statutes is created to read:

2 **13.0965 Review of bills proposing revocation of an operating privilege.**

3 If any bill that is introduced in either house of the legislature proposes to revoke a
4 person's operating privilege upon conviction of that person for any offense, the
5 department of transportation shall, within 4 weeks after the bill is introduced,
6 prepare a report that states whether the bill is consistent with a policy of revoking
7 an operating privilege only for traffic violations that are likely to result in death,
8 personal injury or serious property damage. The report shall be printed as an

SENATE BILL 470**SECTION 1**

1 appendix to the bill and shall be distributed in the same manner as amendments.
2 The report shall be distributed before any vote is taken on the bill by either house
3 of the legislature if the bill is not referred to a standing committee, or before any
4 public hearing is held before any standing committee or, if no public hearing is held,
5 before any vote is taken by the committee. A bill that requires a report by the
6 department of transportation under this section shall have that requirement noted
7 on its jacket when the jacket is prepared. When a bill that requires a report under
8 this section is introduced, the legislative reference bureau shall submit a copy of the
9 bill to the department of transportation.

10 **SECTION 2.** 125.07 (4) (bs) 3. of the statutes is amended to read:

11 125.07 (4) (bs) 3. For a violation committed within 12 months of 2 previous
12 violations, either a forfeiture of not less than \$500 nor more than \$750, ~~revocation~~
13 suspension of the person's operating privilege under s. 343.30 (6) (b) 3., participation
14 in a supervised work program or other community service work under par. (cg) or any
15 combination of these penalties.

16 **SECTION 3.** 125.07 (4) (bs) 4. of the statutes is amended to read:

17 125.07 (4) (bs) 4. For a violation committed within 12 months of 3 or more
18 previous violations, either a forfeiture of not less than \$750 nor more than \$1,000,
19 ~~revocation~~ suspension of the person's operating privilege under s. 343.30 (6) (b) 3.,
20 participation in a supervised work program or other community service work under
21 par. (cg) or any combination of these penalties.

22 **SECTION 4.** 125.07 (4) (c) 3. of the statutes is amended to read:

23 125.07 (4) (c) 3. For a violation committed within 12 months of 2 previous
24 violations, either a forfeiture of not less than \$300 nor more than \$500, ~~revocation~~
25 suspension of the person's operating privilege under s. 343.30 (6) (b) 3., participation

SENATE BILL 470

1 in a supervised work program or other community service work under par. (cg) or any
2 combination of these penalties.

3 **SECTION 5.** 125.07 (4) (c) 4. of the statutes is amended to read:

4 125.07 (4) (c) 4. For a violation committed within 12 months of 3 or more
5 previous violations, either a forfeiture of not less than \$500 nor more than \$1,000,
6 ~~revocation~~ suspension of the person's operating privilege under s. 343.30 (6) (b) 3.,
7 participation in a supervised work program or other community service work under
8 par. (cg) or any combination of these penalties.

9 **SECTION 6.** 341.63 (2) and (3) of the statutes are amended to read:

10 341.63 (2) Any registration suspended pursuant to ~~under~~ this section or ch. 344
11 continues to be suspended until reinstated by the department. The department shall
12 reinstate the registration when the reason for the suspension has been removed.

13 (3) Whenever the registration of a vehicle is suspended under this section or
14 ch. 344, the department may order the owner or person in possession of the
15 registration plates to return them to the department. Any person who fails to return
16 the plates when ordered to do so by the department may be required to forfeit not
17 more than \$200.

18 **SECTION 7.** 343.06 (2) of the statutes is amended to read:

19 343.06 (2) The department shall not issue a commercial driver license,
20 including a renewal, occupational or reinstated license, to any person during any
21 period of disqualification under s. 343.315 or 49 CFR 383.51 or the law of another
22 jurisdiction in substantial conformity therewith, as the result of one or more
23 disqualifying offenses committed on or after July 1, 1987. Any person who is known
24 to the department to be subject to disqualification ~~under s. 343.315 (1) (a) as~~

SENATE BILL 470**SECTION 7**

1 described in s. 343.44 (1) (d) shall be disqualified by the department, unless the
2 required period of disqualification has already expired.

3 **SECTION 8.** 343.085 (3) of the statutes is amended to read:

4 343.085 (3) The secretary may suspend a person's operating privilege under
5 this section when such person has been assigned sufficient demerit points after
6 conviction for traffic violations to require suspension under the rule adopted under
7 sub. (5) and either holds a license issued under this section or by age comes under
8 this section. ~~The secretary may revoke such a person's operating privilege under this~~
9 ~~section if such person has a previous suspension under this section.~~

10 **SECTION 9.** 343.085 (5) of the statutes is amended to read:

11 343.085 (5) For the purpose of determining when to suspend or to continue a
12 person on probationary status, the secretary may determine and adopt by rule a
13 method of weighing traffic convictions by their seriousness and may change such
14 weighted scale from time to time as experience or the accident frequency in the state
15 makes necessary or desirable. Such scale may be weighted differently for this
16 licensee than the scale used to determine ~~revocations~~ suspensions under s. 343.32.

17 **SECTION 10.** 343.10 (1) (e) of the statutes is amended to read:

18 343.10 (1) (e) If the applicant's commercial driver license has been suspended
19 ~~or revoked~~ under s. 343.32 (2), an application seeking issuance of an occupational
20 license authorizing operation of "Class A", "Class B" or "Class C" vehicles may be
21 filed with the department. The application may also seek authorization to operate
22 "Class D" or "Class M" vehicles.

23 **SECTION 11.** 343.10 (2) (dm) of the statutes is created to read:

24 343.10 (2) (dm) A person whose operating privilege is suspended or revoked
25 under s. 343.30 (1q) (d) or 343.305 (10) (d) is not eligible for an occupational license.

SENATE BILL 470

1 **SECTION 12.** 343.10 (8) of the statutes is repealed and recreated to read:

2 343.10 **(8)** VIOLATION OF RESTRICTIONS. Any person who violates a restriction on
3 an occupational license as to hours of the day, area, routes or purpose of travel,
4 vehicles allowed to be operated, use of an ignition interlock device, sobriety or use
5 of alcohol, controlled substances or controlled substance analogs shall be:

6 (a) Prosecuted under s. 343.44 (1) (a) if the occupational license was issued
7 while the person's operating privilege was suspended.

8 (b) Prosecuted under s. 343.44 (1) (b) if the occupational license was issued
9 while the person's operating privilege was revoked.

10 **SECTION 13.** 343.16 (5) (a) of the statutes is amended to read:

11 343.16 **(5)** (a) The secretary may require any applicant for a license or any
12 licensed operator to submit to a special examination by such persons or agencies as
13 the secretary may direct to determine incompetency, physical or mental disability,
14 disease or any other condition which might prevent such applicant or licensed person
15 from exercising reasonable and ordinary control over a motor vehicle. When the
16 department requires the applicant to submit to an examination, the applicant shall
17 pay the cost thereof. If the department receives an application for a renewal or
18 duplicate license after voluntary surrender under s. 343.265 or receives a report from
19 a physician or optometrist under s. 146.82 (3), or if the department has a report of
20 2 or more arrests within a one-year period for any combination of violations of s.
21 346.63 (1) or (5) or a local ordinance in conformity therewith or a law of a federally
22 recognized American Indian tribe or band in this state in conformity with s. 346.63
23 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09
24 where the offense involved the use of a vehicle, the department shall determine, by
25 interview or otherwise, whether the operator should submit to an examination under

SENATE BILL 470**SECTION 13**

1 this section. The examination may consist of an assessment. If the examination
2 indicates that education or treatment for a disability, disease or condition concerning
3 the use of alcohol, a controlled substance or a controlled substance analog is
4 appropriate, the department may order a driver safety plan in accordance with s.
5 343.30 (1q). If there is noncompliance with assessment or the driver safety plan, the
6 department shall ~~suspend~~ revoke the person's operating privilege in the manner
7 specified in s. 343.30 (1q) (d).

8 **SECTION 14.** 343.18 (3) (a) of the statutes is amended to read:

9 343.18 (3) (a) Except as provided in ~~pars. (b) and par.~~ (c), any person who
10 violates sub. (1) shall forfeit not more than \$200.

11 **SECTION 15.** 343.18 (3) (b) of the statutes is repealed.

12 **SECTION 16.** 343.23 (2) (b) of the statutes, as affected by 1995 Wisconsin Act
13 184, is amended to read:

14 343.23 (2) (b) The information specified in par. (a) must be filed by the
15 department so that the complete operator's record is available for the use of the
16 secretary in determining whether operating privileges of such person shall be
17 suspended, revoked, canceled or withheld in the interest of public safety. The record
18 of suspensions, revocations and convictions that would be counted under s. 343.307
19 (2) and of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be
20 maintained for at least 10 years. The record of convictions for disqualifying offenses
21 under s. 343.315 (2) (f) shall be maintained for at least 3 years. The record of
22 convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be
23 maintained permanently, except that 5 years after a licensee transfers residency to
24 another state such record may be transferred to another state of licensure of the
25 licensee if that state accepts responsibility for maintaining a permanent record of

SENATE BILL 470

1 convictions for disqualifying offenses. Such reports and records may be cumulative
2 beyond the period for which a license is granted, but the secretary, in exercising the
3 power of suspension ~~or revocation~~ granted under s. 343.32 (2) may consider only
4 those reports and records entered during the 4-year period immediately preceding
5 the exercise of such power of suspension or revocation.

6 **SECTION 17.** 343.30 (1) of the statutes is amended to read:

7 343.30 (1) A court may suspend ~~or revoke~~ a person's operating privilege for any
8 period not exceeding one year upon such person's conviction in such court of violating
9 any of the state traffic laws or any local ordinance enacted under ch. 349. ~~In~~
10 ~~exercising the authority to suspend or revoke an operating privilege, the court may~~
11 ~~suspend such privilege only when the operator's operating privilege has not been~~
12 ~~suspended or revoked previously, except under s. 344.14 (1), or when the operator's~~
13 ~~present demerit point accumulation is not more than 25% above the demerit point~~
14 ~~accumulation set for suspension or revocation. In all other cases under this section,~~
15 ~~the court shall revoke the operating privilege of such operator.~~

16 **SECTION 18.** 343.30 (1g) of the statutes is renumbered 343.30 (1g) (a) and
17 amended to read:

18 343.30 (1g) (a) ~~A~~ Except as provided in par. (b), a court may revoke suspend
19 a person's operating privilege for any period not exceeding 6 months upon the
20 person's conviction for violating s. 343.44 (1) (a), (b) or (d) or a local ordinance in
21 conformity therewith ~~by operating a motor vehicle while operating privileges are~~
22 ~~suspended or revoked.~~

23 (b) A court shall revoke a person's operating privilege upon the person's
24 conviction for violating s. 343.44 (1) (a), (b) or (d) or a local ordinance in conformity
25 therewith ~~by operating a motor vehicle while operating privileges are suspended or~~

SENATE BILL 470**SECTION 18**

1 ~~revoked if the suspension or revocation was for improperly refusing to take a test~~
2 ~~under s. 343.305, violating s. 346.63 (1) or (5) or a local ordinance in conformity~~
3 ~~therewith, or violating s. 346.63 (2) or (6), 940.09 (1) or 940.25 if the person has been~~
4 ~~convicted of 3 or more prior violations of s. 343.44 (1) (a), (b) or (d), or a local ordinance~~
5 ~~in conformity therewith, within the 5-year period preceding the violation. The~~
6 ~~revocation shall be for any a period not exceeding of 6 months, unless the court orders~~
7 ~~a period of revocation of less than 6 months and places its reasons for ordering the~~
8 ~~lesser period of revocation on the record.~~

9 **SECTION 19.** 343.30 (1n) of the statutes is amended to read:

10 343.30 (1n) A court shall suspend the operating privilege of a person for a
11 period of 15 days upon the person's conviction by the court of exceeding the applicable
12 speed limit as established by s. 346.57 (4) (gm) or (h), by 25 or more miles per hour.
13 If the conviction makes the person subject to ~~revocation under s. 343.32 or~~
14 ~~suspension or revocation~~ under s. 343.085 or 343.32, the court shall immediately
15 suspend the license, taking possession of the license and shall forward it to order the
16 suspension of the person's operating privilege and notify the department which
17 secretary of the order. Upon receiving the notice, the secretary shall proceed to act
18 as authorized under s. 343.32 or 343.085, but any revocation or. Any suspension by
19 the secretary under this subsection shall date from the day the court took possession
20 secretary acts on the order of suspension of the license operating privilege.

