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CLEARINGHOUSE RULE 96-168

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

1. Statutory Authority

It is not clear that there is authority for the department to issue a temporary driving receipt upon a person’s application for an occupational license under s. Trans 117.025 (3), Stats.

2. Form, Style and Placement in Administrative Code

a. In s. Trans 117.01 (1), “~~161.50~~” should be inserted after “ss.” and “961.50” should be underscored. Also, “961.50” could be moved to the end of the list of citations since it is the highest number.

b. The treatment clause to SECTION 14 should state: “Trans 117.05 (4) is renumbered Trans 117.05 (4) (intro.) and amended to read:”.

c. The title of s. Trans 117.09 should not be shown. Also, “Trans” should be inserted before “117.09.”

4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. Trans 117.01 (1), “Ch.” should not be capitalized.

b. In the Note to s. Trans 117.03 (2) (e), a period should be inserted after “s. 343.10 (2) (a) 3.” This comment applies to notes throughout the proposed order.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. Trans 117.01 (1), it appears that “and applying for the issuance of an occupational license” is repetitive.

b. In s. Trans 117.025 (7), it is not sufficient that a person has taken action to meet the criteria in s. Trans 117.03 (2). The person must have met the criteria.

c. Section Trans 117.025 (8) should also state that the department may not issue an occupational license if the department has information that more than one petition for an occupational license has been filed with the court. [See s. 343.10 (4) (c), Stats.]

d. In s. Trans 117.03 (2) (c), it may be clearer to insert at the end of the sentence “covering all vehicles for which the person seeks permission to operate.”

e. In s. Trans 117.03 (2) (g), because “alcohol offense” is not defined, it may be clearer to replace “the person has 2 or more prior alcohol offenses” with “required under s. 343.10 (2) (e), Stats.”

f. In s. Trans 117.03 (4) (intro.), “may not issue” suggests that the prohibitions listed in the subsection are mandatory. [s. 1.01 (2), Manual.] This phrase should be replaced if it is the intent of the drafter that these are discretionary prohibitions.

g. In the Note to s. Trans 117.03 (4), “s.” at the beginning of the sentence should be replaced with “Section.” This comment also applies to the Note to s. Trans 117.03 (5).

h. In s. Trans 117.05 (3), it appears unnecessary to require an applicant to provide a copy of the court’s findings and order since those are forwarded to the department under s. 343.10 (4) (b), Stats.

i. Section Trans 117.05 (4) (c) appears to be too vague. Section 343.10 (1) (b), Stats., requires a person to identify his or her routes of travel.

j. In s. Trans 117.05 (4) (d), the phrase “student activities” appears to be broader than what may be contemplated in s. 343.10 (1) (a), Stats., which provides that a person may be eligible for an occupational license if he or she is “engaged in an occupation, including . . . full-time or part-time study . . .” Also in that paragraph, it appears that “some other reason” should be deleted because all the reasons for which a person may be granted an occupational license under s. 343.10, Stats., are included in the paragraph.

k. In s. Trans 117.05 (4) (i), it appears that “petition” should be replaced with “application.”

l. In s. Trans 117.09 (2) (a), in the current text, “life sustaining” should be hyphenated.

m. In s. Trans 117.09 (2) (b), it should be clarified whether “which may endanger human life” applies to cases of threatened injury to a person or to property or only in cases of threatened injury to property.

n. Section Trans 117.09 (3) (e) 3. is unclear as amended. The capitalization of “Midnight” should be retained since it is the first word of a sentence.