



2013 ASSEMBLY BILL 737

February 7, 2014 - Introduced by Representative KOOYENGA. Referred to
Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 343.28 (1) and (2) and 345.48 (1m) and (2); and **to create**
2 20.395 (5) (fr), 345.11 (2r), 345.48 (5) and 345.62 of the statutes; **relating to:**
3 requiring the Department of Transportation to contract for driver improvement
4 course services, forwarding by courts of traffic violation convictions, and
5 making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, whenever a person is convicted of a traffic violation, the court must, within five working days, forward the record of conviction to the Department of Transportation (DOT). DOT must then enter the conviction in the person's operating record maintained by DOT.

This bill requires DOT to contract with a vendor to develop and administer a driver improvement course and computerized database related to the course. Under the bill, with exceptions, a person issued a citation for violating a traffic regulation is eligible to attend the driver improvement course. A traffic regulation is a traffic law for which the penalty for a violation is a civil forfeiture. The citation for violating a traffic regulation, or a card provided by the traffic officer issuing the citation, must advise the person to whom it is issued of certain information relating to the opportunity to take a driver improvement course. If a person successfully completes a driver improvement course prior to the date scheduled for the person's initial court appearance or, if no such date is scheduled, not later than 60 days after the date of the violation, the provider of the driver improvement course must send a notice of

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successful completion of the course to the court having jurisdiction over the citation. Upon receiving this notice, a court may not forward to DOT a record of conviction for the traffic regulation violation.

Under the bill, a person is not eligible to take a driver improvement course under specified circumstances, including the following: 1) the violation occurred while the person held a commercial driver license or was operating a commercial motor vehicle; 2) the violation is one for which DOT may assess at least four demerit points or for which operating privilege suspension or revocation is mandatory; or 3) the person completed a driver improvement course within the previous 18 months.

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.** 20.395 (5) (fr) of the statutes is created to read:

2 20.395 (5) (fr) *Driver improvement courses, state funds.* All moneys received
3 under s. 345.62 (2) (d) for the purpose of administering s. 345.62.

4 **SECTION 2.** 343.28 (1) and (2) of the statutes are amended to read:

5 343.28 (1) ~~Whenever~~ Except as provided in s. 345.48 (5), whenever a person is
6 convicted of a moving traffic violation under chs. 341 to 349 or under a local ordinance
7 enacted under ch. 349, the clerk of the court in which the conviction occurred, or the
8 justice, judge or magistrate of a court not having a clerk, shall, as provided in s.
9 345.48, forward to the department the record of such conviction. The record of
10 conviction forwarded to the department shall state whether the offender was
11 involved in an accident at the time of the offense, whether the offender was operating
12 a commercial motor vehicle at the time of the offense and, if so, whether the offender
13 was transporting hazardous materials requiring placarding or any quantity of a
14 material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle
15 designed to carry, or actually carrying, 16 or more passengers, including the driver.
16 Whenever a person is convicted of exceeding a posted speed limit, the record of

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1 conviction forwarded to the department shall include the number of miles per hour
2 in excess of the posted speed limit.

3 (2) Whenever a person is convicted of any offense for which s. 343.31 makes
4 mandatory the revocation by the secretary of such person's operating privilege, the
5 court in which the conviction occurred may require the surrender to it of any license
6 then held by such person. If the court requires surrender of a license, the court shall
7 destroy the license. The Except as provided in s. 345.48 (5), the clerk of the court,
8 or the justice, judge or magistrate if the court has no clerk, shall, as provided in s.
9 345.48, forward to the department the record of conviction, which shall state whether
10 the offender was involved in an accident at the time of the offense, whether the
11 offender was operating a commercial motor vehicle at the time of the offense and, if
12 so, whether the offender was transporting hazardous materials requiring placarding
13 or any quantity of a material listed as a select agent or toxin under 42 CFR 73, or was
14 operating a vehicle designed to carry, or actually carrying, 16 or more passengers,
15 including the driver.

16 **SECTION 3.** 345.11 (2r) of the statutes is created to read:

17 345.11 (2r) (a) Except as provided in par. (b), in addition to the information
18 required under subs. (2) and (2m), each uniform traffic citation shall advise the
19 person to whom the citation is issued of all of the following:

20 1. That the person may have the option of attending a driver improvement
21 course under s. 345.62.

22 2. That there may be advantages to the person in attending a driver
23 improvement course, as well as the deadline by which the course must be
24 successfully completed to gain these advantages.

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1 3. A toll-free telephone number and Internet site address through which the
2 person can obtain further information about attending a driver improvement course.

3 (b) The information in par. (a) is not required to be included on a uniform traffic
4 citation if the traffic officer issuing the uniform traffic citation provides to the person
5 to whom the citation is issued a card that contains all of the information in par. (a).

