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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on Natural Resources and Transportation...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

## Senate

### Record of Committee Proceedings

#### **Committee on Natural Resources and Transportation**

##### **Assembly Bill 38**

Relating to: restriction violations by persons holding instruction permits or probationary licenses to operate motor vehicles and providing a penalty.

By Representatives Friske, Gard, Young, Petrowski, Staskunas, Ballweg, Wasserman, Kestell, Gronemus, Rhoades, Jeskewitz, Stone, Vos, Albers, Ott, Van Roy, Ainsworth, Musser, Gunderson, Hahn, Krawczyk, Ward, Hines and Townsend; cosponsored by Senators Olsen, Roessler, A. Lasee, Kedzie, Grothman, Stepp, Lassa, Jauch, Reynolds and Brown.

March 10, 2005      Referred to Committee on Natural Resources and Transportation.

April 21, 2005      **PUBLIC HEARING HELD**

Present:    (4)    Senators Kedzie, Kapanke, Wirch and Breske.  
Absent:    (1)    Senator Stepp.

##### Appearances For

- Don Friske — Representative, 35th Assembly District

##### Appearances Against

- None.

##### Appearances for Information Only

- Erin Egan — Division of Motor Vehicles, Department of Transportation

##### Registrations For

- Luther Olsen — Senator, 14th Senate District

##### Registrations Against

- None.

May 4, 2005      **EXECUTIVE SESSION HELD**

Present:    (5)    Senators Kedzie, Stepp, Kapanke, Wirch and Breske.  
Absent:    (0)    None.

Moved by Senator Breske, seconded by Senator Wirch that **Assembly Bill 38** be recommended for concurrence.

Ayes: (5) Senators Kedzie, Stepp (via paper ballot), Kapanke, Wirch and  
Breske.

Noes: (0) None.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0

Matt Phillips  
Committee Clerk

Vote Record

**Committee on Natural Resources and Transportation**

Date: 5-4-05

Bill Number: AB38

Moved by: Breske

Seconded by: Wirch

Motion: Concurrence

Committee Member

Senator Neal Kedzie, Chair

Senator Cathy Stepp

Senator Dan Kapanke

Senator Roger Breske

Senator Robert Wirch

Aye

No

Absent

Not Voting

Totals: \_\_\_\_\_

Motion Carried

Motion Failed

**Senate Committee on Natural Resources and Transportation**

**Senator Neal Kedzie, Chair**

**May 4, 2005**

**MOTION**

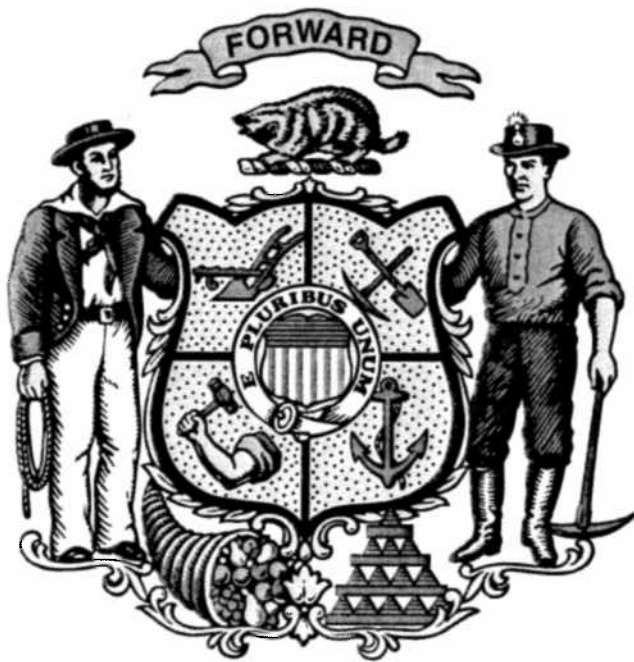
Recommend Assembly Bill 38, relating to: restriction violations by persons holding instruction permits or probationary licenses to operate motor vehicles and providing a penalty, for concurrence.

Aye  \_\_\_\_\_

No  \_\_\_\_\_

Signature \_\_\_\_\_

*Steph*



# Chairman's Notes: Senate Committee on Natural Resources and Transportation

April 21, 2005

## ✓ Assembly Bill 18 – Ainsworth/Olsen

Summary: This bill permits motor trucks having a gross weight rating of more than 26,000 pounds to be equipped with a flashing or rotating amber light that may be operated only when the motor truck is upon a highway having a maximum speed limit of more than 35 miles per hour and is traveling ten or more miles per hour below the speed limit, stopped, or backing up. Current law generally prohibits (with various exceptions such as safety vehicles) any vehicle from displaying any flashing or rotating light.

