



## 2003 ASSEMBLY BILL 615

October 27, 2003 - Introduced by Representatives MUSSER, PETTIS, SCHNEIDER, M. LEHMAN, HINES, BOYLE, F. LASEE, HAHN, PLOUFF, GROTHMAN, OWENS, GRONEMUS, SERATTI and VAN ROY, cosponsored by Senators A. LASEE, BRESKE and DECKER. Referred to Committee on Transportation.

1     **AN ACT** *to amend* 343.23 (2) (b) of the statutes; **relating to:** operating certain  
2           vehicles with a prohibited blood alcohol concentration.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Transportation (DOT) maintains a driving record for every person who possesses a driver's license. When DOT receives notice that a person was convicted of an offense relating to operating certain vehicles while intoxicated or operating certain vehicles with a prohibited blood alcohol concentration, that information is kept permanently in the person's driving record.

2003 Wisconsin Act 30 requires DOT to purge the record of a first violation from a driver's record if the person who committed the violation had a blood alcohol concentration between 0.08 and 0.1 at the time of the violation, if the person does not have a commercial driver license, if the violation was not committed by a person operating a commercial motor vehicle, and if the person does not commit another alcohol-related driving offense during that ten-year period.

This bill requires DOT to purge a person's driving record of a first conviction for operating certain vehicles with a prohibited alcohol concentration after ten years, if the person does not commit another offense within that time period and if the person does not hold a commercial driver's license or was not operating a commercial motor vehicle at the time of the violation.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 343.23 (2) (b) of the statutes, as affected by 2003 Wisconsin Act 30,  
2 is amended to read:

3           343.23 (2) (b) The information specified in par. (a) must be filed by the  
4 department so that the complete operator's record is available for the use of the  
5 secretary in determining whether operating privileges of such person shall be  
6 suspended, revoked, canceled, or withheld in the interest of public safety. The record  
7 of suspensions, revocations, and convictions that would be counted under s. 343.307  
8 (2) shall be maintained permanently, except that the department shall purge the  
9 record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or  
10 350.101 (1) (b) after 10 years, if the person who committed the violation ~~had a blood~~  
11 ~~alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,~~  
12 ~~if the person~~ does not have a commercial driver license, if the violation was not  
13 committed by a person operating a commercial motor vehicle, and if the person has  
14 no other suspension, revocation, or conviction that would be counted under s. 343.307  
15 during that 10-year period. The record of convictions for disqualifying offenses  
16 under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of  
17 convictions for disqualifying offenses under s. 343.315 (2) (f) and (j) shall be  
18 maintained for at least 3 years. The record of convictions for disqualifying offenses  
19 under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years  
20 after a licensee transfers residency to another state such record may be transferred  
21 to another state of licensure of the licensee if that state accepts responsibility for

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

6 **SECTION 2. Effective date.**

7 (1) This act takes effect on September 30, 2003, or on the day after publication,  
8 whichever is later.

9 (END)