



2009 SENATE BILL 32

February 3, 2009 – Introduced by Senators KEDZIE and SCHULTZ, cosponsored by Representatives SMITH, STASKUNAS, LOTHIAN, BIES, A. OTT and ROTH. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

1 **AN ACT to amend** 340.01 (46m) (a) and (c) of the statutes; **relating to:** prohibited
2 alcohol concentration.

Analysis by the Legislative Reference Bureau

Under current law, a person may not operate a motor vehicle, a boat, a snowmobile, or an all-terrain vehicle with a prohibited alcohol concentration (PBAC) while under the influence of an intoxicant or a controlled substance, or with a measurable amount of a restricted controlled substance in his or her blood (OWI-related offense). For a person who has committed two or fewer OWI-related offenses, the PBAC is 0.08 or more. For a person who has committed three or more OWI-related offenses, the PBAC is 0.02.

This bill lowers the PBAC for a person with one or more OWI-related offenses to 0.02.

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

3 **SECTION 1.** 340.01 (46m) (a) and (c) of the statutes are amended to read:
4 340.01 (**46m**) (a) If the person has ~~2 or fewer~~ no prior ~~convictions, suspensions,~~
5 ~~or revocations~~ violation, conviction, suspension, or revocation, as counted under s.
6 343.307 (1), an alcohol concentration of 0.08 or more.