- ✓ What types of trucks would utilize this provision?
- How often would this be utilized – (we don't want them to become common place, thereby having motorists ignore flashing safety lights)

## ✓ Assembly Bill 38 – Friske/Olsen

Summary: This bill changes the penalty for persons who violate operating restrictions under a probationary license or an instruction permit. Under this bill, a person holding a probationary license or instruction permit who violates these operating restrictions must forfeit \$50 for a first offense and not less than \$50 nor more than \$100 for each subsequent offense. In addition, DOT must provide notice of the conviction to any adult sponsor of the person.

- ✓ Have any young adults that have violated the graduated drivers license law been given any jail time as a result of their offense.
- ✓ Are the organizations that supported passage of the graduated driver's license law supportive of this change?

## ✓ Assembly Bill 169 – Van Roy/Cowles

Summary: (As Amended) Creates an exception to the current law prohibition against operating double-decked buses. Also creates an exception to height restrictions. In order to qualify, the vehicles must have a closed roof and obtain the approval of the officer in charge of maintenance of each highway on the proposed route. The officer may not grant approval unless the vehicle clears all obstruction along the route by at least 6 inches and the operator agrees to accept liability for any damages.

- Under the bill, do local governments have the ability to prevent double-deck buses from operating in their jurisdiction, or must they allow them if they meet the criteria spelled out in the substitute amendment. Would it make sense to allow the governing body of a city, village, town or County to have the ability to make the determination as to whether or not double deck buses are allowed, instead of the officer in charge of maintenance?
- What would be the penalty if a double-deck bus that has the authority to operate on a proposed route veer off of that proposed route? Will drivers be notified that the law requires them to stay on the authorized route? Should we include such a provision in the bill?
- After a route is approved, does the "officer in charge of maintenance" have the authority to rescind that approval if something were to change? Should there be any type of periodic route check to ensure the route still meets the clearance requirements? (i.e. New power lines, trees growing over a roadway, new structure has been built, etc.)
- For State Patrol: Would the state patrol inspect all double deck buses prior to operation? Is there periodic inspection as well, such as once a year or once every few years?  
?

#### **Senate Bill 61 – Breske/Hines**

Summary: This bill permits consecutive monthly registration of a motor truck, trailer, or truck tractor used exclusively to transport calcium chloride liquid.

- Can you tell the committee what calcium chloride liquid is used for, and the rationale for allowing them to register monthly?
- How many trucks across the state would this affect? What would the resulting revenue loss to the state be?

#### **Senate Bill 139/Assembly Bill 209 – Harsdorf/Lothian/Suder**

Summary: This bill directs the Department of Transportation to designate and, upon receipt of sufficient contributions from interested parties, mark the route of USH 14 in this state from the Wisconsin-Illinois border to Madison as the "Ronald Reagan Highway."

- The bill indicates that signs will not be erected until the state has received sufficient funds to cover the cost of erecting and maintaining them. Do you have any idea what this would cost, and if there are individuals out there that are willing to provide these contributions?



## **EXECUTIVE SESSION**

Because all of the Committee members are not present, I would like to ask for unanimous consent to leave the roll open until 5:00 today for the absent members to vote.

### **Senate Bill 39 (With SSA 1)**

Senate Bill 39 is authored by Senator Leibham and Representative Petrowski, and relates to creating a school transportation bio-diesel fuel cost assistance program.

We have a substitute amendment pending that has been drafted by the author of the bill. Legislative Council has prepared a memo on the Amendment which each of you should have received. Leg. Council, would you like to describe the Substitute amendment for the committee please.

- **MOTION TO ADOPT SSA 1 TO SB 39**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**
  
- **MOTION FOR PASSAGE OF SB 39 AS AMENDED**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

### **Senate Bill 41 (With SA 1)**

Senate Bill 41 is authored by Senator Cowles and Representative Ott, and relates to providing a definition of bio-diesel fuel and prohibits the mislabeling of bio-diesel fuel.

There is a simple amendment that has been introduced by the bill's author. The amendment establishes a July 1, 2007, effective date for the bill.

- **MOTION TO ADOPT SA 1 TO SB 41**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**
  
- **MOTION FOR PASSAGE OF SB 41 AS AMENDED**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

## **Senate Bill 45**

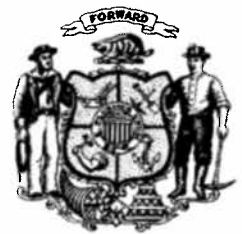
Senate Bill 45, authored by Senator Zien and Representative Suder, increases the maximum permissible overall length of the combination of vehicles from 60 feet to 65 feet if the middle vehicle in the three-vehicle combination is equipped with brakes.

