



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBs0361/2
RPN:kmg&jlg:hmh

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 572**

March 12, 1998 - Offered by COMMITTEE ON HIGHWAYS AND TRANSPORTATION.

1 **AN ACT to repeal** 343.305 (4m), 343.38 (5) and 343.39 (3); **to renumber and**
2 **amend** 343.10 (6); **to amend** 340.01 (23v), 343.10 (2) (e), 343.10 (5) (a) 3.,
3 343.10 (7) (cm), 343.30 (1q) (b) 2., 343.30 (1q) (b) 3., 343.30 (1q) (b) 4., 343.305
4 (8) (b) 2. b., 343.305 (9) (a) 2., 343.305 (9) (a) 5. b., 343.305 (9) (am) 2., 343.305
5 (9) (am) 5. b., 343.305 (10) (b) 2., 343.305 (10) (b) 3., 343.305 (10) (b) 4., 343.305
6 (10m), 343.31 (3) (bm) 3., 343.31 (3) (bm) 4., 343.31 (3) (c), 343.31 (3) (e), 343.31
7 (3) (f), 346.65 (6) (a) 1., 346.65 (6) (a) 2m., 346.65 (6) (a) 3., 346.65 (6) (c), 346.65
8 (6) (d), 346.65 (6) (k), 346.65 (6) (km), 346.65 (6) (m), 347.413 (1), 940.09 (1d) and
9 940.25 (1d); **to repeal and recreate** 343.305 (4); and **to create** 20.395 (5) (er),
10 85.073, 85.55, 110.10, 343.10 (2) (a) 5., 343.10 (6) (b), 343.10 (8) (ai), 343.30 (1q)
11 (bg) and 346.65 (6) (n) of the statutes; **relating to:** use of ignition interlock
12 devices on motor vehicles, informing a person accused of driving while under

1 the influence of an intoxicant motor vehicle certificates of title, granting
2 rule-making authority, making an appropriation and providing penalties.

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

3 **SECTION 1.** 20.395 (5) (er) of the statutes is created to read:

4 20.395 (5) (er) *Ignition interlock device program, state funds.* All moneys
5 received under s. 343.10 (6) (b) that are credited to this appropriation, for the ignition
6 interlock device program under s. 110.10, for educational and informational
7 materials and technical equipment related to that program and for grants under s.
8 85.55.

9 **SECTION 2.** 85.073 of the statutes is created to read:

10 **85.073 Ignition interlock device study.** The department shall study the
11 impact on highway safety of the voluntary and mandatory use of ignition interlock
12 devices under s. 110.10 and submit a report of that study to the legislature under s.
13 13.172 (2) by January 1, 2000, and by January 1 of each of the 3 years following
14 January 1, 2000.

15 **SECTION 3.** 85.55 of the statutes is created to read:

16 **85.55 Safe-ride grant program.** The department may award grants to any
17 city, village, town or county to cover the costs of transporting persons suspected of
18 having a prohibited alcohol concentration, as defined in s. 340.01 (46m), to their
19 places of residence from any premises licensed under ch. 125 to sell alcohol
20 beverages. The amount of a grant under this section may not exceed 50% of the costs
21 necessary to provide the service. Grants awarded under this section shall be paid
22 from the appropriation under s. 20.395 (5) (er).

23 **SECTION 4.** 110.10 of the statutes is created to read:

1 **110.10 Ignition interlock device program.** The department shall
2 promulgate rules providing for the implementation of a statewide ignition interlock
3 device program. The rules shall include provisions regarding all of following:

4 **(1)** The selection of persons to install, service and remove ignition interlock
5 devices from motor vehicles.

6 **(2)** The review of the fees charged to the owner of a vehicle for the installation
7 and service of an ignition interlock device.

8 **(3)** Requiring ignition interlock device providers operating in this state to
9 establish pilot programs involving the voluntary use of ignition interlock devices.

10 **(4)** Requiring ignition interlock device providers operating in this state to
11 provide the department and law enforcement agencies the department designates
12 with installation, service, tampering and failure reports in a timely manner.

13 **SECTION 5.** 340.01 (23v) of the statutes is amended to read:

14 340.01 **(23v)** "Ignition interlock device" means a device which measures the
15 person's alcohol concentration and which is installed on a vehicle in such a manner
16 that the vehicle will not start if the sample shows that the person has a ~~prohibited~~
17 an alcohol concentration of 0.04 or more.

18 **SECTION 6.** 343.10 (2) (a) 5. of the statutes is created to read:

19 343.10 **(2)** (a) 5. The person has not had an occupational license canceled under
20 sub. (8) (ai) during the current suspension or revocation.