6 **SECTION 4.** 345.48 (1m) and (2) of the statutes are amended to read:

7 345.48 **(1m)** If Except as provided in sub. (5), if the defendant is found guilty
8 the court shall, within 5 working days, forward to the department the record of such
9 conviction.

10 **(2)** If the defendant is found guilty of a traffic violation for which revocation of
11 his or her operating privilege is mandatory under s. 343.31, or for which the court
12 revokes or suspends his or her operating privilege under s. 343.30, the court may take
13 possession of the suspended or revoked license. If the court takes possession of a
14 license, it shall destroy the license. The revocation or suspension is effective
15 immediately. The court ordered suspension or revocation shall be included as part
16 of the report of conviction under sub. (1m) except that, if the record of conviction may
17 not be forwarded to the department under sub. (5), the court ordered suspension or
18 revocation shall be separately forwarded to the department.

19 **SECTION 5.** 345.48 (5) of the statutes is created to read:

20 345.48 **(5)** Upon receiving a notice provided under s. 345.62 (4), a court may not
21 forward to the department a record of conviction for the traffic regulation violation
22 identified in the notice.

23 **SECTION 6.** 345.62 of the statutes is created to read:

24 **345.62 Contracts for driver improvement course services. (1)** In this
25 section, "traffic regulation" has the meaning given in s. 345.20 (1) (b).

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1 (2) The department shall contract with a vendor to develop and administer the
2 driver improvement course and database under this section. The contract shall
3 require the vendor to do all of the following:

4 (a) Develop the driver improvement course curriculum and requirements. The
5 course shall consist of not less than 6 hours of instruction. The curriculum shall be
6 designed to improve driver safety, to teach accident avoidance techniques, and to
7 promote driver awareness, including awareness of risks associated with poor driver
8 attitude and irresponsible driver behavior such as speeding, failing to stop at red
9 lights and stop signs, and using electronic devices while driving.

10 (b) Develop and maintain a computerized statewide database that includes
11 identification of persons who have successfully completed a driver improvement
12 course and information relating to eligibility for a driver improvement course. This
13 database may be used only for the purposes of this section. Information in this
14 database concerning a person shall be maintained for the life of that person.

15 (c) Provide driver improvement courses following the curriculum and
16 requirements under par. (a). These courses may be delivered through in-person
17 instruction or through alternative methods, including by means of the Internet.

18 (d) Authorize the vendor to charge a fee of not more than \$100 per person for
19 participation in a driver improvement course and, if applicable, a certificate of
20 successful course completion. The contract shall also specify the portion of this fee,
21 if any, that the vendor must retain and remit annually to the department for the
22 department's administrative costs associated with this section. All moneys received
23 by the department under this paragraph shall be credited to the appropriation under
24 s. 20.395 (5) (fr).

ASSEMBLY BILL 737**SECTION 6**

1 (e) Establish and maintain a toll-free telephone number and Internet site
2 address through which a person can obtain information about eligibility for a driver
3 improvement course and scheduling attendance at a driver improvement course.

4 (3) (a) Except as provided in par. (b), a person issued a citation for a traffic
5 regulation is eligible to attend a driver improvement course under this section.

6 (b) A person is not eligible under par. (a) if any of the following applies:

7 1. The violation occurred while the person was operating a commercial motor
8 vehicle or was operating any other motor vehicle and held a commercial driver
9 license at the time of the violation.

10 2. The violation is a violation for which the department may assess 4 or more
11 demerit points under s. 343.32 (2) and the rules adopted under s. 343.32 (2).

12 3. The citation was issued to the person for violating 2 or more traffic
13 regulations arising from the same incident or occurrence.

14 4. The violation for which the citation is issued is one that requires suspension
15 or revocation of the person's operating privilege under s. 343.30 or 343.31.

16 5. At the time of the violation, the person did not hold a valid operator's license
17 for the class or type of vehicle being operated.

18 6. Within the 18-month period immediately preceding the violation for which
19 the citation is issued, the person successfully completed a driver improvement
20 course.

21 (4) If a person convicted of a traffic regulation successfully completes a driver
22 improvement course under this section prior to the date scheduled for the person's
23 initial court appearance for the violation or, if no such date is scheduled, not later
24 than 60 days after the date of the violation, the vendor providing the driver
25 improvement course shall send a notice of successful completion of the course to the

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1 court having jurisdiction over the citation. Whenever possible, the notice shall be
2 provided electronically.

3 **SECTION 7. Effective dates.** This act takes effect on the first day of the 13th
4 month beginning after publication, except as follows:

5 (1) The treatment of sections 20.395 (5) (fr) and 345.62 (2) of the statutes takes
6 effect on the first day of the 7th month beginning after publication.

7 (END)