- **MOTION FOR PASSAGE OF SB 45**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

**DO NOT GAVEL THE EXEC. SESSION CLOSED!**



# WISCONSIN STATE LEGISLATURE



**AB 38 - PENALTY FOR RESTRICTED VIOLATIONS BY PERSONS HOLDING  
INSTRUCTION PERMIT AND PROBATIONARY DRIVER LICENSE**

Testimony of the Wisconsin Department of Transportation  
Senate Committee on Natural Resources and Transportation  
April 21, 2005

**BACKGROUND/FACTS:**

- 94,520 probationary licenses issued in 2004 to drivers age 16 & 17
- 41,953 Instruction permits issued in 2004 to persons age 15 to 17
- 2,492 violation of restriction citations to persons under age 18 in 2004

**CURRENT SYSTEM:**

- An instruction permit must be held for a minimum of 6 months
- Drivers must be conviction free for 6 months prior probationary license issuance
- Driver education must be completed before receiving probationary license
- Curfew/passenger restriction are in effect for the first 9 months of license or until 18 whichever is first, extended 6 months for any additional moving violation during the curfew/passenger restriction period
- Penalties for curfew/passenger restriction conviction: up to \$200 to first offenses, up to \$300 for second offense and not more than 30 days of imprisonment, and \$500 for third and subsequent violation and not more than six months.

**AB38:**

- Reduces forfeiture/fine to \$50 for 1<sup>st</sup> offense and up to \$100 for second and subsequent
- Requires DMV to notify adult sponsor of curfew and passenger violation convictions

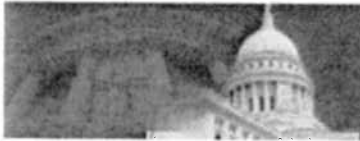
**BILL IMPACT:**

- Creates a penalty section for instruction permit and GDL restriction violations
- Reduces the forfeitures and fines that could result in fewer juvenile failure to pay forfeiture license withdrawals
- Requires sponsor notification for any instruction permit or GDL restriction violations
- Eliminates potential imprisonment for 2<sup>nd</sup> and subsequent GDL curfew/passenger violations
- Decreases forfeitures for failing to comply with GDL passenger and curfew restrictions
- One time DP cost of \$36,550 to create sponsor notification; on-going postage costs of \$917.
- Requires 3 months to implement the bill.

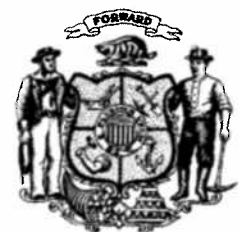
**Contact Information**

Erin Egan, Legislative Liaison  
DMV Bureau of Driver Services  
(608) 266-1449  
[erin.egan@dot.state.wi.us](mailto:erin.egan@dot.state.wi.us)

**END OF TESTIMONY**



# WISCONSIN STATE LEGISLATURE



**Remarks for Senate Committee on Environment & Transportation**

*Regarding AB 38 – Graduated Drivers License Revisions*

By Representative Donald Friske

*April 21, 2005*

Thank you Chairman Kedzie and Committee members. I appreciate your hearing today and scheduling this important legislation for your consideration. I have a brief explanation of where this legislation arose and its merits for passage.

About two years ago, a constituent in Lincoln County notified me that his 16-year-old son was facing a possible jail sentence for a second violation of the Wisconsin State Graduated Drivers License law.

At first hearing this, I could not believe that this could be true. I was of the impression State Statutes only exposed juvenile to incarceration when violent acts have been committed. I checked the statute, chapter 343, and then I referenced my Revised Uniform State Traffic Deposit Schedule, given to law enforcement officers, and found out that it was true.

I contacted the original authors of the legislation. I found out that it was not their legislative intent to expose juveniles to jail time for these offenses. That is why I sat down with the Chairman and the Ranking Minority Member of this committee to fix this oversight.

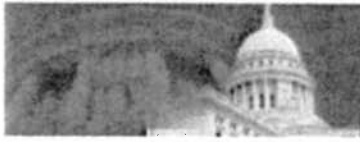
We drafted the legislation and passed it out of the Assembly on a voice vote in the Assembly. Unfortunately the bill did not receive a hearing in the State Senate, as it was quite late in the legislative session.

I spoke with the prosecutor in the case of my constituent's son. The fact that legislation was drafted in order to make this change was an important factor in keeping the boy out of jail. Now it's time to finish the job and pass this legislation.

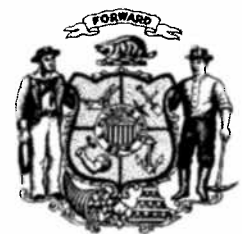
Jail is not a place for juveniles who have committed non-violent crimes. Jail is place for people who need to be kept out of the public for serious crimes or their potential to cause further harm to the public.