21 **SECTION 7.** 343.10 (2) (e) of the statutes is amended to read:

22 343.10 **(2)** (e) If the court orders a person to submit to and comply with an
23 assessment and driver safety plan and if the person has 2 or more prior convictions,
24 suspensions or revocations, as counted under s. 343.307 (1), within the 10-year
25 period immediately preceding the date of the violation that resulted in the current

1 conviction, suspension or revocation, no occupational license may be granted until
2 the person has completed the assessment and is complying with the driver safety
3 plan.

4 **SECTION 8.** 343.10 (5) (a) 3. of the statutes is amended to read:

5 343.10 (5) (a) 3. If the applicant has ~~2 or more prior convictions, suspensions~~
6 ~~or revocations, as counted under s. 343.307 (1)~~, applicant's operating privilege for
7 "Class D" and "Class M" vehicles has been restricted to operating a motor vehicle
8 equipped with an ignition interlock device, the occupational license of the applicant
9 ~~may~~ shall restrict the applicant's operation under the occupational license to vehicles
10 that are equipped with a functioning ignition interlock device ~~as provided under s.~~
11 ~~346.65 (6)~~. A person to whom a restriction under this subdivision applies violates
12 that restriction if he or she requests or permits another to blow into an ignition
13 interlock device or to start a motor vehicle equipped with an ignition interlock device
14 for the purpose of providing the person an operable motor vehicle without the
15 necessity of first submitting a sample of his or her breath to analysis by the ignition
16 interlock device.

17 **SECTION 9.** 343.10 (6) of the statutes, as affected by 1997 Wisconsin Act 35, is
18 renumbered 343.10 (6) (a) and amended to read:

19 343.10 (6) (a) ~~No~~ Except as provided in par. (b), no person may file an
20 application for an occupational license under sub. (1) unless he or she first pays a fee
21 of \$40 to the department.

22 **SECTION 10.** 343.10 (6) (b) of the statutes is created to read:

23 343.10 (6) (b) No person whose operating privilege for "Class D" and "Class M"
24 vehicles is restricted to operating motor vehicles equipped with an ignition interlock
25 device may file an application for an occupational license under sub. (1) unless he or

1 she first pays a fee of \$70 to the department. Of the fees collected under this
2 paragraph, \$30 shall be credited to the appropriation account under s. 20.395 (5) (er).

3 **SECTION 11.** 343.10 (7) (cm) of the statutes is amended to read:

4 343.10 (7) (cm) If the ~~occupational license includes the restriction specified in~~
5 sub. (5) (a) 3. applicant's operating privilege for "Class D" and "Class M" vehicles has
6 been restricted to operating a motor vehicle equipped with an ignition interlock
7 device, the department shall not issue the occupational license until the applicant
8 provides evidence satisfactory to the department that ~~any~~ the motor vehicle that the
9 applicant will be ~~permitted to operate~~ has been equipped with a functioning ignition
10 interlock device.

11 **SECTION 12.** 343.10 (8) (ai) of the statutes is created to read:

12 343.10 (8) (ai) The department shall cancel the occupational license of a person
13 who is convicted of violating s. 347.413 (1).

14 **SECTION 13.** 343.30 (1q) (b) 2. of the statutes is amended to read:

15 343.30 (1q) (b) 2. Except as provided in subd. 3., 4. or 4m., for the first
16 conviction, the court shall suspend the person's operating privilege for not less than
17 6 months nor more than 9 months. If the court determines that an ignition interlock
18 device restriction is needed to ensure public safety, the court shall order that the
19 person's operating privilege for "Class D" and "Class M" vehicles be restricted to
20 operating a motor vehicle equipped with an ignition interlock device during the
21 suspension period. The person is eligible for an occupational license under s. 343.10
22 at any time.

23 **SECTION 14.** 343.30 (1q) (b) 3. of the statutes is amended to read:

24 343.30 (1q) (b) 3. Except as provided in subd. 4m., if the number of convictions,
25 suspensions and revocations within a 5-year period equals 2, the court shall revoke

1 the person's operating privilege for not less than one year nor more than 18 months
2 and the court shall order that the person's operating privilege for "Class D" and
3 "Class M" vehicles be restricted to operating a motor vehicle equipped with an
4 ignition interlock device during the revocation period. After the first 60 days of the
5 revocation period, the person is eligible for an occupational license under s. 343.10
6 if he or she has completed the assessment and is complying with the driver safety
7 plan ordered under par. (c).

