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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**Contact:** David Moore, Senior Staff Attorney

**2019 Senate Bill 384**

**Senate Amendment 1**

## 2019 SENATE BILL 384

### Background

Under current law, if a person submits to a chemical test after being arrested for operating while intoxicated (OWI) and the person fails the test, the Department of Transportation (DOT) must suspend the person's driving privilege for six months beginning 30 days after the date on which the person is notified of the suspension. If the person is subsequently convicted of an OWI offense, the person's driving privilege is also revoked. If a person refuses to submit to a chemical test or is convicted of an OWI, the person's driving privilege must be revoked. The length of the revocation period for an OWI conviction or chemical test refusal depends on the number and nature of any prior offenses.

A person whose driving privilege has been suspended or revoked may apply to DOT to receive an occupational license that authorizes the person to operate a motor vehicle only during certain hours, in certain areas, and for certain purposes, including travel to a person's place of employment. To be eligible for an occupational license, a person must be engaged in a trade or an occupation, including homemaking or full- or part-time study, which makes it essential for the person to operate a motor vehicle. A person with an occupational license may drive to and from work, school, church or a place of worship, a medical appointment, or a place necessary to maintain a household, such as a grocery store or laundromat. A person with an occupational license may not drive to visit family or friends, attend a social event, or for another recreational purpose. A person's driving time is limited to 12 hours per day and 60 hours per week.

Also under current law, a court must generally order a person's driving privilege to be restricted to driving vehicles that are equipped with an ignition interlock device (IID), and must order that each motor vehicle registered in the person's name be equipped with an IID, when the court convicts the person for any of the following:

- Refusal to submit to a chemical test;
- A second or subsequent OWI; or
- A first OWI if his or her alcohol concentration was 0.15 or greater.

[s. 343.301 (1g), Stats.]

An IID order must restrict the person's operating privileges to vehicles equipped with an IID for at least one year. Longer periods, however, are imposed based on the number and nature of a person's prior offenses. The order period begins when a person's driving privilege is reinstated or when a person is issued an occupational license. [s. 343.301 (2m), Stats.]

## **Senate Bill 384**

Senate Bill 384 allows a person to earn day-for-day credit towards the length of time an IID order restricts the person's operating privileges to IID-equipped vehicles by requesting an occupational license that includes this restriction after DOT has suspended his or her regular license, but before a court has issued an IID order. Under the bill, a person whose license has been suspended for an OWI-related violation may apply for an occupational license that restricts the person to operating a vehicle equipped with an IID if the person provides proof that the applicant has access to a motor vehicle equipped with an IID. Under the bill, a person who has been issued an occupational license with an IID restriction shall receive credit for each day the person holds the license towards satisfying the IID restriction when the court imposes that restriction.

The bill also makes a variety of other changes to occupational licenses and IID requirements. Among other changes, the bill eliminates certain extended waiting periods that apply to occupational licenses and provides that the hours of operation and time and route limitations that currently apply to occupational licenses do not apply to IID restricted occupational licenses. Additionally, the bill increases penalties that apply to IID tampering, failing to have an IID installed as ordered by the court, or violating a court restricting the person's operating privilege to vehicles equipped with an IID, and also applies these penalties to violating the IID restriction on an IID restricted license.

## **Senate Amendment 1**

Senate Amendment 1 specifies that the legislation first applies to violations committed on the act's effective date. The amendment also delays the effect date until the first day of the 10<sup>th</sup> month beginning after publication.

## **BILL HISTORY**

Senator Wanggaard offered Senate Amendment 1 on September 24, 2019. On September 25, 2019, the Senate Committee on Judiciary and Public Safety voted unanimously to recommend adoption of Senate Amendment 1 and passage of Senate Bill 384, as amended.

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