21 **SECTION 20.** 343.30 (1q) (b) 1. of the statutes is amended to read:

22 343.30 (1q) (b) 1. The court shall ~~suspend or revoke~~ the person's operating
23 privilege under this paragraph according to the number of previous suspensions,
24 revocations or convictions that would be counted under s. 343.307 (1). Suspensions,
25 revocations and convictions arising out of the same incident shall be counted as one.

SENATE BILL 470

1 If a person has a conviction, suspension or revocation for any offense that is counted
2 under s. 343.307 (1), that conviction, suspension or revocation shall count as a prior
3 conviction, suspension or revocation under this subdivision.

4 **SECTION 21.** 343.30 (1q) (b) 2. of the statutes is amended to read:

5 343.30 (1q) (b) 2. Except as provided in subd. 3., 4. or 4m., for the first
6 conviction, the court shall ~~suspend~~ revoke the person's operating privilege for not
7 less than 6 months nor more than 9 months. The person is eligible for an
8 occupational license under s. 343.10 at any time.

9 **SECTION 22.** 343.30 (1q) (b) 4m. of the statutes is amended to read:

10 343.30 (1q) (b) 4m. If there was a minor passenger under 16 years of age in the
11 motor vehicle at the time of the violation that gave rise to the conviction under s.
12 346.63 (1) or a local ordinance in conformity with s. 346.63 (1), the applicable
13 minimum and maximum ~~suspension or revocation~~ periods under subd. 2., 3. or 4. for
14 the conviction are doubled.

15 **SECTION 23.** 343.30 (1q) (c) 1. (intro.) of the statutes is amended to read:

16 343.30 (1q) (c) 1. (intro.) Except as provided in subd. 1. a. or b., the court shall
17 order the person to submit to and comply with an assessment by an approved public
18 treatment facility as defined in s. 51.45 (2) (c) for examination of the person's use of
19 alcohol, controlled substances or controlled substance analogs and development of
20 a driver safety plan for the person. The court shall notify the department of
21 transportation of the assessment order. The court shall notify the person that
22 noncompliance with assessment or the driver safety plan will result in ~~license~~
23 suspension revocation of the person's operating privilege until the person is in
24 compliance. The assessment order shall:

25 **SECTION 24.** 343.30 (1q) (d) of the statutes is amended to read:

SENATE BILL 470**SECTION 24**

1 343.30 (1q) (d) The assessment report shall order compliance with a driver
2 safety plan. The report shall inform the person of the fee provisions under s. 46.03
3 (18) (f). The driver safety plan may include a component that makes the person
4 aware of the effect of his or her offense on a victim and a victim's family. The driver
5 safety plan may include treatment for the person's misuse, abuse or dependence on
6 alcohol, controlled substances or controlled substance analogs, or attendance at a
7 school under s. 345.60, or both. If the plan requires inpatient treatment, the
8 treatment shall not exceed 30 days. A driver safety plan under this paragraph shall
9 include a termination date consistent with the plan which shall not extend beyond
10 one year. The county department under s. 51.42 shall assure notification of the
11 department of transportation and the person of the person's compliance or
12 noncompliance with assessment and with treatment. The school under s. 345.60
13 shall notify the department, the county department under s. 51.42 and the person
14 of the person's compliance or noncompliance with the requirements of the school.
15 Nonpayment of the assessment fee or, if the person has the ability to pay,
16 nonpayment of the driver safety plan fee is noncompliance with the court order. If
17 the department is notified of any noncompliance, other than for nonpayment of the
18 assessment fee or driver safety plan fee, it shall suspend revoke the person's
19 operating privilege until the county department under s. 51.42 or the school under
20 s. 345.60 notifies the department that the person is in compliance with assessment
21 or the driver safety plan. If the department is notified that a person has not paid the
22 assessment fee, or that a person with the ability to pay has not paid the driver safety
23 plan fee, the department shall suspend the person's operating privilege for a period
24 of 2 years or until it receives notice that the person has paid the fee, whichever occurs
25 first. The department shall notify the person of the suspension or revocation, the

SENATE BILL 470

1 reason for the suspension or revocation and the person's right to a review. A person
2 may request a review of a suspension revocation based upon failure to comply with
3 a driver safety plan within 10 days of notification. The review shall be handled by
4 the subunit of the department of transportation designated by the secretary. The
5 issues at the review are limited to whether the driver safety plan, if challenged, is
6 appropriate and whether the person is in compliance with the assessment order or
7 the driver safety plan. The review shall be conducted within 10 days after a request
8 is received. If the driver safety plan is determined to be inappropriate, the
9 department shall order a reassessment and if the person is otherwise eligible, the
10 department shall reinstate the person's operating privilege. If the person is
11 determined to be in compliance with the assessment or driver safety plan, and if the
12 person is otherwise eligible, the department shall reinstate the person's operating
13 privilege. If there is no decision within the 10-day period, the department shall issue
14 an order reinstating the person's operating privilege until the review is completed,
15 unless the delay is at the request of the person seeking the review.

16 **SECTION 25.** 343.30 (1z) of the statutes is amended to read:

17 343.30 (1z) If a court imposes a driver improvement surcharge under s. 346.655
18 and the person fails to pay the surcharge within 60 days after the date by which the
19 court ordered the surcharge to be paid, the court may suspend the person's operating
20 privilege until the person pays the surcharge, except that the suspension period may
21 not exceed 5 2 years. ~~Any period of suspension under this subsection is subject to sub.~~
22 ~~(1q) (h).~~

23 **SECTION 26.** 343.30 (2d) of the statutes is amended to read:

24 343.30 (2d) A court may suspend ~~or revoke~~ a person's operating privilege upon
25 conviction of any offense specified under ss. 940.225, 948.02, 948.025 and 948.07, if

SENATE BILL 470**SECTION 26**

1 the court finds that it is inimical to the public safety and welfare for the offender to
2 have operating privileges. The suspension ~~or revocation~~ shall be for one year or until
3 discharge from prison or jail sentence or probation or parole with respect to the
4 offenses specified, whichever date is later. Receipt of a certificate of discharge from
5 the department of corrections or other responsible supervising agency, after one year
6 has elapsed since the suspension ~~or revocation~~, entitles the holder to reinstatement
7 of operating privileges. The holder may be required to present the certificate to the
8 secretary if the secretary deems necessary.

9 **SECTION 27.** 343.30 (2g) of the statutes is created to read:

10 343.30 (2g) A court may suspend or revoke a person's operating privilege for
11 any period not exceeding one year upon conviction of that person for violating s.
12 346.67, 346.68 or 346.69. This subsection does not apply to circumstances that
13 require the department to revoke a person's operating privilege under s. 343.31 (1)
14 (d) or (3) (i) or (j).

15 **SECTION 28.** 343.30 (2m) of the statutes is amended to read:

16 343.30 (2m) A court may suspend a person's operating privilege upon such
17 ~~person's first conviction of the person~~ of the person for violating s. 346.93 and ~~may revoke a~~
18 ~~person's operating privilege upon such person's second or subsequent conviction for~~
19 ~~violating s. 346.93.~~ Such suspension ~~or revocation~~ shall be for a period of not less
20 than 30 days nor more than one year.

21 **SECTION 29.** 343.30 (3) of the statutes is amended to read:

22 343.30 (3) The court that ordered the issuance of an occupational license under
23 ~~sub. (4) s. 343.10 (4) (b)~~ may revoke withdraw the order to issue the license whenever
24 the court, upon the facts, does not see fit to permit the licensee to retain the
25 occupational license. ~~The revocation shall be for a period of one year~~ Upon receiving

SENATE BILL 470

1 notice that a court has withdrawn its order to issue an occupational license, the
2 department shall cancel that license.

3 **SECTION 30.** 343.30 (6) (b) (intro.) of the statutes is amended to read:

4 343.30 (6) (b) (intro.) If a court imposes suspension ~~or revocation~~ of a person's
5 operating privilege under s. 125.07 (4) (c) or 938.344 (2), (2b) or (2d), the suspension
6 ~~or revocation~~ imposed shall be one of the following:

7 **SECTION 31.** 343.30 (6) (b) 3. of the statutes is amended to read:

8 343.30 (6) (b) 3. For a violation committed within 12 months of 2 or more
9 previous violations, ~~revocation~~ suspension for not more than 2 years.

10 **SECTION 32.** 343.30 (6) (c) of the statutes is amended to read:

11 343.30 (6) (c) Except as provided by par. (d), the suspension ~~or revocation~~ of the
12 operating privilege under this subsection shall commence on the date of disposition.

13 **SECTION 33.** 343.30 (6) (d) of the statutes is amended to read:

14 343.30 (6) (d) If the person subject to suspension ~~or revocation~~ under this
15 subsection does not hold a valid license under this chapter other than a license under
16 s. 343.07 or 343.08 on the date of disposition, the suspension ~~or revocation~~ under par.
17 (b) shall commence on the date that such a license would otherwise be reinstated or
18 issued after the person applies and qualifies for issuance or 2 years from the date of
19 disposition, whichever occurs first.

20 **SECTION 34.** 343.30 (6) (e) of the statutes is repealed.

21 **SECTION 35.** 343.305 (10) (d) of the statutes is amended to read:

22 343.305 (10) (d) The assessment report shall order compliance with a driver
23 safety plan. The report shall inform the person of the fee provisions under s. 46.03
24 (18) (f). The driver safety plan may include a component that makes the person
25 aware of the effect of his or her offense on a victim and a victim's family. The driver

SENATE BILL 470**SECTION 35**

1 safety plan may include treatment for the person's misuse, abuse or dependence on
2 alcohol, controlled substances or controlled substance analogs, attendance at a
3 school under s. 345.60, or both. If the plan requires inpatient treatment, the
4 treatment shall not exceed 30 days. A driver safety plan under this paragraph shall
5 include a termination date consistent with the plan which shall not extend beyond
6 one year. The county department under s. 51.42 shall assure notification of the
7 department of transportation and the person of the person's compliance or
8 noncompliance with assessment and treatment. The school under s. 345.60 shall
9 notify the department, the county department under s. 51.42 and the person of the
10 person's compliance or noncompliance with the requirements of the school.
11 Nonpayment of the assessment fee or, if the person has the ability to pay,
12 nonpayment of the driver safety plan fee is noncompliance with the court order. If
13 the department is notified of noncompliance, other than for nonpayment of the
14 assessment fee or driver safety plan fee, it shall ~~suspend~~ revoke the person's
15 operating privilege until the county department under s. 51.42 or the school under
16 s. 345.60 notifies the department that the person is in compliance with assessment
17 or the driver safety plan. If the department is notified that a person has not paid the
18 assessment fee, or that a person with the ability to pay has not paid the driver safety
19 plan fee, the department shall suspend the person's operating privilege for a period
20 of 2 years or until it receives notice that the person has paid the fee, whichever occurs
21 first. The department shall notify the person of the suspension or revocation, the
22 reason for the suspension or revocation and the person's right to a review. A person
23 may request a review of a ~~suspension~~ revocation based upon failure to comply with
24 a driver safety plan within 10 days of notification. The review shall be handled by
25 the subunit of the department of transportation designated by the secretary. The

SENATE BILL 470

1 issues at the review are limited to whether the driver safety plan, if challenged, is
2 appropriate and whether the person is in compliance with the assessment order or
3 the driver safety plan. The review shall be conducted within 10 days after a request
4 is received. If the driver safety plan is determined to be inappropriate, the
5 department shall order a reassessment and if the person is otherwise eligible, the
6 department shall reinstate the person's operating privilege. If the person is
7 determined to be in compliance with the assessment or driver safety plan, and if the
8 person is otherwise eligible, the department shall reinstate the person's operating
9 privilege. If there is no decision within the 10-day period, the department shall issue
10 an order reinstating the person's operating privilege until the review is completed,
11 unless the delay is at the request of the person seeking the review.

