

2013 DRAFTING REQUEST

Bill

Received: 3/14/2013 Received By: emueller
Wanted: As time permits Same as LRB:
For: Jim Ott (608) 266-0486 By/Representing: Jim Ott
May Contact: Drafter: rnelson
Subject: Drunk Driving - other Addl. Drafters:
Drunk Driving - penalties Extra Copies: PJH

Submit via email: YES
Requester's email: Rep.OttJ@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Require installation of interlock device within 3 working days of conviction; court order restricting operating privilege to take effect immediately

Instructions:

See attached

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>
/?	emueller 4/1/2013			_____			
/P1	rnelson 4/2/2013			_____			State S&L
/1	emueller 8/12/2013	scalvin 4/10/2013	rschluet 4/10/2013	_____	lparisi 4/10/2013		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2		scalvin 8/15/2013	rschluet 8/15/2013	_____	sbasford 8/15/2013	lparisi 10/21/2013	State S&L Crime

12

FE Sent For: 10/23/13

per Ryan from
Rep. Ott's office
(Need by 10-31 RUST)
<END>

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1/2 EJM
8/12/13

1/2 SAC
08/15/2013

FE Sent For:

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Pre Topic:

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Topic:

Require installation of interlock device ^{within} 3 working days of conviction ;

ct. order to restrict
privilege immediately

Instructions:

See attached

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/?	emueller 4/1/2013	/1 sac 04/10/2013		_____	_____		
/P1	nelson			_____	_____		State S&L

FE Sent For:

<END>

1. Installed w/in 3 working days of conviction / order?
2. Period during which interlock must be installed commencing from date of license reinstatement of license



scw

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2013 Bill

1 AN ACT ^{gen act} relating to: court orders regarding the installation of an ignition
2 interlock device.

Analysis by the Legislative Reference Bureau

Under current law, a court is required to order that a person's motor vehicle operating privilege be restricted to operating vehicles that are equipped with an ignition interlock device if a person commits a second or subsequent offense related to operating a vehicle while intoxicated or a first offense while his or her alcohol concentration is 0.15 or greater, refuses to take a test for intoxication, or injures or kills a person while operating a vehicle while intoxicated. Under current law, the operating privilege restriction stays in place for not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation. Currently, the court may order that the ignition interlock device be installed immediately upon issuing the order that the person's operating privilege be restricted to operating a vehicle with an ignition interlock device installed.

Under this bill, when a court orders that the person's operating privilege be restricted to operating a vehicle with an ignition interlock device, the court must order that the device be installed within 3 working days of the order restricting the person's operating privilege.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1

1 **SECTION 1.** 343.301 (2m) of the statutes is amended to read:

2 **343.301 (2m)** The court shall restrict the operating privilege under sub. (1g)
3 for a period of not less than one year nor more than the maximum operating privilege
4 revocation period permitted for the refusal or violation, beginning on the date the
5 department issues any license granted under this chapter, except that if the
6 maximum operating privilege revocation period is less than one year, the court shall
7 restrict the operating privilege under sub. (1g) for one year. The court ~~may~~ shall
8 order ~~the installation of that~~ an ignition interlock device under sub. (1g) ~~immediately~~
9 upon be installed within 3 working days after issuing an order under sub. (1g).

10 History: 1999 a. 109; 2001 a. 16 ss. 3417m to 3420~~x~~4060gj, 4060hw, 4060hy; 2001 a. 104; 2009 a. 100.

10 **SECTION 2.** 347.50 (1t) of the statutes is amended to read:

11 **347.50 (1t)** In addition to the penalty under sub. (1s), if a person who is subject
12 to an order under s. 343.301 violates s. 347.413, the court shall extend the order
13 restricting the person's operating privilege under s. 343.301 (1g) or (2m) for 6 months
14 for each violation.