8 **SECTION 15.** 343.30 (1q) (b) 4. of the statutes is amended to read:

9 343.30 (1q) (b) 4. Except as provided in subd. 4m., if the number of convictions,
10 suspensions and revocations within a 10-year period equals 3 or more, the court
11 shall revoke the person's operating privilege for not less than 2 years nor more than
12 3 years and the court shall order that the person's operating privilege for "Class D"
13 and "Class M" vehicles be restricted to operating a motor vehicle equipped with an
14 ignition interlock device during the revocation period. After the first 90 days of the
15 revocation period, the person is eligible for an occupational license under s. 343.10
16 if he or she has completed the assessment and is complying with the driver safety
17 plan ordered under par. (c).

18 **SECTION 16.** 343.30 (1q) (bg) of the statutes is created to read:

19 343.30 (1q) (bg) If the court, under par. (b), orders that the person's operating
20 privilege for "Class D" and "Class M" vehicles be restricted to operating a motor
21 vehicle equipped with an ignition interlock device, the court shall inform the person
22 that he or she is liable for the reasonable costs of equipping the motor vehicle that
23 he or she operates with an ignition interlock device. The court may consider the
24 person's ability to pay the cost of complying with that order. If the court determines
25 that the person is unable to pay the full cost of complying with that order, the court

1 may credit all or part of the amount paid for installation and maintenance of the
2 ignition interlock device against the fine or forfeiture imposed for the offense that
3 resulted in the order.

4 **SECTION 17.** 343.305 (4) of the statutes is repealed and recreated to read:

5 343.305 (4) INFORMATION. At the time that a chemical test specimen is
6 requested under sub. (3) (a) or (am), the law enforcement officer shall read the
7 following to the person from whom the test specimen is requested:

8 “You have either been arrested for an offense that involves driving or operating
9 a motor vehicle while under the influence of alcohol or drugs, or both, or you are
10 suspected of driving or being on duty time with respect to a commercial motor vehicle
11 after consuming an intoxicating beverage.

12 This law enforcement agency now wants to test one or more samples of your
13 breath, blood or urine to determine the concentration of alcohol or drugs in your
14 system. If any test shows more alcohol in your system than the law permits while
15 driving, your operating privilege will be suspended. If you refuse to take any test that
16 this agency requests, your operating privilege will be revoked and you will be subject
17 to other penalties. The test results or the fact that you refused testing can be used
18 against you in court.

19 If you take all the requested tests, you may choose to take further tests. You
20 may take the alternative test that this law enforcement agency provides free of
21 charge. You also may have a test conducted by a qualified person of your choice at
22 your expense. You, however, will have to make your own arrangements for that test.

23 If you have a commercial driver license or were operating a commercial motor
24 vehicle, other consequences may result from positive test results or from refusing
25 testing, such as being placed out of service or disqualified.”

1 **SECTION 18.** 343.305 (4m) of the statutes is repealed.

2 **SECTION 19.** 343.305 (8) (b) 2. b. of the statutes is amended to read:

3 343.305 (8) (b) 2. b. Whether the person was informed of the options regarding
4 tests under this section as required under sub. (4) ~~or under subs. (4) and (4m).~~

5 **SECTION 20.** 343.305 (9) (a) 2. of the statutes is amended to read:

6 343.305 (9) (a) 2. That the officer complied with sub. (4) ~~or both subs. (4) and~~
7 ~~(4m).~~

8 **SECTION 21.** 343.305 (9) (a) 5. b. of the statutes is amended to read:

9 343.305 (9) (a) 5. b. Whether the officer complied with sub. (4) ~~or both subs. (4)~~
10 ~~and (4m).~~

11 **SECTION 22.** 343.305 (9) (am) 2. of the statutes is amended to read:

12 343.305 (9) (am) 2. That the officer complied with sub. (4) ~~or both subs. (4) and~~
13 ~~(4m).~~

14 **SECTION 23.** 343.305 (9) (am) 5. b. of the statutes is amended to read:

15 343.305 (9) (am) 5. b. Whether the officer complied with sub. (4) ~~or both subs.~~
16 ~~(4) and (4m).~~

17 **SECTION 24.** 343.305 (10) (b) 2. of the statutes is amended to read:

18 343.305 (10) (b) 2. Except as provided in subd. 3., 4. or 4m., for the first
19 improper refusal, the court shall revoke the person's operating privilege for one year
20 and the court shall order that the person's operating privilege for "Class D" and
21 "Class M" vehicles be restricted to operating a motor vehicle equipped with an
22 ignition interlock device during the revocation period. After the first 30 days of the
23 revocation period, the person is eligible for an occupational license under s. 343.10.