12 **SECTION 36.** 343.307 (1) (intro.) of the statutes is amended to read:

13 343.307 (1) (intro.) The court shall count the following to determine the length
14 of a revocation ~~or suspension~~ under s. 343.30 (1q) (b) and to determine the penalty
15 under s. 346.65 (2):

16 **SECTION 37.** 343.31 (1) (b) of the statutes is amended to read:

17 343.31 (1) (b) Upon the ~~2nd or any subsequent~~ conviction for operation of a
18 motor vehicle while under the influence of an intoxicant, controlled substance,
19 controlled substance analog or a combination thereof, under the influence of any
20 other drug to a degree which renders him or her incapable of safely driving, or under
21 the combined influence of an intoxicant and any other drug to a degree which renders
22 him or her incapable of safely driving, in accordance with the order of the court. ~~This~~
23 ~~paragraph does not apply to a law of a federally recognized American Indian tribe~~
24 ~~or band in this state.~~

SENATE BILL 470**SECTION 38**

1 **SECTION 38.** 343.31 (1) (e) of the statutes is renumbered 343.31 (2r) and
2 amended to read:

3 343.31 **(2r)** ~~Perjury~~ The department shall suspend a person's operating
4 privilege upon receiving a record of conviction showing that the person has been
5 convicted of perjury or the making of a false affidavit or the making of a false
6 statement or certification to the department under this chapter or any other law
7 relating to the ownership or operation of motor vehicles.

8 **SECTION 39.** 343.31 (1) (h) of the statutes is repealed.

9 **SECTION 40.** 343.31 (1) (hm) of the statutes is created to read:

10 343.31 **(1)** (hm) A violation of s. 343.44 (1) (a), (b) or (d), or a local ordinance in
11 conformity therewith, if the person has been convicted of 3 or more prior violations
12 of s. 343.44 (1) (a), (b) or (d) or a local ordinance in conformity therewith within the
13 5-year period preceding the violation. Revocation under this paragraph shall be for
14 a period of 6 months unless a lesser period of revocation is ordered under s. 343.30
15 (1g) (b).

16 **SECTION 41.** 343.31 (1m) of the statutes is repealed.

17 **SECTION 42.** 343.31 (2) of the statutes is amended to read:

18 343.31 **(2)** The department shall ~~revoke or suspend, respectively,~~ the operating
19 privilege of any resident upon receiving notice of the conviction of such person in
20 another jurisdiction for an offense therein which, if committed in this state, would
21 have been cause for revocation ~~or suspension~~ under this section or for revocation
22 under s. 343.30 (1q). Such offenses shall include violation of any law of another
23 jurisdiction that prohibits use of a motor vehicle while intoxicated or under the
24 influence of a controlled substance or controlled substance analog, or a combination
25 thereof, or with an excess or specified range of alcohol concentration, or under the

SENATE BILL 470

1 influence of any drug to a degree that renders the person incapable of safely driving,
2 as those or substantially similar terms are used in that jurisdiction's laws. Upon
3 receiving similar notice with respect to a nonresident, the department shall revoke
4 ~~or suspend, respectively,~~ the privilege of the nonresident to operate a motor vehicle
5 in this state. Such ~~suspension or~~ revocation shall not apply to the operation of a
6 commercial motor vehicle by a nonresident who holds a valid commercial driver
7 license issued by another state.

8 **SECTION 43.** 343.31 (2m) of the statutes is amended to read:

9 343.31 **(2m)** The department may suspend or revoke, respectively, the
10 operating privilege of any resident upon receiving notice of the conviction of that
11 person of under a law of another jurisdiction or a federally recognized American
12 Indian tribe or band in this state for an offense which, if the person had committed
13 the offense in this state and been convicted of the offense under the laws of this state,
14 would have permitted suspension or revocation of the person's operating privilege
15 under s. 343.30 (1g). Upon receiving similar notice with respect to a nonresident, the
16 department may suspend or revoke the privilege of the nonresident to operate a
17 motor vehicle in this state. The suspension or revocation shall not apply to the
18 operation of a commercial motor vehicle by a nonresident who holds a valid
19 commercial driver license issued by another state. A suspension or revocation under
20 this subsection shall be for any period not exceeding 6 months.

21 **SECTION 44.** 343.31 (2u) of the statutes is created to read:

22 343.31 **(2u)** The department shall suspend the operating privilege of a person
23 who has been issued an occupational license upon receiving a record of conviction
24 showing that the person has been convicted of any of the following offenses.

SENATE BILL 470**SECTION 44**

1 (a) Any offense that may be counted under s. 351.02 (1) (a), other than s. 351.02
2 (1) (a) 5.

3 (b) Exceeding by 20 or more miles per hour any lawful or posted maximum
4 speed limit.

5 (c) Participating in any race or speed or endurance contest.

6 **SECTION 45.** 343.31 (3) (b) of the statutes is amended to read:

7 343.31 (3) (b) If the ~~suspension~~ revocation results from a first conviction of
8 operation of a motor vehicle while under the influence of an intoxicant, controlled
9 substance, controlled substance analog or a combination thereof, under the influence
10 of any other drug to a degree which renders him or her incapable of safely driving,
11 or under the combined influence of an intoxicant and any other drug to a degree
12 which renders him or her incapable of safely driving and the conviction occurs in
13 another jurisdiction, the period of ~~suspension~~ revocation shall be 6 months.

14 **SECTION 46.** 343.31 (3) (bm) 1. of the statutes is amended to read:

15 343.31 (3) (bm) 1. The department shall ~~suspend~~ or revoke the person's
16 operating privilege under this paragraph according to the number of previous
17 suspensions, revocations or convictions that would be counted under s. 343.307 (1).
18 Suspensions, revocations and convictions arising out of the same incident shall be
19 counted as one. If a person has a conviction, suspension or revocation for any offense
20 that is counted under s. 343.307 (1), that conviction, suspension or revocation shall
21 count as a prior conviction, suspension or revocation under this subdivision.

22 **SECTION 47.** 343.31 (3) (bm) 2. of the statutes is amended to read:

23 343.31 (3) (bm) 2. Except as provided in subd. 3., 4. or 4m., for the first
24 conviction, the department shall ~~suspend~~ revoke the person's operating privilege for
25 not less than 6 months nor more than 9 months. If an Indian tribal court in this state

SENATE BILL 470

1 suspends revokes the person's privilege to operate a motor vehicle on tribal lands for
2 not less than 6 months nor more than 9 months for the conviction specified in par.
3 (bm) (intro.), the department shall impose the same period of ~~suspension~~ revocation.
4 The person is eligible for an occupational license under s. 343.10 at any time.

5 **SECTION 48.** 343.31 (3) (bm) 4m. of the statutes is amended to read:

6 343.31 **(3)** (bm) 4m. If the Indian tribal court that convicted the person
7 determined that there was a minor passenger under 16 years of age in the motor
8 vehicle at the time of the incident that gave rise to the conviction, the applicable
9 minimum and maximum ~~suspension~~ or revocation periods under subd. 2., 3. or 4. for
10 the conviction are doubled.

11 **SECTION 49.** 343.31 (3) (g) of the statutes is repealed.

12 **SECTION 50.** 343.31 (3) (h) of the statutes is repealed.

13 **SECTION 51.** 343.31 (4) of the statutes is repealed.

14 **SECTION 52.** 343.315 (1) (a) of the statutes is repealed.

15 **SECTION 53.** 343.315 (1) (b) of the statutes is renumbered 343.315 (1) and
16 amended to read:

17 343.315 **(1)** (title) ~~GENERAL~~ EMPLOYER RESPONSIBILITY. An employer may not
18 allow, permit or authorize a driver who is disqualified to operate a commercial motor
19 vehicle during a period of disqualification after March 31, 1992. An employer who
20 knowingly violates this ~~paragraph~~ subsection shall be fined not more than \$5,000 or
21 imprisoned for not more than 90 days or both. An employer who negligently violates
22 this ~~paragraph~~ subsection shall forfeit not more than \$2,500.

23 **SECTION 54.** 343.32 (1) (b) of the statutes is renumbered 343.32 (1s) and
24 amended to read:

SENATE BILL 470**SECTION 54**

1 343.32 ~~(1s)~~ ~~Such~~ The secretary shall suspend the operating privilege of any
2 person who has been convicted under state law or under a local ordinance which is
3 in conformity therewith or under a law of a federally recognized American Indian
4 tribe or band in this state which is in conformity with state law of altering the
5 person's license, loaning the person's license to another or unlawfully or fraudulently
6 using or permitting an unlawful or fraudulent use of a license.

7 **SECTION 55.** 343.32 (1) (d) of the statutes is repealed.

8 **SECTION 56.** 343.32 (1m) (b) (intro.), 2. and 3. of the statutes are amended to
9 read:

10 343.32 **(1m)** (b) (intro.) The secretary shall suspend ~~or revoke~~ a person's
11 operating privilege for not less than 6 months nor more than 5 years whenever notice
12 has been received of the conviction of such person under federal law or the law of a
13 federally recognized American Indian tribe or band in this state or the law of another
14 jurisdiction for any offense therein which, if the person had committed the offense
15 in this state and been convicted of the offense under the laws of this state, would have
16 required suspension ~~or revocation~~ of such person's operating privilege under s.
17 961.50. The person is eligible for an occupational license under s. 343.10 as follows:

18 2. For a 2nd conviction within a 5-year period, after the first 60 days of the
19 suspension ~~or revocation~~ period.

20 3. For a 3rd or subsequent conviction within a 5-year period, after the first 90
21 days of the suspension ~~or revocation~~ period.

22 **SECTION 57.** 343.32 (2) (a) of the statutes is amended to read:

23 343.32 **(2)** (a) The secretary may suspend ~~or revoke~~ a person's operating
24 privilege if the person appears by the records of the department to be a habitually
25 reckless or negligent operator of a motor vehicle or to have repeatedly violated any

SENATE BILL 470

1 of the state traffic laws, any local ordinance enacted under ch. 349 or any traffic laws
2 enacted by a federally recognized American Indian tribe or band in this state if the
3 tribal traffic laws violated strictly conform to provisions in chs. 341 to 348 or, if the
4 offense occurred on a federal military installation located in this state, any federal
5 law which is in strict conformity with a state traffic law. For the purpose of
6 determining when to suspend ~~or revoke~~ an operating privilege under this subsection,
7 the secretary may determine and adopt by rule a method of weighing traffic
8 convictions by their seriousness and may, subject to the limitations in this
9 subsection, change such weighted scale as experience or the accident frequency in
10 the state makes necessary or desirable.

11 **SECTION 58.** 343.32 (2) (bg) of the statutes is amended to read:

12 343.32 (2) (bg) The scale adopted by the secretary shall assign, for each
13 conviction, ~~6~~ 3 demerit points for operating a ~~commercial~~ motor vehicle while
14 disqualified, revoked, suspended or out-of-service under s. 343.44 or a local
15 ordinance in conformity therewith.

