

2009 DRAFTING REQUEST

Bill

Received: 10/15/2008

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Neal Kedzie (608) 266-2635

By/Representing: Matt

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Drunk Driving - penalties
Drunk Driving - other

Extra Copies:

Submit via email: YES

Requester's email: Sen.Kedzie@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Waiting period for occupational licenses

Instructions:

Two week waiting period for Occ License after OWI

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 10/15/2008			_____			
/P1	rnelson2 10/21/2008	jdyer 10/24/2008	jfrantze 10/24/2008	_____	sbasford 10/24/2008		
/1	rnelson2 10/29/2008	jdyer 10/29/2008	jfrantze 10/29/2008	_____	sbasford 10/29/2008 sbasford 10/29/2008	sbasford 10/29/2008	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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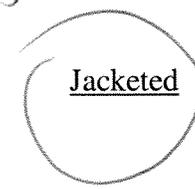
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/?	phurley 10/15/2008	1/10/29 jld					
/P1	rnelson2 10/21/2008	jdye 10/24/2008	jfrantze 10/24/2008		sbasford 10/24/2008		

Jacket for Senate



FE Sent For:

Handwritten signature and date: 10/29 <END>

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/?	phurley 10/15/2008 rnelson2	PI 10/24 JLD	J. Self	10/24			

FE Sent For:

<END>

Nelson, Robert P.

From: Hurley, Peggy
Sent: Monday, October 20, 2008 11:38 AM
To: Nelson, Robert P.
Subject: FW: Drafting Request

From: Phillips, Matt
Sent: Tuesday, October 14, 2008 4:29 PM
To: Hurley, Peggy
Subject: Drafting Request

Peggy:

Senator Kedzie is interested in introducing legislation in the 2009-10 Legislative Session that would require drunk drivers to wait 2 weeks before being able to obtain an occupational license. Could you please have this drafted for him.

If you have any questions, please feel free to contact me at 266-2635 or by email.

Thanks

Matt Phillips
Policy Advisor
Senator Neal Kedzie
11th Senate District



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-N

X

Gen

1 AN ACT ...; relating to: eligibility for an occupational license.

Analysis by the Legislative Reference Bureau

* Under current law, if a person operating privilege is suspended or revoked, the person may apply for an occupational license, which restricts when and where the person is allowed to drive, such as to and from work. In most cases, the person is not eligible for an occupational license until 15 days after the date of the suspension or revocation. In some cases involving serious offenses, the person is not eligible for an occupational license until ^{one} year after the date of the suspension or revocation.

* Currently, persons whose suspension or revocation is the result of any of the following are eligible for an occupational license immediately:

1. An administrative suspension after a chemical test indicates the presence of a restricted controlled substance or a prohibited alcohol concentration.
2. The first conviction of operating a motor vehicle while under the influence of a controlled substance or an intoxicant.
3. The conviction of operating a motor vehicle while having any alcohol in the person's blood if the person is under the legal drinking age.

* This bill removes the immediate eligibility for those persons whose suspension or revocation is described in items (1-3) and delays their eligibility to receive an occupational license until 15 days after the date of the suspension or revocation.

1. to 3., above,

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

1 **SECTION 1.** 343.30 (1q) (b) 2. of the statutes is amended to read:

2 343.30 (1q) (b) 2. Except as provided in subd. 3., 4. or 4m., for the first
3 conviction, the court shall revoke the person's operating privilege for not less than
4 6 months nor more than 9 months. The person is eligible for an occupational license
5 as provided under s. 343.10 at any time.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80; 2005 a. 277; 2005 a. 443 s. 265; 2005 a. 466; 2007 a. 20 ss. 3300, 9121 (6) (a); 2007 a. 134.

6 **SECTION 2.** 343.305 (8) (d) of the statutes is amended to read:

7 343.305 (8) (d) A person who has his or her operating privilege
8 administratively suspended under this subsection and sub. (7) (a) is eligible for an
9 occupational license as provided under s. 343.10 at any time.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136.

10 **SECTION 3.** 343.31 (3) (bm) 2. of the statutes is amended to read:

11 343.31 (3) (bm) 2. Except as provided in subd. 3., 4. or 4m., for the first
12 conviction, the department shall revoke the person's operating privilege for not less
13 than 6 months nor more than 9 months. If an Indian tribal court in this state revokes
14 the person's privilege to operate a motor vehicle on tribal lands for not less than 6
15 months nor more than 9 months for the conviction specified in par. (bm) (intro.), the
16 department shall impose the same period of revocation. The person is eligible for an
17 occupational license as provided under s. 343.10 at any time.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200; 2005 a. 387.

