

1985 Wisconsin Act 32

AN ACT to amend 346.63 (2m); and to create 343.305 (9) (em) of the statutes, relating to applicability of the absolute sobriety requirement for certain drivers to the implied consent laws.

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

SECTION 1. 343.305 (9) (em) of the statutes is created to read:

343.305 (9) (em) The only penalty for improperly refusing to submit to a test for intoxication regarding a person arrested for a violation of s. 346.63 (2m) is revocation of the person's operating privilege for 6 months. After the first 15 days of the revocation period, the person is eligible for an occupational license under s. 343.10. Any such improper refusal or revocation for the refusal does not count as a prior refusal or a prior revocation under this section or ss. 343.30 (1q), 343.307 and 346.65 (2). The person shall not be required to submit to and comply with any assessment or driver safety plan under pars. (c) and (d).

SECTION 2. 346.63 (2m) of the statutes is amended to read:

346.63 (2m) If a person has not attained the legal drinking age, as defined in s. 125.02 (8m), the person may not drive or operate a motor vehicle while he or she has a blood alcohol concentration of more than 0.0% but not more than 0.1% by weight of alcohol in the person's blood or more than 0.0 grams but not more than 0.1 grams of alcohol in 210 liters of that person's breath. The only penalty for violation of this subsection is suspension of ~~license~~ a person's operating privilege under s. 343.30 (1p). Notwithstanding s. 343.10 (1), for the first offense under this subsection, the person is eligible for an occupational license under s. 343.10 (1) at any time. If a person arrested for a violation of this subsection refuses to take a test under s. 343.305, the refusal is a separate violation and the person is subject to revocation of the person's operating privilege under s. 343.305 (9) (em).

SECTION 3. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
343.10 (1r)	343.305 (9) (b)	343.305 (9) (b) and (em)
343.303	346.63 (2)	346.63 (2) or (2m)
343.305 (2) (b) and (c)	346.63 (2)	346.63 (2) or (2m)
343.305 (3) (b) 1 and 5. a	346.63 (2)	346.63 (2) or (2m)
343.305 (5)	346.63 (2)	346.63 (2) or (2m)
343.305 (8) (b)	346.63 (2)	346.63 (2) or (2m)