16 **SECTION 59.** 343.32 (2) (c) of the statutes is amended to read:

17 343.32 (2) (c) In order for the secretary to suspend ~~or revoke~~ an operating
18 privilege under this subsection, the operator must have accumulated 12 demerit
19 points in any 12-month period.

20 **SECTION 60.** 343.32 (2) (g) of the statutes is repealed.

21 **SECTION 61.** 343.32 (6) of the statutes is amended to read:

22 343.32 (6) There shall be no minimum waiting period before issuance of an
23 occupational license under s. 343.10 to a person whose operating privilege has been
24 suspended ~~or revoked~~ under sub. (2) if the person is otherwise eligible for issuance
25 of an occupational license.

SENATE BILL 470**SECTION 62**

1 **SECTION 62.** 343.38 (1) (c) of the statutes is renumbered 343.38 (1) (c) 1. and
2 amended to read:

3 343.38 (1) (c) 1. ~~Unless 3 years have elapsed since the expiration of the period~~
4 ~~of revocation~~ Except as provided in subd. 2., files and maintains with the department
5 proof of financial responsibility in the amount, form and manner specified in ch. 344.
6 ~~Such proof of financial responsibility shall be maintained at all times during such~~
7 ~~3-year period when the license is in effect.~~ This subdivision does not apply after 3
8 years have elapsed since the expiration of the period of revocation.

9 2. No such proof under subd. 1. shall be required for a any of the following:

10 a. A vehicle subject to the requirements of s. 121.53, 194.41 or 194.42 ~~or a.~~

11 b. A vehicle owned by or leased to the United States, this state or any county
12 or municipality of this state.

13 **SECTION 63.** 343.38 (1) (c) 2. c. and d. of the statutes are created to read:

14 343.38 (1) (c) 2. c. Reinstatement of an operating privilege revoked under s.
15 343.30 (1q) (b) 2. or (d), 343.305 (10) (d) or 343.31 (3) (b) or (bm) 2.

16 d. Reinstatement of an operating privilege revoked under s. 343.31 (1) (b) or
17 (2) if, within the 5-year period preceding the violation, the person has not been
18 convicted of a prior offense that may be counted under s. 343.307 (2) and if, within
19 the 10-year preceding the violation, the person has not been convicted of 2 or more
20 prior offenses that may be counted under s. 343.307 (2).

21 **SECTION 64.** 343.38 (2) of the statutes, as affected by 1997 Wisconsin Act 27,
22 is amended to read:

23 343.38 (2) REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER
24 REVOCATION BY WISCONSIN. A nonresident's operating privilege revoked pursuant to
25 under the laws of this state is reinstated as a matter of law when the period of

SENATE BILL 470

1 revocation has expired and such nonresident obtains a valid operator's license issued
2 by the jurisdiction of the nonresident's residence and pays the fee specified in s.
3 343.21 (1) (j).

4 **SECTION 65.** 343.38 (3) of the statutes is amended to read:

5 343.38 (3) REINSTATEMENT AFTER SUSPENSION. Except as provided in s. 343.10,
6 the department shall not issue a license to a person whose operating privilege has
7 been duly suspended while the suspension remains in effect. Upon the expiration
8 of the period of suspension, the person's operating privilege is automatically
9 reinstated as provided in s. 343.39.

10 **SECTION 66.** 343.39 (1) (a) of the statutes is amended to read:

11 343.39 (1) (a) When, in the case of a suspended operating privilege, the period
12 of suspension has terminated and, the reinstatement fee specified in s. 343.21 (1) (j)
13 has been paid to the department and, for reinstatement of an operating privilege
14 suspended under ch. 344, the person files with the department proof of financial
15 responsibility, if required, in the amount, form and manner specified under ch. 344.

16 **SECTION 67.** 343.44 (title) of the statutes is repealed and recreated to read:

17 **343.44 (title) Operating while suspended, revoked, ordered**
18 **out-of-service or disqualified.**

19 **SECTION 68.** 343.44 (1) of the statutes is repealed and recreated to read:

20 343.44 (1) OPERATING OFFENSES. (a) *Operating while suspended.* No person
21 whose operating privilege has been duly suspended under the laws of this state may
22 operate a motor vehicle upon any highway in this state during the period of
23 suspension or in violation of any restriction on an occupational license issued to the
24 person during the period of suspension. A person's knowledge that his or her
25 operating privilege is suspended is not an element of the offense under this

SENATE BILL 470**SECTION 68**

1 paragraph. In this paragraph, “restriction on an occupational license” means
2 restrictions imposed under s. 343.10 (5) (a) as to hours of the day, area, routes or
3 purpose of travel, vehicles allowed to be operated, use of an ignition interlock device,
4 sobriety or use of alcohol, controlled substances or controlled substance analogs.

5 (b) *Operating while revoked.* No person whose operating privilege has been
6 duly revoked under the laws of this state may knowingly operate a motor vehicle
7 upon any highway in this state during the period of revocation or in violation of any
8 restriction on an occupational license issued to the person during the period of
9 revocation. In this paragraph, “restriction on an occupational license” means
10 restrictions imposed under s. 343.10 (5) (a) as to hours of the day, area, routes or
11 purpose of travel, vehicles allowed to be operated, use of an ignition interlock device,
12 sobriety or use of alcohol, controlled substances or controlled substance analogs.

13 (c) *Operating while ordered out-of-service.* No person may operate a
14 commercial motor vehicle while ordered out-of-service under state or federal law.

15 (d) *Operating while disqualified.* No person may operate a commercial motor
16 vehicle while disqualified under s. 343.315 or 49 CFR 383.51, under the law of
17 another jurisdiction or Mexico that provides for disqualification of commercial
18 drivers in a manner similar to 49 CFR 383.51, or under a determination by the
19 federal highway administration under the federal rules of practice for motor carrier
20 safety contained in 49 CFR 386 that the person is no longer qualified to operate a
21 vehicle under 49 CFR 391.

22 **SECTION 69.** 343.44 (1g) of the statutes is created to read:

23 343.44 (1g) REINSTATEMENT REQUIRED. Notwithstanding any specified term of
24 suspension, revocation, cancellation or disqualification, the period of any
25 suspension, revocation, cancellation or disqualification of an operator’s license

SENATE BILL 470

1 issued under this chapter or of an operating privilege continues until the operator's
2 license or operating privilege is reinstated.

3 **SECTION 70.** 343.44 (2) of the statutes is repealed and recreated to read:

4 343.44 (2) PENALTIES. (a) Any person who violates sub. (1) (a) shall be required
5 to forfeit not less than \$50 nor more than \$200.

6 (am) Any person who violates sub. (1) (b) before the first day of the 13th month
7 beginning after publication [revisor inserts date], may be required to forfeit not
8 more than \$600, except that, if the person has been convicted of a previous violation
9 described in sub. (1) (b) within the preceding 5-year period, the penalty under par.
10 (b) shall apply.

11 (b) Except as provided in par. (am), any person who violates sub. (1) (b), (c) or
12 (d) shall be fined not more than \$2,500 or imprisoned for not more than one year or
13 both. In imposing a sentence under this paragraph, or a local ordinance in
14 conformity with this paragraph, the court shall review the record and consider the
15 following:

16 1. The aggravating and mitigating circumstances in the matter, using the
17 guidelines described in par. (d).

18 2. The class of vehicle operated by the person.

19 3. The number of prior convictions of the person for violations of this section
20 within the 5 years preceding the person's arrest.

21 4. The reason that the person's operating privilege was revoked, or the person
22 was disqualified or ordered out of service, including whether the person's operating
23 privilege was revoked for an offense that may be counted under s. 343.307 (2).

24 5. Any convictions for moving violations arising out of the incident or
25 occurrence giving rise to sentencing under this section.

SENATE BILL 470**SECTION 70**

1 (d) The chief judge of each judicial administrative district shall adopt
2 guidelines, under the chief judge's authority to adopt local rules under SCR 70.34,
3 for the consideration of aggravating and mitigating factors. Such guidelines shall
4 treat operators of commercial motor vehicles at least as stringently as operators of
5 other classes of motor vehicles.

6 **SECTION 71.** 343.44 (2g) of the statutes is repealed.

7 **SECTION 72.** 343.44 (2m) of the statutes is repealed.

8 **SECTION 73.** 343.44 (2p) (intro.) of the statutes is amended to read:

9 343.44 **(2p)** (title) SENTENCING OPTION. (intro.) The legislature intends that
10 courts use the sentencing option under s. 973.03 (4) whenever appropriate for
11 persons subject to sub. (2) ~~or (2m)~~ to provide cost savings for the state and for local
12 governments. This option shall not be used if the suspension or revocation was for
13 one of the following:

14 **SECTION 74.** 343.44 (2r) of the statutes is amended to read:

15 343.44 **(2r)** (title) PRIOR CONVICTIONS. For purposes of determining prior
16 convictions under this section, the 5-year period shall be measured from the dates
17 of the violations that resulted in the convictions and each conviction under sub. (2)
18 ~~or (2m)~~ shall be counted. ~~The vehicle operated at the time of the offense shall~~
19 ~~determine whether the penalties of sub. (2) or (2m) apply.~~

20 **SECTION 75.** 343.44 (2s) of the statutes is amended to read:

21 343.44 **(2s)** Within 30 days after receipt by the department of a report from a
22 law enforcement officer under s. 343.305 (7) or a court order under s. 343.28 of a
23 violation committed by a person operating a commercial motor vehicle while subject
24 to an out-of-service order under s. 343.305 (7) (b) or (9) (am), a traffic officer
25 employed under s. 110.07 may prepare a uniform traffic citation under s. 345.11 for

SENATE BILL 470

1 a violation of sub. (1) (c) or (d) and serve it on the person. The citation may be served
2 anywhere in this state and shall be served by delivering a copy to the person
3 personally or by leaving a copy at the person's usual place of abode with a person of
4 discretion residing therein or by mailing a copy to the person's last-known residence
5 address. The venue for prosecution may be the county where the alleged offense
6 occurred or in the person's county of residence.

7 **SECTION 76.** 343.44 (3) (title) of the statutes is created to read:

8 343.44 (3) (title) FAILURE TO RECEIVE NOTICE.

9 **SECTION 77.** 343.44 (4) (title) of the statutes is created to read:

10 343.44 (4) (title) IMPOUNDMENT.

11 **SECTION 78.** 343.44 (4m) of the statutes is renumbered 343.44 (2) (c) and
12 amended to read:

13 343.44 (2) (c) In addition to other penalties for violation of this section, if a
14 person ~~has violated~~ violates this section ~~after~~ while his or her operating privilege was
15 is revoked as provided in ch. 351, the penalties shall may be enhanced by
16 imprisonment and additional fines as provided in s. 351.08. For the purpose of
17 enforcing this ~~subsection~~ paragraph, in any case in which the accused is charged with
18 operating a motor vehicle while his or her operator's license, permit or privilege to
19 operate is suspended or revoked or is charged with operating without a valid
20 operator's license, the court, before hearing the charge, shall determine whether the
21 person is a habitual traffic offender or repeat habitual traffic offender and therefore
22 barred from operating a motor vehicle on the highways of this state.

23 **SECTION 79.** 343.44 (4r) (title) of the statutes is created to read:

24 343.44 (4r) (title) VIOLATION OF OUT-OF-SERVICE ORDER.

25 **SECTION 80.** 343.44 (5) (title) of the statutes is created to read:

SENATE BILL 470**SECTION 80**

1 343.44 (5) (title) VEHICLE IMPOUNDMENT; LESSORS AND SECURED CREDITORS.