18 **SECTION 4.** 346.63 (2m) of the statutes is amended to read:

19 346.63 (2m) If a person has not attained the legal drinking age, as defined in
20 s. 125.02 (8m), the person may not drive or operate a motor vehicle while he or she
21 has an alcohol concentration of more than 0.0 but not more than 0.08. One penalty
22 for violation of this subsection is suspension of a person's operating privilege under

1 s. 343.30 (1p). The person is eligible for an occupational license[✓] as provided under
2 s. 343.10 ~~at any time~~[✓]. If a person arrested for a violation of this subsection refuses
3 to take a test under s. 343.305, the refusal is a separate violation and the person is
4 subject to revocation of the person's operating privilege under s. 343.305 (10) (em).

History: 1971 c. 40 s. 93; 1971 c. 219; 1977 c. 193; 1981 c. 20, 184; 1983 a. 74, 459, 521; 1985 a. 32, 337; 1987 a. 3, 27; 1989 a. 105, 275; 1991 a. 277; 1995 a. 436, 448;
1997 a. 27, 252; 1999 a. 85; 2003 a. 30, 97.

5

(END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0552/P1dn

RPN:A:....

date

Jld

Instead of the ^{two} 2-week delay you suggested, I used a 15-day delay, which is the current language for others who have had their license suspended or revoked. See s. 343.10 (2) (a) 4. ✓ OK?

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0552/P1dn
RPN:jld:jf

October 24, 2008

Instead of the two-week delay you suggested, I used a 15-day delay, which is the current language for others who have had their license suspended or revoked. See s. 343.10 (2) (a) 4. OK?

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

Nelson, Robert P.

From: Phillips, Matt
Sent: Monday, October 27, 2008 4:06 PM
To: Nelson, Robert P.
Subject: LRB 0552/P1

Robert:

You drafted LRB 0552 for Senator Kedzie regarding creating a 15 day delay for drunk driving offenses. I have looked over the preliminary draft that you prepared, and Sen. Kedzie agreed that the 15 day delay was appropriate in lieu of 2 weeks. Could you please have the bill jacketed in the Senate.

Thank you.

Matt Phillips
Policy Advisor
Senator Neal Kedzie
11th Senate District



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2009 Bill

X

Reger

1 AN ACT to amend 343.30 (1q) (b) 2., 343.305 (8) (d), 343.31 (3) (bm) 2. and 346.63
2 (2m) of the statutes; relating to: eligibility for an occupational license.

Analysis by the Legislative Reference Bureau

Under current law, if a person's operating privilege is suspended or revoked, the person may apply for an occupational license, which restricts when and where the person is allowed to drive, such as to and from work. In most cases, the person is not eligible for an occupational license until 15 days after the date of the suspension or revocation. In some cases involving serious offenses, the person is not eligible for an occupational license until one year after the date of the suspension or revocation.

Currently, persons whose suspension or revocation is the result of any of the following are eligible for an occupational license immediately:

1. An administrative suspension after a chemical test indicates the presence of a restricted controlled substance or a prohibited alcohol concentration.
2. The first conviction of operating a motor vehicle while under the influence of a controlled substance or an intoxicant.
3. The conviction of operating a motor vehicle while having any alcohol in the person's blood if the person is under the legal drinking age.

This bill removes the immediate eligibility for those persons whose suspension or revocation is described in items 1. to 3., above, and delays their eligibility to receive an occupational license until 15 days after the date of the suspension or revocation.

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

1 **SECTION 1.** 343.30 (1q) (b) 2. of the statutes is amended to read:

2 343.30 **(1q)** (b) 2. Except as provided in subd. 3., 4. or 4m., for the first
3 conviction, the court shall revoke the person's operating privilege for not less than
4 6 months nor more than 9 months. The person is eligible for an occupational license
5 as provided under s. 343.10 ~~at any time~~.

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18 **SECTION 4.** 346.63 (2m) of the statutes is amended to read:

19 346.63 **(2m)** If a person has not attained the legal drinking age, as defined in
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22 for violation of this subsection is suspension of a person's operating privilege under
23 s. 343.30 (1p). The person is eligible for an occupational license as provided under
24 s. 343.10 ~~at any time~~. If a person arrested for a violation of this subsection refuses

1 to take a test under s. 343.305, the refusal is a separate violation and the person is
2 subject to revocation of the person's operating privilege under s. 343.305 (10) (em).

3 (END)