



State of Wisconsin

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STEPHEN R. MILLER
CHIEF

January 9, 2012

MEMORANDUM

To: Representative Bies

From: Mary Gibson-Glass, Sr. Legislative Attorney, (608) 267-3215

Peggy J. Hurley, Sr. Legislative Attorney, (608) 266-8906

Subject: Technical Memorandum to **2011 AB 439** (LRB-2696/2) by **DOT**

We received the attached technical memorandum relating to your bill. This copy is for your information and your file.

If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: January 9, 2012

To: Legislative Reference Bureau

From: Richard Kleist
DMV Legislative Liaison, Department of Transportation

Subject: Technical Note for Assembly Bill 439 relating to intoxicated operation of all-terrain vehicles, snowmobiles, motorboats, and motor vehicles, snowmobile safety instruction for persons under 16 years of age, and providing penalties.

The provisions in this proposal are written under s. 23.33, Wis. Stats., relating to ATVs, Subchapter V of Chapter 30, Wis. Stats., relating to the regulation of boating, and Chapter 350, Wis. Stats., relating to snowmobiles. As none of the provisions of this proposal include language under Chapter 343, Wis. Stats., relating to operator's licenses, there are two technical omissions or inconsistencies.

Convictions for operating while intoxicated in a motor vehicle under s. 346.63(1) are convictions used when the Department considers whether to revoke a person's operating privilege as a habitual traffic offender. There is no indication of a desire to have recreational vehicle operating while intoxicated convictions considered for purposes of a person being found to be a habitual traffic offender.

Also, currently a person convicted of operating while intoxicated in a motor vehicle is required to complete an alcohol assessment and any education or treatment recommended as a result of the alcohol assessment. This proposal does not require an alcohol assessment and education or treatment in conjunction with the motor vehicle operating privilege revocation resulting from two or more convictions for operating a recreational vehicle while intoxicated.

We appreciate your attention to these technical concerns.

Richard Kleist, WisDOT-DMV
(608) 267-6964