2 **SECTION 81.** 344.02 (title) of the statutes is amended to read:

3 **344.02 (title) ~~Hearing on revocation~~ suspension or impoundment.**

4 **SECTION 82.** 344.02 (1) of the statutes, as affected by 1997 Wisconsin Act 27,
5 is amended to read:

6 344.02 (1) Whenever the department under s. 344.13 gives notice of the amount
7 of security required to be deposited and that an order of ~~revocation~~ suspension or
8 impoundment will be made if such security is not deposited, it shall afford the person
9 so notified an opportunity for a hearing on the proposed action, if written request for
10 a hearing is received by the department prior to the date specified in the notice, or
11 prior to the postponed effective date of ~~revocation~~ suspension if postponement has
12 been granted under s. 344.14 (1). Upon receipt of timely request for hearing, the
13 department shall fix the time and place of the hearing and give notice thereof to such
14 person by regular mail. The scope of the hearing is limited to the matter set forth
15 in s. 344.14 (2) (k) and, subject to s. 344.14 (2m), to whether or not the person is the
16 owner of the motor vehicle to be impounded. Any person who fails without
17 reasonable cause to appear at the time and place specified in the notice shall forfeit
18 the right to a hearing.

19 **SECTION 83.** 344.02 (3) of the statutes is amended to read:

20 344.02 (3) Upon completion of the hearing, the department shall make findings
21 of fact, conclusions of law, and a decision, and shall either proceed to order ~~revocation~~
22 suspension of the person's operating privilege, or registrations, or both, and may also
23 order the impoundment of the person's motor vehicle, in accordance with s. 344.14,
24 or upon good cause appearing therefor, shall terminate the proceedings.

25 **SECTION 84.** 344.02 (4) of the statutes is amended to read:

SENATE BILL 470

1 344.02 (4) The time during which enforcement of an order of ~~revocation~~
2 suspension or impoundment is stayed pending completion of court review thereof
3 shall not be included as part of the one-year period fixed by s. 344.18 (1) (d) for
4 ~~revocation~~ suspension or the period fixed under s. 344.185 (2) (a) or (b) for
5 impoundment.

6 **SECTION 85.** 344.04 (title) of the statutes is amended to read:

7 **344.04 (title) Power of court to stay ~~revocation~~ suspension of**
8 **registration or impoundment of vehicles.**

9 **SECTION 86.** 344.04 (1) of the statutes is amended to read:

10 344.04 (1) Notwithstanding any other provision of this chapter, the secretary
11 shall not ~~revoke~~ suspend the registration of a vehicle when ordered not to do so by
12 the court wherein the judgment for damages was had or, in a case not involving a
13 judgment, when ordered not to do so by a court ~~pursuant to~~ under petition of the
14 registrant in accordance with sub. (2).

15 **SECTION 87.** 344.04 (2) of the statutes is amended to read:

16 344.04 (2) Upon receiving information, other than of a judgment for damages
17 in a court of this state, that would be cause for ~~revocation~~ suspension of registration
18 or impoundment of the vehicle, the secretary shall notify the registrant of the
19 intention to ~~revoke~~ suspend such registration or impound the vehicle. The registrant
20 may thereupon petition any court of record in the registrant's county for an order
21 enjoining the secretary's contemplated action, whereupon the judge of such court
22 shall grant an order restraining the secretary in the matter until the petition is
23 finally determined by the court. If such petition and order are served upon the
24 secretary within 10 days after the date of the secretary's notice or in any event before
25 the secretary has ~~revoked~~ suspended the registration or impounded the vehicle, the

SENATE BILL 470**SECTION 87**

1 secretary shall await the final determination of the court. The secretary shall be
2 given notice of the hearing. Upon a showing that it would result in undue hardship
3 upon the petitioner to have any such registration ~~revoked~~ suspended or the vehicle
4 impounded, the court shall issue an order restraining the secretary from ~~revoking~~
5 suspending the registration or impounding the vehicle.

6 **SECTION 88.** 344.04 (3) of the statutes is amended to read:

7 344.04 (3) This section does not authorize a court to stay suspension or
8 revocation of an operator's license.

9 **SECTION 89.** 344.05 (1) of the statutes is amended to read:

10 344.05 (1) If a judgment ~~in excess~~ of \$500 or more for damages arising out of
11 a motor vehicle accident is not satisfied within 30 days after its having become final
12 by expiration without appeal of the time within which an appeal might have been
13 taken or by final affirmation on appeal, the clerk of the court in which the judgment
14 was rendered, or the judge if the court has no clerk, shall ~~forthwith~~ immediately
15 forward to the secretary a certified copy of the judgment upon request of the
16 judgment creditor or the attorney of record for the judgment creditor.

17 **SECTION 90.** 344.08 (title) of the statutes is amended to read:

18 **344.08** (title) **Revocation Suspension for failure to report accident.**

19 **SECTION 91.** 344.08 (1) of the statutes is amended to read:

20 344.08 (1) The secretary may ~~revoke~~ suspend the operating privilege or
21 registration of any person who fails to report an accident as required by s. 346.70 or
22 to give correctly the information requested by the secretary in connection with such
23 report unless, in the judgment of the secretary, there was excusable cause for such
24 failure or unless the accident did not result in injury or damage to the person or
25 property of anyone other than the person so required to report.

SENATE BILL 470

1 **SECTION 92.** 344.08 (2) of the statutes is amended to read:

2 344.08 (2) Any operating privilege suspended or revoked under this section, or
3 suspended or revoked under any other section for failure to report an accident, shall
4 be reinstated in accordance with s. 344.09 at the end of one year following the
5 effective date of the suspension or revocation order if, during such one-year period,
6 no notice of action has been filed with the department in the manner specified in s.
7 344.18 (1) (d).

8 **SECTION 93.** 344.08 (3) of the statutes is repealed.

9 **SECTION 94.** 344.09 (title) of the statutes is amended to read:

10 **344.09** (title) **Reinstatement of revoked operating privilege and**
11 **registration.**

12 **SECTION 95.** 344.09 (1) of the statutes is amended to read:

13 344.09 (1) Whenever the secretary is satisfied that the reason for ~~revocation~~
14 of suspending or revoking an operating privilege under this chapter has been
15 removed, including satisfaction of any of the requirements of s. 344.18, the secretary
16 shall order reinstatement of the operating privilege. The department shall give
17 notice of the reinstatement to the person whose operating privilege ~~has been~~ was
18 suspended or revoked in the manner it deems appropriate. The order reinstating a
19 suspended operating privilege has the same effect as an automatic reinstatement
20 under s. 343.39.

21 **SECTION 96.** 344.09 (2) of the statutes is amended to read:

22 344.09 (2) Whenever an operating privilege suspended or revoked pursuant to
23 under this chapter is reinstated, any registration ~~which~~ that was suspended or
24 revoked along with the operating privilege is reinstated and the department shall
25 return any surrendered and unexpired registration plate in its possession.

SENATE BILL 470**SECTION 97**

1 **SECTION 97.** 344.12 of the statutes is amended to read:

2 **344.12 Applicability of provisions relating to deposit of security for**
3 **past accidents.** Subject to the exceptions contained in s. 344.14, the provisions of
4 this chapter requiring deposit of security and requiring ~~revocation~~ suspension for
5 failure to deposit security apply to the operator and owner of every motor vehicle
6 which is in any manner involved in an accident in this state which has resulted in
7 bodily injury to or death of any person or damage to property of any other person ~~in~~
8 ~~excess of \$1,000~~ or more.

9 **SECTION 98.** 344.13 (1) of the statutes is amended to read:

10 **344.13 (1)** The secretary after receipt of a report of an accident of the type
11 specified in s. 344.12 shall determine, with respect to such accident, the amount of
12 security which is sufficient in the secretary's judgment to satisfy any judgment for
13 damages resulting from such accident which may be recovered against either
14 operator or owner of the vehicles involved in such accident. Such determination shall
15 be based upon the total property damage suffered by other persons whose property
16 was involved in the accident, not including the vehicle a person was operating when
17 such operation was with the owner's permission, and on the extent of personal
18 injuries, including deaths, involving other parties to the accident. The
19 determination as to the amount of security required shall not be made with respect
20 to operators or owners who are exempt from the requirements of security and
21 ~~revocation~~ suspension under s. 344.14 (2).

22 **SECTION 99.** 344.13 (2) of the statutes is amended to read:

23 **344.13 (2)** The secretary shall determine the amount of security required to be
24 deposited by each person on the basis of the accident reports or other information
25 submitted. In addition to the accident reports required by law, the secretary may

SENATE BILL 470

1 request from any of the persons, including passengers and pedestrians, involved in
2 such accident such further information, sworn statements or other evidence relating
3 to property damage, personal injury or death in motor vehicle accidents as deemed
4 necessary to aid in determining the amount to be deposited as security under s.
5 344.14. Failure of a person to comply with such request is grounds for ~~revoking~~
6 suspending such person's operating privilege but no ~~revocation~~ suspension shall be
7 made on such grounds until one follow-up request has been made and at least 20
8 days have elapsed since the mailing of the first request.

9 **SECTION 100.** 344.13 (3) of the statutes is amended to read:

10 344.13 (3) The secretary within 90 days after receipt of a report of an accident
11 of the type specified in s. 344.12 and upon determining the amount of security to be
12 required of any person involved in such accident or to be required of the owner of any
13 vehicle involved in such accident, shall give at least 10 days' written notice to every
14 such person of the amount of security required to be deposited by the person. The
15 notice also shall state that an order of ~~revocation~~ suspension will be made as provided
16 in s. 344.14, unless within such time security is deposited as required by the notice.
17 The order of ~~revocation~~ suspension may be made a part of the notice, with a provision
18 that it will take effect on the date specified in this subsection unless security is
19 deposited prior to that date.

20 **SECTION 101.** 344.14 (title) of the statutes is amended to read:

21 **344.14 (title) Revocation Suspension for failure to deposit security;**
22 **impoundment of vehicle; exceptions.**

23 **SECTION 102.** 344.14 (1) of the statutes is amended to read:

24 344.14 (1) If a person who was given notice pursuant to under s. 344.13 (3) fails
25 to deposit security in the amount and by the time specified in the notice, the secretary

SENATE BILL 470**SECTION 102**

1 shall ~~forthwith revoke~~ immediately suspend the person's operating privilege if the
2 person was the operator of a motor vehicle involved in the accident and all the
3 person's registrations if the person was the owner of a motor vehicle involved in the
4 accident unless the person furnishes proof satisfactory to the secretary that the
5 person comes within one of the exceptions set forth in sub. (2). If the owner and
6 operator are separate persons, only one of them need deposit security or the 2 persons
7 may cooperate in depositing security. Upon request of the owner or operator in
8 question, the secretary may postpone the effective date of a ~~revocation~~ suspension
9 under this section not to exceed 20 days.

10 **SECTION 103.** 344.14 (1g) of the statutes is amended to read:

11 344.14 (1g) The secretary shall refuse registration of any vehicle owned by a
12 person whose registration has been suspended or revoked under sub. (1).

13 **SECTION 104.** 344.14 (1m) (intro.) of the statutes is amended to read:

14 344.14 (1m) (intro.) In addition to the ~~revocations~~ suspensions under sub. (1),
15 the secretary may order the impoundment of any motor vehicle which is:

16 **SECTION 105.** 344.14 (2) (e) of the statutes is amended to read:

17 344.14 (2) (e) To the operator or owner of a vehicle involved in an accident
18 wherein no injury was caused to the person of anyone other than such operator or
19 owner and wherein damage to property of any one person other than such operator
20 or owner did not equal or exceed \$1,000.