I ask that you recommend this bill, AB 38, for passage by the full Assembly Chamber.

Thank you.



# WISCONSIN STATE LEGISLATURE



AB 83

**SECTION I**

	DEP	PA	JAJ/ CLDA	JIF/ CSF <sup>b</sup>	CC	TOTAL <sup>a</sup>	DP
342.16(1r) Failure of dealer to disclose proper information (0-1,000)	250.00	60.00	17.00	77.00	25.00	429.00	
342.16(2) Failure of dealer to record transfer (0-200)	50.00	12.00	17.00	77.00	25.00	181.00	
342.23(2)(a) Failure to deliver title to secured party (0-200)	30.00	7.20	17.00	77.00	25.00	156.20	
342.30(3)(b)1 Failure to attach I.D. number (0-200)	30.00	7.20	17.00	77.00	25.00	156.20	
342.30(3)(b)2 Failure to attach I.D. number w/intent to defraud (0-1,000)	100.00	24.00	17.00	77.00	25.00	243.00	
342.31(2) Failure to report abandoned vehicle (0-25)	20.00	4.80	17.00	77.00	25.00	143.80	
342.33 Selling vehicle used as taxicab w/o such use stamped on title by DMV (0-1,000)	500.00	120.00	17.00	77.00	25.00	739.00	
342.34(1)(a-c) Own and fail to report junk vehicle/return title/remove or destroy plates (0-200)	30.00	7.20	17.00	77.00	25.00	156.20	
Violation w/intent to defraud (0-1,000)	100.00	24.00	17.00	77.00	25.00	243.00	
342.34(2)(a-c) Failure to report vehicle that has been junked/return title/remove or destroy plates (0-200)	30.00	7.20	17.00	77.00	25.00	156.20	
Violation w/intent to defraud (0-1,000)	100.00	24.00	17.00	77.00	25.00	243.00	

**CHAPTER 343 - OPERATOR'S LICENSE:**

343.05(3)(a) Operating w/o a valid driver's license: 1st violation (0-200)	50.00	12.00	17.00	77.00	25.00	181.00	3
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a Municipal court costs totals are provided at the back of the book.  
 b An additional \$3.50 is added for violations in Milwaukee County returnable to circuit court.

	DEP	PA	JAJ/ CLDA	JIF/ CSF <sup>b</sup>	CC	TOTAL <sup>a</sup>	DP
1st violation-operator's license expired w/in 3 mos. (0-100)	20.00	4.80	17.00	77.00	25.00	143.80	3
343.05(3)(b) No motorcycle license - 1st or subsequent violations (0-100)	50.00	12.00	17.00	77.00	25.00	181.00	3
343.05(3)(c) Operating a moped w/o a valid license - 1st or subsequent violations (0-100)	50.00	12.00	17.00	77.00	25.00	181.00	3
343.22(1) Failure to notify DMV of address/name change (0-50)	20.00	4.80	17.00	77.00	25.00	143.80	
343.245(2)(a)1, 2(b),(c) Notification violations by drivers (0-2,500)	100.00	24.00	17.00	77.00	25.00	243.00	
343.245(3)(a) Failure of employer to request required information (0-2,500)	100.00	24.00	17.00	77.00	25.00	243.00	
343.35(1) Failure to surrender license (0-100)	50.00	12.00	17.00	77.00	25.00	181.00	
343.43(1)(d) Violation of license restrictions by Class D or M vehicles except school bus - 1st offense (0-200)	50.00	12.00	17.00	77.00	25.00	181.00	3
<b>NOTE:</b> Includes GDL restriction violations							
343.435(1) Operator's license not to be required for security (20-100)	50.00	12.00	17.00	77.00	25.00	181.00	

a Municipal court costs totals are provided at the back of the book.  
 b An additional \$3.50 is added for violations in Milwaukee County returnable to circuit court.



**STATE OF WISCONSIN**

**REVISED  
UNIFORM STATE  
TRAFFIC DEPOSIT  
SCHEDULE**

**and**

**ALCOHOL BEVERAGES, HARASSMENT,  
SAFETY, TOBACCO, U.W. RULE,  
AND DRUG PARAPHERNALIA AND  
RENTAL UNIT ENERGY EFFICIENCY  
VIOLATIONS  
DEPOSIT SCHEDULE**

**and**

**UNIFORM MISDEMEANOR  
BAIL SCHEDULE**

**and**

**TRESPASS TO LAND DEPOSIT SCHEDULE**

**2004**

Revised Deposit Schedules Established Pursuant  
To Sections 345.26 (2) (a), 778.25 (3), 778.26 (3),  
and 969.065, Wis. Stats.

Adopted by Wisconsin Judicial Conference