

CR 90-182

RECEIVED

DEC 7 1990

2:55 pm
Director of State
Bureau

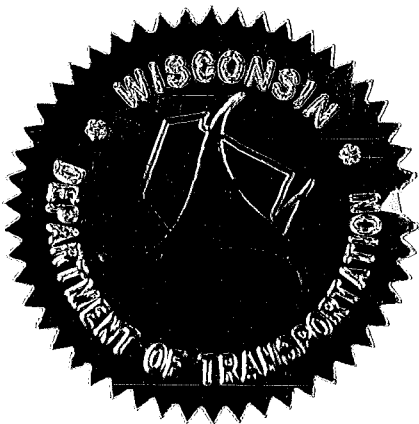
CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **driver licensing of persons with chemical abuse or dependency problems**, was duly approved and adopted by this Department on December 5th, 1990.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 5th day of December, 1990.

for Donald H. Janshulen, Deputy
RONALD R. FIEDLER, P.E.
Secretary

2-1-91

IN THE MATTER OF a rule to repeal ss. Trans 107.05(1) and 107.11(2); renumber ss. Trans 107.05(2) to (4) and Trans 107.11(3) to (7); and amend ss. Trans 107.02(7)(b) and (17), of the Wisconsin Administrative Code, relating to driver licensing of persons with chemical abuse or dependency problems.

ORDER ADOPTING RULE

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 85.16(1), Stats.

STATUTES INTERPRETED: ss. 343.30(1q) and 343.305(10), Stats.

Currently, motor vehicle drivers are required to have an alcohol or drug assessment in Wisconsin if their operating while intoxicated (OWI) offense occurred prior to March 1, 1987. The assessment is to determine the extent of their use or abuse of alcohol or other drugs. For out-of-state drivers who must return to Wisconsin for an assessment, this causes unnecessary expense and increases administrative costs for the assessment facilities.

The purpose of this change in the rule is to allow for out-of-state alcohol or drug assessment and driver safety plan compliance for non-residents and residents who are temporarily living in another state. This will bring the case handling process for offenses prior to March 1, 1987 in line with the process that was implemented on March 1, 1987 as a result of 1987 Wisconsin Act 3.

The repeal of s. Trans 107.05(1) is to delete a section of the rule that is no longer applicable. Section 343.06(4), Stats., was repealed by 1987 Wis. Act 40, and the Department no longer requires the statutorily referenced hospitalization certificate.

Final Regulatory Flexibility Analysis. The amendments to the rule have no significant impact on small business.

Fiscal Impact. No fiscal impact is anticipated from the promulgation of these rule changes.

Contact Persons. The persons to contact for further information are Wesley Geringer (608) 266-0614, and Harvey Kleiber (608) 266-7389.

TEXT OF RULE

Under the authority vested in the state of Wisconsin department of transportation, by s. 85.16(1), Stats., the department of transportation hereby amends, repeals and renumbers rules interpreting ss. 343.30(1q) and 343.305(10), Stats.

SECTION 1. Trans 107.02 (7) (b) is amended to read:

Trans 107.02(7)(b) ~~For offenses or arrests occurring on or after March 1, 1987, for~~ nonresidents or residents temporarily residing in another state, "driver safety plan" means either an individualized plan under par. (a) or a program which satisfies the requirements of the other state.

SECTION 2. Trans 107.02(17) is amended to read:

Trans 107.02(17) "Treatment facility in another state" means a facility in another state which provides assessment services or driver safety plan programs for persons who are nonresidents or residents temporarily residing in another state ~~whose arrest or offense occurred on or after March 1, 1987,~~ and which meets the program or facility requirements of that state.

SECTION 3. Trans 107.05(1) is repealed.

SECTION 4. Trans 107.05(2) to (4) are renumbered (1) to (3).

SECTION 5. Trans 107.11(2) is repealed.

SECTION 6. Trans 107.11(3) to (7) are renumbered (2) to (6).

(END OF RULE TEXT)

Effective Date: This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Wis. Stats.

Signed at Madison, Wisconsin this 5th day of December, 1990.

for Donald H. Jangherken, Deputy
Ronald R. Fiedler, P.E.
Secretary
Wisconsin Department of Transportation

RECEIVED

DEC 7 1990

Revisor of Statutes
Bureau



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Ronald R. Fiedler, PE
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

December 7, 1990

Mr. Gary Poulson
Assistant Revisor of Statutes
119 Martin Luther King, Jr. Blvd.
2nd Floor
Madison, Wisconsin 53703

RE: **CLEARINGHOUSE RULE 90-182**

In the Matter of the Adoption of **TRANS 107**, Wisconsin Administrative Code, relating to the **driver licensing of persons with chemical abuse or dependency problems**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 90-182**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosures

cc: Tom Walker
Linda Thelke
Sandy Beaupre
Joyce Gelderman
Wes Geringer
Harvey Kleiber