21 **SECTION 106.** 344.14 (2) (h) of the statutes is amended to read:

22 344.14 (2) (h) To any person who would otherwise have to deposit security if,
23 prior to the date the secretary would otherwise ~~revoke~~ suspend the person's
24 operating privilege and registrations under sub. (1) or order the impoundment of the
25 motor vehicle under sub. (1m), there is filed with the secretary evidence satisfactory

SENATE BILL 470**SECTION 106**

1 to the secretary that the person has been released from liability or has been finally
2 adjudicated not to be liable or has executed a duly acknowledged written agreement
3 providing for the payment of an agreed amount in instalments with respect to all
4 claims for injuries or damage resulting from the accident. The secretary may accept
5 a release from liability executed by a parent as natural guardian on behalf of a minor
6 child with respect to property damage or personal injuries sustained by the minor,
7 provided that the total damages, including the cost of medical care, do not exceed
8 \$5,000 and that, in case of personal injury, the doctor's certificate of injury filed with
9 the department certifies that the minor received no permanent injury.

10 **SECTION 107.** 344.18 (title) of the statutes is amended to read:

11 **344.18 (title) Duration of revocation suspension for failure to deposit**
12 **security.**

13 **SECTION 108.** 344.18 (1) (intro.) of the statutes is amended to read:

14 344.18 (1) (intro.) Any registration suspended or revoked as provided in under
15 s. 344.14 shall remain suspended or revoked and shall not be renewed or reinstated
16 until the person pays the fee required under s. 341.36 (1m) ~~has been paid, one, meets~~
17 one of the requirements under pars. (a) to (d) ~~has been met~~ and satisfies the
18 requirements of sub. (1m) ~~are satisfied~~. Any operating privilege suspended or
19 ~~revoked as provided in under~~ s. 344.14 shall remain suspended or revoked and shall
20 not be renewed or reinstated until the person pays the fee required under s. 343.21
21 (1) (j) ~~has been paid, the, complies with the~~ applicable provisions of s. 343.38 have
22 ~~been complied with~~ and one meets any of the following requirements ~~has been met~~:

23 **SECTION 109.** 344.18 (1) (a) of the statutes is amended to read:

24 344.18 (1) (a) The person whose operating privilege or registration was
25 suspended or revoked deposits the security required under s. 344.14.

SENATE BILL 470**SECTION 110**

1 **SECTION 110.** 344.18 (1) (b) of the statutes is amended to read:

2 344.18 (1) (b) There is filed with the secretary evidence satisfactory to the
3 secretary that the person whose operating privilege or registration was suspended
4 or revoked has been released from liability or has been finally adjudicated not to be
5 liable. The secretary may accept a release executed by a parent on behalf of a minor
6 child only if the release satisfies the requirements specified in s. 344.14 (2) (h).

7 **SECTION 111.** 344.18 (1) (c) of the statutes is amended to read:

8 344.18 (1) (c) There is filed with the secretary evidence satisfactory to the
9 secretary that the person whose operating privilege or registration was suspended
10 or revoked has executed a duly acknowledged written agreement in accordance with
11 s. 344.14 (2) (h) and subject to sub. (3).

12 **SECTION 112.** 344.18 (1) (d) of the statutes is amended to read:

13 344.18 (1) (d) One year has elapsed since the effective date of the suspension
14 or revocation order and, during such period, no notice has been filed with the
15 secretary by any claimant that an action was commenced by a party in interest. If
16 the action was commenced in a court of record, the notice required by this paragraph
17 shall include a certified copy of the summons and complaint or counterclaim or
18 cross-complaint and proof of service filed therein. In all cases of service under s.
19 345.09, an additional notice and service must be made under this chapter to avail
20 oneself of the provisions of this chapter.

21 **SECTION 113.** 344.18 (1m) (a) of the statutes is amended to read:

22 344.18 (1m) (a) Unless 3 years have elapsed since the date that a requirement
23 under sub. (1) (a), (b), (c) or (d) has been met, the person whose ~~registration was~~
24 ~~suspended or revoked under sub. (1) or whose operating privilege or registration was~~
25 ~~suspended or revoked~~ under s. 344.14, ~~1989 stats.~~, shall file with the department and

SENATE BILL 470**SECTION 113**

1 maintain in effect proof of financial responsibility in the amount, form and manner
2 specified in this chapter. ~~The person shall maintain the proof of financial~~
3 ~~responsibility at all times for 3 years following reinstatement or renewal of the~~
4 ~~registration while the registration of any vehicle owned by the person is in effect or,~~
5 ~~for suspension of operating privilege, for 3 years following reinstatement or renewal~~
6 ~~of the license while the license is in effect.~~

7 **SECTION 114.** 344.18 (1m) (b) of the statutes is amended to read:

8 344.18 **(1m)** (b) This subsection applies as a condition precedent to ~~renewal or~~
9 ~~reinstatement of an operating privilege or registration suspended or revoked under~~
10 ~~s. 344.14, 1989 stats.~~

11 **SECTION 115.** 344.18 (3) (intro.) of the statutes is amended to read:

12 344.18 **(3)** (intro.) ~~If there is any default~~ a person defaults in the payment of
13 any instalment under a duly acknowledged written agreement, the secretary, upon
14 notice of such default given in no event later than 30 days after the time for final
15 instalment, shall ~~forthwith revoke~~ immediately suspend the registrations and
16 operating privilege of the defaulting person, ~~which. A suspension or revocation of~~
17 registration under this subsection shall remain in effect until the person pays the fee
18 required under s. 341.36 (1m) has been paid, the, meets the requirement under par.
19 (a) or (b) ~~has been met and satisfies the requirements of sub. (3m) are satisfied, and~~
20 ~~shall forthwith revoke the operating privilege of the defaulting person, which. A~~
21 suspension or revocation of an operating privilege under this subsection shall remain
22 in effect until the person pays the fee required in s. 343.21 (1) (j) ~~has been paid, the,~~
23 complies with the applicable provisions of s. 343.38 ~~have been complied with and one~~
24 meets any of the following requirements ~~has been met:~~

25 **SECTION 116.** 344.18 (3) (b) of the statutes is amended to read:

SENATE BILL 470**SECTION 116**

1 344.18 (3) (b) One year has elapsed since the effective date of the suspension
2 or revocation order and, during such period, no notice has been filed with the
3 secretary by any claimant that an action was commenced by a party in interest. The
4 notice required by this paragraph shall comply with sub. (1) (d).

5 **SECTION 117.** 344.18 (3m) (a) of the statutes is amended to read:

6 344.18 (3m) (a) Unless 3 years have elapsed since the date that a requirement
7 under sub. (3) (a) or (b) has been met, the person whose operating privilege or
8 registration was suspended or revoked under sub. (3) ~~or whose operating privilege~~
9 ~~or registration was suspended under s. 344.18 (3), 1989 stats.~~, shall file with the
10 department and maintain in effect proof of financial responsibility in the amount,
11 form and manner specified in this chapter. ~~The person shall maintain the proof of~~
12 ~~financial responsibility at all times for 3 years following reinstatement or renewal~~
13 ~~of the registration while the registration of any vehicle owned by the person is in~~
14 ~~effect or, for suspension of operating privilege, for 3 years following reinstatement~~
15 ~~or renewal of the license while the license is in effect.~~

16 **SECTION 118.** 344.18 (3m) (b) of the statutes is amended to read:

17 344.18 (3m) (b) This subsection applies as a condition precedent to ~~renewal or~~
18 reinstatement of an operating privilege or registration suspended or revoked under
19 ~~s. 344.18 (3), 1989 stats~~ sub. (3).

20 **SECTION 119.** 344.18 (3r) of the statutes is amended to read:

21 344.18 (3r) The secretary shall refuse registration of any vehicle owned by a
22 person whose registration has been suspended or revoked under sub. (3).

23 **SECTION 120.** 344.18 (4) of the statutes is amended to read:

SENATE BILL 470**SECTION 120**

1 344.18 (4) The secretary shall not ~~revoke~~ suspend, as required by sub. (3), if
2 the defaulting person has made payments to the extent specified in s. 344.15 (1) with
3 reference to the acceptable limits of a policy or bond.

4 **SECTION 121.** 344.19 (2) of the statutes is amended to read:

5 344.19 (2) If the operating privilege or registration of a nonresident is ~~revoked~~
6 ~~pursuant to~~ suspended under s. 344.14, the secretary shall transmit a certified copy
7 of the record of such action to the administrator of the division of motor vehicles or
8 equivalent official of the state in which that person resides if the law of the state in
9 which that person resides provides for similar action by the administrator or
10 equivalent official of that state in the event that a resident of this state has a
11 nonresident's operating privilege or registration in that state suspended or revoked
12 for failure to comply with the safety responsibility law of that state.

13 **SECTION 122.** 344.19 (3) of the statutes is amended to read:

14 344.19 (3) Upon receipt of such certification from another state to the effect
15 that the operating privilege or registration of a resident of this state has been
16 suspended or revoked in such other state ~~pursuant to~~ under a law providing for its
17 suspension or revocation for failure to deposit security for payment of judgments
18 arising out of a motor vehicle accident, under circumstances which would require the
19 secretary to ~~revoke~~ suspend a nonresident's operating privilege or registration had
20 the accident occurred in this state, the secretary shall ~~revoke~~ suspend the license
21 operating privilege of such resident if he or she was the operator and all of his or her
22 registrations if he or she was the owner of a motor vehicle involved in such accident.
23 The department may accept a certification which is in the form of a combined notice
24 of required security and suspension ~~or revocation~~ order, but shall not ~~revoke~~ suspend
25 a resident's operating privilege or registration on the basis of such order until at least

SENATE BILL 470**SECTION 122**

1 30 days have elapsed since the time for depositing security in the other state expired.
2 A suspension or revocation of operating privilege under this section shall continue
3 until such resident furnishes evidence of his or her compliance with the law of the
4 other state relating to the deposit of security, pays the fee required under s. 343.21
5 (1) (j) ~~has been paid and complies with~~ the applicable provisions of s. 343.38 ~~have~~
6 ~~been complied with.~~ A suspension or revocation of registration under this section
7 shall continue until such resident furnishes evidence of his or her compliance with
8 the law of the other state relating to the deposit of security, pays the fee required
9 under s. 341.36 (1m) ~~has been paid and satisfies~~ the requirements of sub. (3m) ~~are~~
10 ~~satisfied.~~

11 **SECTION 123.** 344.19 (3g) of the statutes is amended to read:

12 344.19 (3g) The secretary shall refuse registration of any vehicle owned by a
13 person whose registration has been suspended or revoked under sub. (3).

14 **SECTION 124.** 344.19 (3m) (a) of the statutes is amended to read:

15 344.19 (3m) (a) Unless 3 years have elapsed since compliance of the resident
16 with the law of the other state relating to the deposit of security, the resident whose
17 operating privilege or registration was suspended or revoked under sub. (3) ~~or whose~~
18 ~~operating privilege or registration was suspended under s. 344.19 (3), 1989 stats.,~~
19 shall file with the department and maintain in effect proof of financial responsibility
20 in the amount, form and manner specified in this chapter. ~~The person shall maintain~~
21 ~~the proof of financial responsibility at all times for 3 years following reinstatement~~
22 ~~or renewal of the registration while the registration of any vehicle owned by the~~
23 ~~resident is in effect or, for suspension of operating privilege, for 3 years following~~
24 ~~reinstatement or renewal of the license while the license is in effect.~~

25 **SECTION 125.** 344.19 (3m) (b) of the statutes is amended to read:

SENATE BILL 470**SECTION 125**

1 344.19 **(3m)** (b) This subsection applies as a condition precedent to ~~renewal or~~
2 reinstatement of an operating privilege or registration suspended or revoked under
3 s. ~~344.19 (3), 1989 stats~~ sub. (3).

4 **SECTION 126.** 344.24 of the statutes is amended to read:

5 **344.24 Applicability of sections relating to proof of financial**
6 **responsibility for the future.** Sections 344.29 to 344.41 are applicable in all cases
7 in which a person is required to deposit proof of financial responsibility for the future,
8 including those cases in which a person is required to deposit proof of financial
9 responsibility for the future under ss. 344.25 to 344.27, those cases in which the
10 deposit of proof of financial responsibility for the future is a condition precedent to
11 ~~renewal or~~ reinstatement of an operating privilege or registration suspended or
12 revoked under s. 344.14, 344.18 (3) or 344.19 (3) and those cases in which the deposit
13 of proof of financial responsibility for the future is a condition precedent to issuance
14 of an operator's license under s. 343.38 (4) or reinstatement of an operating privilege
15 revoked pursuant to under ch. 343.

