

Report of the Department of Transportation

Under

WIS STAT. 13.0965

FOR

2019 SENATE BILL 331 (LRB-0238/1)

Wis. Stat. 13.0965 requires the Department of Transportation to review bills proposing the revocation of a motor vehicle operating privilege. The report is required to state “whether the bill is consistent with a policy of revoking an operating privilege only for traffic violations that are likely to result in death, personal injury, or serious property damage.” The statute requires this report to be printed as an appendix to the bill and distributed in the same manner as amendments. This report is required to be submitted before any public hearing is held or before any vote is taken by either house.

Senate Bill 331 was introduced July 31, 2019. Under this bill, a court must count previous convictions of any all-terrain vehicle (ATV), utility terrain vehicle (UTV), off-highway motorcycle (OHM) or motorboat intoxicated operation or refusal laws that occurred within the previous five years when imposing a penalty for a violation of any of these laws. This bill proposes to require the court to order a revocation of a person’s operating privilege if the person has committed a second of these offenses within 5 years. This revocation is to last not less than 6 months and not more than 12 months, and the individual would be eligible for an occupational license immediately.

The department assumes that alcohol-related violations “are likely to result in death, personal injury, or serious property damage”. Currently, only qualified motor vehicle traffic violation convictions require the revocation of operating privilege. While some of the violations referenced in this bill may be committed on public roadways, and therefore would qualify for revocation, the vehicles in question do not generally qualify as motor vehicles under Wis. Stat. 340.01(35). In addition, any revocation of operating privilege for violations of intoxicated ATV/UTV/OHM/motorboat operation laws that did not take place on public highways would not be consistent with the policy of revoking for “traffic violations.”

Dated: August 6, 2019