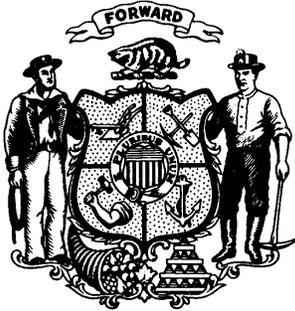


State of Wisconsin



2005 Senate Bill 626

Date of enactment: **May 19, 2006**
Date of publication*: **June 2, 2006**

2005 WISCONSIN ACT 412

AN ACT to amend 343.05 (5) (b) 1.; and to create 343.05 (5) (b) 3., 343.44 (1) (am), 343.44 (2) (e), 343.44 (2) (f), 343.44 (2) (g) and 343.44 (2) (h) of the statutes; **relating to:** causing property damage, injury, or death while operating a vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties.

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

SECTION 1. 343.05 (5) (b) 1. of the statutes is amended to read:

343.05 (5) (b) 1. Except as provided in subd. 2. or 3. and sub. (6), any person who violates sub. (3) (a) may be required to forfeit not more than \$200 for the first offense, may be fined not more than \$300 and imprisoned for not more than 30 days for the 2nd offense occurring within 3 years, and may be fined not more than \$500 and imprisoned for not more than 6 months for the 3rd or subsequent offense occurring within 3 years. A violation of a local ordinance in conformity with this section or a violation of a law of a federally recognized American Indian tribe or band in this state in conformity with this section shall count as a previous offense.

SECTION 2. 343.05 (5) (b) 3. of the statutes is created to read:

343.05 (5) (b) 3. a. Any person who, in the course of operating a motor vehicle which is not a commercial motor vehicle upon a highway in this state knowingly without a valid operator's license issued to the person by the department or knowingly with an operator's license that has been revoked, suspended, or canceled, causes

damage to the property of another shall be required to forfeit \$1,000.

b. Any person who, in the course of operating a motor vehicle which is not a commercial motor vehicle upon a highway in this state knowingly without a valid operator's license issued to the person by the department or knowingly with an operator's license that has been revoked, suspended, or canceled, causes injury to another person shall be required to forfeit \$5,000.

c. Any person who, in the course of operating a motor vehicle which is not a commercial motor vehicle upon a highway in this state knowingly without a valid operator's license issued to the person by the department or knowingly with an operator's license that has been revoked, suspended, or canceled, causes great bodily harm to another person is guilty of a Class A misdemeanor.

d. Any person who, in the course of operating a motor vehicle which is not a commercial motor vehicle upon a highway in this state knowingly without a valid operator's license issued to the person by the department or knowingly with an operator's license that has been revoked, suspended, or canceled, causes the death of another person is guilty of a Class A misdemeanor.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 3. 343.44 (1) (am) of the statutes is created to read:

343.44 (1) (am) *Knowingly operating while suspended.* No person whose operating privilege has been duly suspended under the laws of this state may knowingly operate a motor vehicle upon any highway in this state during the period of suspension or in violation of any restriction on an occupational license issued to the person during the period of suspension. In this paragraph, "restriction on an occupational license" means restrictions imposed under s. 343.10 (5) (a) as to hours of the day, area, routes or purpose of travel, vehicles allowed to be operated, use of an ignition interlock device, sobriety or use of alcohol, controlled substances, or controlled substance analogs.

SECTION 4. 343.44 (2) (e) of the statutes is created to read:

343.44 (2) (e) Any person who, in the course of a violation of sub. (1) (am) or (b) or a local ordinance in conformity therewith, causes damage to the property of another shall be required to forfeit \$1,000.

SECTION 5. 343.44 (2) (f) of the statutes is created to read:

343.44 (2) (f) Any person who, in the course of a violation of sub. (1) (am) or (b) or a local ordinance in conformity therewith, causes injury to another person shall be required to forfeit \$5,000.

SECTION 6. 343.44 (2) (g) of the statutes is created to read:

343.44 (2) (g) Any person who, in the course of a violation of sub. (1) (am) or (b) or a local ordinance in conformity therewith, causes great bodily harm to another person is guilty of a Class A misdemeanor.

SECTION 7. 343.44 (2) (h) of the statutes is created to read:

343.44 (2) (h) Any person who, in the course of a violation of sub. (1) (am) or (b) or a local ordinance in conformity therewith, causes the death of another person is guilty of a Class A misdemeanor.

SECTION 8. Initial applicability.

(1) This act first applies to violations that occur on the effective date of this subsection.