16 **SECTION 127.** 344.25 (intro.) of the statutes is amended to read:

17 **344.25 (title) ~~Revocation of license and registration~~ Suspension for**
18 **nonpayment of judgment; exceptions.** (intro.) Upon the receipt, under s. 344.05,
19 of a certified copy of a judgment for damages ~~in excess of \$500 or more~~ arising out
20 of a motor vehicle accident, the secretary shall ~~forthwith revoke~~ immediately
21 suspend the operating privilege and all registrations of the person against whom
22 such judgment was rendered, subject to the following exceptions:

23 **SECTION 128.** 344.25 (1) of the statutes is amended to read:

24 344.25 **(1)** If the judgment arose out of an accident caused by the ownership or
25 operation, with permission, of a vehicle owned by or leased to the United States, this

SENATE BILL 470**SECTION 128**

1 state or any county or municipality of this state or a vehicle subject to the
2 requirements of s. 121.53, 194.41 or 194.42, the secretary shall not ~~revoke such~~
3 ~~license~~ suspend such operating privilege or registration.

4 **SECTION 129.** 344.25 (3) of the statutes is amended to read:

5 344.25 (3) The secretary shall not ~~revoke such license~~ suspend such operating
6 privilege or registrations if the judgment debtor obtains a court order for instalment
7 payments and furnishes proof of financial responsibility as provided in s. 344.27.

8 **SECTION 130.** 344.25 (5) of the statutes is amended to read:

9 344.25 (5) When the secretary receives certification of the entry of a damage
10 judgment in accordance with s. 344.05 against a resident of this state which has been
11 entered by an Indian tribal court in this state or by a court in another jurisdiction,
12 the secretary shall give notice to the person of the receipt of the certification of
13 judgment. If satisfaction of such judgment is not made and copy of such satisfaction
14 filed with the secretary within 30 days from the date such notice was given, the
15 secretary shall ~~revoke the license~~ suspend the operating privilege and registrations
16 of such judgment debtor.

17 **SECTION 131.** 344.26 (title) of the statutes is amended to read:

18 **344.26 (title) Revocation Suspension to continue until judgment paid**
19 **and proof of financial responsibility given.**

20 **SECTION 132.** 344.26 (1) of the statutes is amended to read:

21 344.26 (1) Subject to the exceptions stated in ss. 344.25 (2) and 344.27 (2), any
22 operating privilege or registration suspended or revoked pursuant to under s. 344.25
23 shall remain suspended or revoked until every judgment mentioned in s. 344.25 is
24 stayed, satisfied or discharged and, unless 3 years have elapsed since the date of
25 entry of the judgment which was the cause for suspension or revocation, until the

SENATE BILL 470**SECTION 132**

1 person whose operating privilege and registration was suspended or revoked
2 furnishes and maintains in effect proof of financial responsibility for the future and
3 ~~maintains such proof at all times during such 3-year period when the operating~~
4 ~~privilege or registration is in effect.~~

5 **SECTION 133.** 344.27 (title) of the statutes is amended to read:

6 **344.27 (title) Instalment payment of judgments; revocation suspension**
7 **upon default.**

8 **SECTION 134.** 344.27 (2) of the statutes is amended to read:

9 344.27 (2) The secretary shall not ~~revoke~~ suspend the operating privilege or
10 registration and shall restore any operating privilege or registration ~~revoked~~
11 suspended following nonpayment of a judgment when the judgment debtor obtains
12 such order permitting the payment of the judgment in instalments and, unless 3
13 years have elapsed since the entry of judgment, furnishes and maintains proof of
14 financial responsibility for the future.

15 **SECTION 135.** 344.27 (3) of the statutes is amended to read:

16 344.27 (3) If the judgment debtor fails to pay any instalment as specified by
17 such order, the secretary, upon notice of such default, shall ~~forthwith revoke~~
18 immediately suspend the operating privilege and registrations of the judgment
19 debtor until such judgment is satisfied as provided in s. 344.26.

20 **SECTION 136.** 344.29 of the statutes is amended to read:

21 **344.29 Proof of financial responsibility for the future required.** Proof
22 of financial responsibility for the future shall be furnished by any person required
23 to give such proof under ss. 344.25 to 344.27, those cases in which the deposit of proof
24 of financial responsibility for the future is a condition precedent to ~~renewal or~~
25 reinstatement of an operating privilege or registration suspended or revoked under

SENATE BILL 470**SECTION 136**

1 s. 344.14, 344.18 (3) or 344.19 (3) and in those cases in which the deposit of proof of
2 financial responsibility for the future is a condition precedent to issuance of an
3 operator's license under s. 343.38 (4) or reinstatement of an operating privilege
4 revoked under ch. 343.

5 **SECTION 137.** 344.40 (title) of the statutes is amended to read:

6 **344.40 (title) Revocation or suspension for failure to maintain proof;**
7 **other proof may be required.**

8 **SECTION 138.** 344.40 (1) (a) of the statutes is amended to read:

9 344.40 (1) (a) Except as provided in par. (b), whenever any person whose
10 operating privilege was suspended or revoked who has furnished proof of financial
11 responsibility fails to maintain such proof at any time during the period when proof
12 of financial responsibility is required, the secretary shall suspend or revoke such
13 person's operating privilege for a period of time running from the date of suspension
14 or revocation until such time as either satisfactory proof of financial responsibility
15 is again furnished or the period during which proof was required to be furnished has
16 expired.

17 **SECTION 139.** 344.40 (1) (b) of the statutes is amended to read:

18 344.40 (1) (b) Whenever any person who has furnished proof of financial
19 responsibility fails to maintain such proof at any time during the period when proof
20 of financial responsibility is required under s. 344.18 (1m) or (3m) or 344.19 (3m), the
21 secretary shall ~~revoke~~ suspend all of the person's registrations for a period of time
22 running from the date of ~~revocation~~ suspension until such time as either satisfactory
23 proof of financial responsibility is again furnished or the period during which proof
24 was required to be furnished has expired.

25 **SECTION 140.** 344.40 (2) (a) of the statutes is amended to read:

SENATE BILL 470**SECTION 140**

1 344.40 (2) (a) Except as provided in par. (b), whenever any proof of financial
2 responsibility filed under this chapter no longer fulfills the purposes for which
3 required, the secretary shall require other proof meeting the requirements of this
4 chapter and shall suspend or revoke the operating privilege pending the filing of such
5 other proof.

6 **SECTION 141.** 344.40 (2) (b) of the statutes is amended to read:

7 344.40 (2) (b) Whenever any proof of financial responsibility filed under s.
8 344.18 (1m) or (3m) or 344.19 (3m) no longer fulfills the purposes for which required,
9 the secretary shall require other proof meeting the requirements of this chapter and
10 shall ~~revoke~~ suspend all of the person's registrations pending the filing of such other
11 proof.

12 **SECTION 142.** 344.41 (3) (a) of the statutes is amended to read:

13 344.41 (3) (a) Whenever any person whose proof has been canceled or returned
14 under sub. (1) (c) desires reinstatement of that person's ~~license~~ operating privilege
15 prior to the expiration of the period during which proof of financial responsibility is
16 required, that person shall again furnish proof of financial responsibility. Thereupon
17 that person's ~~license~~ operating privilege is reinstated as provided in s. 343.38.

18 **SECTION 143.** 344.45 (title) of the statutes is amended to read:

19 **344.45 (title) Surrender of license and registration upon ~~revocation or~~**
20 **suspension.**

21 **SECTION 144.** 344.45 (1) of the statutes is amended to read:

22 344.45 (1) Whenever a person's operating privilege or registration is ~~revoked~~
23 or suspended under this chapter, the department may also order the person to
24 surrender to the department his or her operator's license and the registration ~~plate~~
25 or plates of the vehicle or vehicles for which registration was ~~revoked or~~ suspended.

SENATE BILL 470**SECTION 144**

1 If the person fails ~~forthwith~~ immediately to return the operator's license, or
2 registration ~~plate or plates~~ to the department, the department may direct a traffic
3 officer to take possession thereof and return them to the department.

4 **SECTION 145.** 344.46 (1) of the statutes is amended to read:

5 344.46 (1) No owner of a motor vehicle involved in an accident in this state
6 which is reportable under s. 346.70 shall transfer the ownership or registration of
7 any vehicle whose registration is subject to suspension or revocation under s. 344.14
8 until this chapter has been complied with or until the secretary is satisfied that such
9 transfer is proposed in good faith and not for the purpose or with the effect of
10 defeating the purposes of this chapter.

11 **SECTION 146.** 344.46 (3) of the statutes is amended to read:

12 344.46 (3) This section does not apply to or affect the registration of any vehicle
13 sold by a person who, ~~pursuant to~~ under the terms or conditions of any written
14 instrument giving a right of repossession, has exercised such right and has
15 repossessed such vehicle from a person whose registration has been suspended or
16 revoked ~~pursuant to~~ under this chapter.

17 **SECTION 147.** 344.55 (2) of the statutes is amended to read:

18 344.55 (2) The department may not issue registration plates for such a vehicle
19 unless there is on file with the department a certificate of insurance showing that the
20 vehicle is insured in compliance with sub. (1). No such policy may be terminated
21 prior to its expiration or canceled for any reason unless a notice thereof is filed with
22 the department at least 30 days prior to the date of termination or cancellation. The
23 department shall ~~revoke~~ suspend the registration of a vehicle on which the insurance
24 policy has been terminated or canceled, effective on the date of termination or
25 cancellation.

SENATE BILL 470

1 **SECTION 148.** 345.47 (1) (b) of the statutes, as affected by 1997 Wisconsin Act
2 27, is amended to read:

3 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
4 or revocation, that the defendant's operating privilege be suspended for 30 days or
5 until the person pays the forfeiture, the penalty assessment, if required by s. 165.87,
6 the jail assessment, if required by s. 302.46 (1), and the crime laboratories and drug
7 law enforcement assessment, if required by s. 165.755, but not to exceed 5 2 years.
8 Suspension under this paragraph shall not affect the power of the court to suspend
9 or revoke under s. 343.30 or the power of the secretary to suspend or revoke the
10 operating privilege.

11 **SECTION 149.** 351.02 (1) (a) 4. of the statutes is repealed.

12 **SECTION 150.** 351.02 (1) (a) 10. of the statutes is amended to read:

13 351.02 (1) (a) 10. Any offense under the law of another jurisdiction prohibiting
14 conduct described in sections 6-207, 6-302, ~~6-303~~, 10-102, 10-103, 10-104, 11-901,
15 11-902, 11-907 or 11-908 of the uniform vehicle code and model traffic ordinance
16 (1987), or prohibiting homicide or manslaughter resulting from the operation of a
17 motor vehicle, use of a motor vehicle in the commission of a felony, reckless or careless
18 driving or driving a motor vehicle with wilful or wanton disregard for the safety of
19 persons or property, driving or operating a motor vehicle while under the influence
20 of alcohol, a controlled substance, a controlled substance analog or any other drug
21 or a combination thereof as prohibited, refusal to submit to chemical testing,
22 operating a motor vehicle while the operating privilege or operator's license is
23 revoked or suspended, perjury or the making false statements or affidavits to a
24 governmental agency in connection with the ownership or operation of a motor
25 vehicle, failing to stop and identify oneself as the driver or operator in the event of

SENATE BILL 470**SECTION 150**

1 a motor vehicle accident with a person or an attended motor vehicle or fleeing from
2 or attempting to elude a police, law enforcement or other peace officer, as those or
3 substantially similar terms are used in that jurisdiction's laws.