15 History: 1971 c. 278; 1975 c. 121; 1981 c. 327; 1983 a. 243; 1985 a. 309; 1987 a. 132; 1989 a. 22; 1991 a. 26, 277; 2001 a. 28; 2003 a. 166; 2005 a. 106, 193; 2007 a. 97; 2009 a. 28, 100.

(END)



INSERTS

2013 BILL

RMR

8/12/13

begins on the date the Department of Transportation issues an operator's license and

Soon

regula

1 AN ACT to amend 343.301 (2m) and 347.50 (1t) of the statutes, relating to: court
2 orders regarding the installation of an ignition interlock device.

Analysis by the Legislative Reference Bureau

Under current law, a court is required to order that a person's motor vehicle operating privilege be restricted to operating vehicles that are equipped with an ignition interlock device if a person commits a second or subsequent offense related to operating a vehicle while intoxicated or a first offense while his or her alcohol concentration is 0.15 or greater, refuses to take a test for intoxication, or injures or kills a person while operating a vehicle while intoxicated. Under current law, the operating privilege restriction stays in place for not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation. Currently, the court may order that the ignition interlock device be installed immediately upon issuing the order that the person's operating privilege be restricted to operating a vehicle with an ignition interlock device installed.

INS-Analysis

Under this bill, when a court orders that the person's operating privilege be restricted to operating a vehicle with an ignition interlock device, the court must order that the device be installed within 3 working days of the order restricting the person's operating privilege.

CRIME

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

INS Analysis 2

BILL

x

1 SECTION 1. 343.301 (2m) of the statutes is amended to read:

2 343.301 (2m) The court shall restrict the operating privilege under sub. (1g)

3 for a period of not less than one year nor more than the maximum operating privilege

4 revocation period permitted for the refusal or violation, ^(plain comma) ~~beginning on the date the~~

5 ~~department issues any license granted under this chapter,~~ ^{strike} except that if the

6 maximum operating privilege revocation period is less than one year, ^{strike comma} the court shall

7 restrict the operating privilege under sub. (1g) ^{a period of} for one year. The court may shall

8 order the installation of that an ignition interlock device under sub. (1g) immediately

9 upon be installed within 3 working days after issuing an order under sub. (1g).

x

10 SECTION 2. 347.50 (1t) of the statutes is amended to read:

11 347.50 (1t) In addition to the penalty under sub. (1s), if a person who is subject

12 to an order under s. 343.301 violates s. 347.413, the court shall extend the order

13 restricting the person's operating privilege under s. 343.301 (1g) or (2m) for 6 months

14 for each violation.

15 (END)

INS
2-9

INS
2-14

beginning on the date the order under sub. (1g)

is issued and extending

after the date the department issues any license

granted under this chapter

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1907/2ins
RPN&EVM:sac:rs

1 INS Analysis -1

A person who violates the operating privilege restriction by failing to install, removing, disconnecting, or otherwise tampering with the ignition interlock device may be fined not less than \$150 nor more than \$600, imprisoned for not more than six months, or both, for the first offense, and may be fined not less than \$300 nor more than \$1,000, or imprisoned for not more than six months, or both, for a second or subsequent offense.

2

3 INS Analysis-2

^{not} Also under this bill, the operating privilege restriction takes effect immediately upon the issuing of the order restricting the person's operating privilege. The operating privilege restriction remains in place for not less than one year after DOT issues an operator's license nor more than the maximum operating privilege revocation period after DOT issues an operator's license. A violation of the operating privilege restriction is subject to the same penalty provided for failing to install, removing, disconnecting, or otherwise tampering with the ignition interlock device.

4

5 INS 2-9

6

x

7 **SECTION 1.** 347.413 (1) of the statutes is amended to read:

8

347.413 (1) No person may remove, disconnect, tamper with, or otherwise

9

circumvent the operation of an ignition interlock device installed in response to the

10

court order under s. 346.65 (6), 1999 stats., or s. 343.301 (1), 2007 stats., or s. 343.301

11

(1g), or fail to have the ignition interlock device installed as ordered by the court, or

12

violate a court order under s. 343.301 (1g) restricting the person's operating

13

privilege. This subsection does not apply to the removal of an ignition interlock

14

device upon the expiration of the order requiring the motor vehicle to be so equipped

15

or to necessary repairs to a malfunctioning ignition interlock device by a person

16

authorized by the department.