4 **SECTION 151.** 351.09 of the statutes is created to read:

5 **351.09 Recalculation of habitual traffic offender status.** Any person
6 whose operating privilege is revoked as a habitual traffic offender or as a repeat
7 habitual traffic offender and whose classification as a habitual traffic offender or
8 repeat habitual traffic offender resulted from one or more convictions for violations
9 of s. 343.44 (1), or a local ordinance in conformity therewith, or the law of another
10 jurisdiction that prohibits the operation of a motor vehicle with a suspended or
11 revoked operator's license, may apply to the department for recalculation of that
12 person's status as a habitual traffic offender or repeat habitual traffic offender. Upon
13 receiving an application under this section, the department shall recalculate
14 whether the person's record of convictions brings the person within the definition of
15 a habitual traffic offender or repeat habitual traffic offender. If the recalculation
16 demonstrates that the person is not a habitual traffic offender or repeat habitual
17 traffic offender, the department shall rescind the order declaring the applicant a
18 habitual traffic offender or repeat habitual traffic offender. Upon the completion of
19 the recalculation under this section, the department shall provide written notice to
20 the person of the result of the recalculation, of the order of rescission, if any, under
21 this section and, if appropriate, of the process for reinstating the person's operating
22 privilege. This section does not apply on or after January 1, 2003.

23 **SECTION 152.** 351.11 of the statutes is amended to read:

24 **351.11 Application of chapter.** This chapter is in addition to and not in
25 substitution for any provision of ch. 343 ~~or~~ 344 requiring the revocation of an

SENATE BILL 470**SECTION 152**

1 operator's license. ~~A license~~ operating privilege. An operating privilege may be
2 revoked in accordance with ch. 343 ~~or 344~~ notwithstanding the fact that the
3 revocation is not mandated by this chapter. The penalty imposed under s. 351.08 is
4 in addition to the penalty imposed under any other law or ordinance for an offense
5 specified in s. 351.02.

6 **SECTION 153.** 767.303 (1) and (2) of the statutes are amended to read:

7 767.303 (1) If a person fails to pay a payment ordered for support under s.
8 767.077, support under s. 767.08, child support or family support under s. 767.23,
9 child support under s. 767.25, family support under s. 767.261, revised child or
10 family support under s. 767.32, child support under s. 767.458 (3), child support
11 under s. 767.51, child support under ch. 769 or child support under s. 948.22 (7), the
12 payment is 90 or more days past due and the court finds that the person has the
13 ability to pay the amount ordered, the court may suspend the person's operating
14 privilege, as defined in s. 340.01 (40), until the person pays all arrearages in full or
15 makes payment arrangements that are satisfactory to the court, except that the
16 suspension period may not exceed ~~5~~ 2 years. If otherwise eligible, the person is
17 eligible for an occupational license under s. 343.10 at any time.

18 (2) Whenever the court orders suspension of a person's operating privilege
19 under sub. (1), the court shall notify the department of transportation, in the form
20 and manner prescribed by the department. The notice to the department shall
21 include the name and last-known address of the person against whom the support
22 order was entered, certification by the court that the person has been notified of the
23 entry of the support order and that there are arrearages in support payments that
24 are 90 or more days past due, the place where the arrearages may be paid and that
25 the person's operating privilege shall remain suspended until the person pays all

SENATE BILL 470**SECTION 153**

1 arrearages in full or makes payment arrangements that are satisfactory to the court,
2 except that the suspension period may not exceed 5 2 years.

3 **SECTION 154.** 800.09 (1) (c) of the statutes is amended to read:

4 800.09 (1) (c) The court may suspend the defendant's operating privilege, as
5 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
6 and costs are paid, if the defendant has not done so within 60 days after the date the
7 restitution or payments or both are to be made under par. (a) and has not notified the
8 court that he or she is unable to comply with the judgment, as provided under s.
9 800.095 (4) (a), except that the suspension period may not exceed 5 2 years. The court
10 shall take possession of the suspended license and shall forward the license, along
11 with a notice of the suspension clearly stating that the suspension is for failure to
12 comply with a judgment of the court, to the department of transportation.

13 **SECTION 155.** 800.095 (4) (b) 4. of the statutes is amended to read:

14 800.095 (4) (b) 4. That the defendant's operating privilege, as defined in s.
15 340.01 (40), be suspended until the judgment is complied with, except that the
16 suspension period may not exceed 5 2 years.

17 **SECTION 156.** 938.34 (8) of the statutes, as affected by 1997 Wisconsin Act 35,
18 is amended to read:

19 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
20 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
21 maximum forfeiture that the court may impose under this subsection for a violation
22 by a juvenile is the maximum amount of the fine that may be imposed on an adult
23 for committing that violation or, if the violation is applicable only to a person under
24 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
25 is financially able to pay the forfeiture and shall allow up to 12 months for payment.

SENATE BILL 470**SECTION 156**

1 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
2 other alternatives under this section, in accordance with the conditions specified in
3 this chapter; or the court may suspend any license issued under ch. 29 for not less
4 than 30 days nor more than 5 years, or suspend the juvenile's operating privilege as
5 defined in s. 340.01 (40) for not less than 30 days nor more than 5 2 years. If the court
6 suspends any license under this subsection, the clerk of the court shall immediately
7 take possession of the suspended license and forward it to the department which
8 issued the license, together with a notice of suspension clearly stating that the
9 suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is
10 paid during the period of suspension, the suspension shall be reduced to the time
11 period which has already elapsed and the court shall immediately notify the
12 department which shall then return the license to the juvenile.

13 **SECTION 157.** 938.34 (14m) of the statutes is amended to read:

14 938.34 (14m) VIOLATION INVOLVING A MOTOR VEHICLE. Restrict, or suspend ~~or~~
15 ~~revoke~~ the operating privilege, as defined in s. 340.01 (40), of a juvenile who is
16 adjudicated delinquent under a violation of any law in which a motor vehicle is
17 involved. If the court suspends ~~or~~ ~~revokes~~ a juvenile's operating privilege under this
18 subsection, the court shall immediately take possession of the suspended ~~or~~ ~~revoked~~
19 license and forward it to the department of transportation together with a notice
20 stating the reason for and duration of the suspension ~~or~~ ~~revocation~~. If the court limits
21 a juvenile's operating privilege under this subsection, the court shall immediately
22 notify the department of transportation of that limitation.

23 **SECTION 158.** 938.34 (14r) (a) and (c) of the statutes are amended to read:

24 938.34 (14r) (a) In addition to any other dispositions imposed under this
25 section, if the juvenile is found to have violated ch. 961, the court shall suspend ~~or~~

SENATE BILL 470**SECTION 158**

1 revoke the juvenile's operating privilege, as defined in s. 340.01 (40), for not less than
2 6 months nor more than 5 years. The court shall immediately take possession of any
3 suspended or ~~revoked~~ license and forward it to the department of transportation
4 together with the notice of suspension or ~~revocation~~ clearly stating that the
5 suspension or revocation is for a violation of ch. 961.

6 (c) If the juvenile's license or operating privilege is currently suspended or
7 revoked or if the juvenile does not currently possess a valid operator's license issued
8 under ch. 343, the suspension or ~~revocation~~ under this subsection is effective on the
9 date on which the juvenile is first eligible and applies for issuance, ~~renewal~~ or
10 reinstatement of an operator's license under ch. 343.

11 **SECTION 159.** 938.343 (2) of the statutes is amended to read:

12 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
13 be imposed on an adult for committing that violation or, if the violation is only
14 applicable to a person under 18 years of age, \$50. Any such order shall include a
15 finding that the juvenile alone is financially able to pay and shall allow up to 12
16 months for the payment. If a juvenile fails to pay the forfeiture, the court may
17 suspend any license issued under ch. 29 or suspend the juvenile's operating privilege
18 as defined in s. 340.01 (40), for not less than ~~30 days~~ nor more than 5 2 years. The
19 court shall immediately take possession of the suspended license and forward it to
20 the department which issued the license, together with the notice of suspension
21 clearly stating that the suspension is for failure to pay a forfeiture imposed by the
22 court. If the forfeiture is paid during the period of suspension, the court shall
23 immediately notify the department, which will thereupon return the license to the
24 person.

25 **SECTION 160.** 938.344 (2) (c) of the statutes is amended to read:

SENATE BILL 470**SECTION 160**

1 938.344 (2) (c) For a violation committed within 12 months of 2 or more
2 previous violations, a forfeiture of not more than \$500, ~~revocation~~ suspension of the
3 juvenile's operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's
4 participation in a supervised work program or other community service work under
5 s. 938.34 (5g).

6 **SECTION 161.** 938.344 (2b) (c) of the statutes is amended to read:

7 938.344 (2b) (c) For a violation committed within 12 months of 2 or more
8 previous violations, a forfeiture of \$500, ~~revocation~~ suspension of the juvenile's
9 operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's
10 participation in a supervised work program or other community service work under
11 s. 938.34 (5g).

12 **SECTION 162.** 938.344 (2d) (c) of the statutes is amended to read:

13 938.344 (2d) (c) For a violation committed within 12 months of 2 or more
14 previous violations, a forfeiture of \$500, ~~revocation~~ suspension of the juvenile's
15 operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's
16 participation in a supervised work program or other community service work under
17 s. 938.34 (5g).

18 **SECTION 163.** 938.344 (2e) (a) (intro.) of the statutes is amended to read:

19 938.344 (2e) (a) (intro.) If a court finds a juvenile committed a violation under
20 s. 961.573 (2), 961.574 (2) or 961.575 (2), or a local ordinance that strictly conforms
21 to one of those statutes, the court shall suspend ~~or revoke~~ the juvenile's operating
22 privilege, as defined in s. 340.01 (40), for not less than 6 months nor more than 5 years
23 and, in addition, shall order one of the following penalties:

24 **SECTION 164.** 938.344 (2e) (b) of the statutes is amended to read:

SENATE BILL 470**SECTION 164**

1 938.344 **(2e)** (b) Whenever a court suspends ~~or revokes~~ a juvenile's operating
2 privilege under this subsection, the court shall immediately take possession of any
3 suspended ~~or revoked~~ license and forward it to the department of transportation,
4 together with the notice of suspension ~~or revocation~~ clearly stating that the
5 suspension ~~or revocation~~ is for a violation under s. 961.573 (2), 961.574 (2) or 961.575
6 (2), or a local ordinance that strictly conforms to one of those statutes.

7 **SECTION 165.** 938.344 (2e) (c) of the statutes is amended to read:

8 938.344 **(2e)** (c) If the juvenile's license or operating privilege is currently
9 suspended or revoked or the juvenile does not currently possess a valid operator's
10 license issued under ch. 343, the suspension ~~or revocation~~ under this subsection is
11 effective on the date on which the juvenile is first eligible and applies for issuance,
12 ~~renewal~~ or reinstatement of an operator's license under ch. 343.

13 **SECTION 166.** 961.50 (1) (intro.) of the statutes is amended to read:

14 961.50 **(1)** (intro.) If a person is convicted of any violation of this chapter, the
15 court shall, in addition to any other penalties that may apply to the crime, suspend
16 ~~or revoke~~ the person's operating privilege, as defined in s. 340.01 (40), for not less
17 than 6 months nor more than 5 years. The court shall immediately take possession
18 of any suspended ~~or revoked~~ license and forward it to the department of
19 transportation together with the record of conviction and notice of the suspension ~~or~~
20 ~~revocation~~. The person is eligible for an occupational license under s. 343.10 as
21 follows:

22 **SECTION 167. Initial applicability.**

23 (1) The treatment of section 13.0965 of the statutes first applies to a bill
24 introduced on the effective date of this subsection.