1 INS 2-14

2

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to a court order issued on the effective date of this
5 subsection.

8/6

Rep. Jim Ott

- Nearly in current law prohibits person from using another person's car w/o interlock

- want to require that person may not use any car w/o ignition interlock starting immediately

car w/o lic. ?

↓
not nec.

a viol. of

343.301

thyl

Nelson, Robert

From: Hurley, Peggy
Sent: Tuesday, October 15, 2013 1:08 PM
To: Mueller, Eric; Nelson, Robert
Cc: Rep.OttJ
Subject: LRB 13-1907

Eric and Bob,

In August, the two of you drafted LRB 13-1907 for Representative Jim Ott. He would like a redraft that would make it so that a person who operates a vehicle he does not own in violation of an IID license restriction (i.e., drives a vehicle that is not equipped with an IID but is also not subject to the IID installation order) is subject to the same penalty as if he drove his own vehicle without installing an IID as ordered.

If you want to discuss this further, I think I have some usable language to accomplish that. Otherwise, could one of you retrieve the -1907 and do the redraft for Representative Ott?

Peggy Hurley
Legislative Reference Bureau
608 266 8906

Nelson, Robert

To: Rep.OttJ
Subject: LRB-1907/2 (ignition interlocks)

Peggy Hurley in our office received a request from your office to add language in LRB-1907/2 to provide the same penalty for driving a vehicle without an ignition interlock device (IID) as the penalty the person is subject to if the person violates an order to equip his vehicle with an ignition interlock device.

LRB-1907/2, Sections 2 and 3, as currently drafted, do provide the same penalties for operating a vehicle not equipped with an IID. Adding the language "or violate a court order under s. 343.302 (1g) restricting the person operating privilege" to s. 347.413 (1) refers to requiring the person to operate only vehicles equipped with IIDs, and makes that violation subject to the same penalties under s. 347.50 (1s) and (1t).

No changes are needed in LRB-1907/2.

If you have questions call me at 266-9739.

Robert Nelson



2013 BILL

1 **AN ACT** *to amend* 343.301 (2m), 347.413 (1) and 347.50 (1t) of the statutes;
2 **relating to:** court orders regarding the installation of an ignition interlock
3 device.

Analysis by the Legislative Reference Bureau

Under current law, a court is required to order that a person's motor vehicle operating privilege be restricted to operating vehicles that are equipped with an ignition interlock device if a person commits a second or subsequent offense related to operating a vehicle while intoxicated or a first offense while his or her alcohol concentration is 0.15 or greater, refuses to take a test for intoxication, or injures or kills a person while operating a vehicle while intoxicated. Under current law, the operating privilege restriction begins on the date of the Department of Transportation issues an operator's license and stays in place for not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation. A person who violates the operating privilege restriction by failing to install, removing, disconnecting, or otherwise tampering with the ignition interlock device may be fined not less than \$150 nor more than \$600, imprisoned for not more than six months, or both, for the first offense, and may be fined not less than \$300 nor more than \$1,000, or imprisoned for not more than six months, or both, for a second or subsequent offense.

Currently, the court may order that the ignition interlock device be installed immediately upon issuing the order that the person's operating privilege be restricted to operating a vehicle with an ignition interlock device installed.

Parisi, Lori

From: Mueller, Virginia
Sent: Friday, October 18, 2013 2:16 PM
To: LRB.Legal
Subject: Draft Review: LRB -1907/2 Topic: Require installation of interlock device within 3 working days of conviction; court order restricting operating privilege to take effect immediately

Please Jacket LRB -1907/2 for the ASSEMBLY.