24 **SECTION 25.** 343.305 (10) (b) 3. of the statutes is amended to read:

1 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions,
2 suspensions and revocations in a 5-year period equals 2, the court shall revoke the
3 person's operating privilege for 2 years and the court shall order that the person's
4 operating privilege for "Class D" and "Class M" vehicles be restricted to operating a
5 motor vehicle equipped with an ignition interlock device during the revocation
6 period. After the first 90 days of the revocation period, the person is eligible for an
7 occupational license under s. 343.10 if he or she has completed the assessment and
8 is complying with the driver safety plan.

9 **SECTION 26.** 343.305 (10) (b) 4. of the statutes is amended to read:

10 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions,
11 suspensions and revocations in a 10-year period equals 3 or more, the court shall
12 revoke the person's operating privilege for 3 years and the court shall order that the
13 person's operating privilege for "Class D" and "Class M" vehicles be restricted to
14 operating a motor vehicle equipped with an ignition interlock device during the
15 revocation period. After the first 120 days of the revocation period, the person is
16 eligible for an occupational license under s. 343.10 if he or she has completed the
17 assessment and is complying with the driver safety plan.

18 **SECTION 27.** 343.305 (10m) of the statutes is amended to read:

19 343.305 (10m) (title) ~~REFUSALS; SEIZURE; OR IMMOBILIZATION OR IGNITION~~
20 ~~INTERLOCK OF A MOTOR VEHICLE.~~ If the person whose operating privilege is revoked
21 under sub. (10) has 2 or more prior convictions, suspensions or revocations, as
22 counted under s. 343.307 (1), within a 10-year period, the procedure under s. 346.65
23 (6) shall be followed regarding the immobilization or seizure and forfeiture of a motor
24 vehicle owned by the person ~~or the equipping of a motor vehicle owned by the person~~
25 ~~with an ignition interlock device.~~

1 **SECTION 28.** 343.31 (3) (bm) 3. of the statutes is amended to read:

2 343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of
3 suspensions, revocations and convictions within a 5-year period equals 2, the
4 department shall revoke the person's operating privilege for not less than one year
5 nor more than 18 months. If an Indian tribal court in this state revokes the person's
6 privilege to operate a motor vehicle on tribal lands for not less than one year nor more
7 than 18 months for the conviction specified in par. (bm) (intro.), the department shall
8 impose the same period of revocation and shall restrict the person's operating
9 privilege for "Class D" and "Class M" vehicles to operating a motor vehicle equipped
10 with an ignition interlock device during the revocation period. After the first 60 days
11 of the revocation period, the person is eligible for an occupational license under s.
12 343.10.

13 **SECTION 29.** 343.31 (3) (bm) 4. of the statutes is amended to read:

14 343.31 (3) (bm) 4. Except as provided in subd. 4m., if the number of
15 suspensions, revocations and convictions within a 10-year period equals 3 or more,
16 the department shall revoke the person's operating privilege for not less than 2 years
17 nor more than 3 years. If an Indian tribal court in this state revokes the person's
18 privilege to operate a motor vehicle on tribal lands for not less than 2 years nor more
19 than 3 years for the conviction specified in par. (bm) (intro.), the department shall
20 impose the same period of revocation and shall restrict the person's operating
21 privilege for "Class D" and "Class M" vehicles to operating a motor vehicle equipped
22 with an ignition interlock device during the revocation period. After the first 90 days
23 of the revocation period, the person is eligible for an occupational license under s.
24 343.10.

25 **SECTION 30.** 343.31 (3) (c) of the statutes is amended to read:

1 343.31 (3) (c) Any person convicted under s. 940.09 of causing the death of
2 another by the operation or handling of a motor vehicle shall have his or her
3 operating privilege revoked for 5 years. If there was a minor passenger under 16
4 years of age in the motor vehicle at the time of the violation that gave rise to the
5 conviction under s. 940.09, the revocation period is 10 years. The department shall
6 restrict the person's operating privilege for "Class D" and "Class M" vehicles to
7 operating a motor vehicle equipped with an ignition interlock device during the
8 revocation period.

9 **SECTION 31.** 343.31 (3) (e) of the statutes is amended to read:

10 343.31 (3) (e) Any person convicted under s. 346.63 (2) shall have his or her
11 operating privilege revoked for not less than one year nor more than 2 years. If there
12 was a minor passenger under 16 years of age in the motor vehicle at the time of the
13 violation that gave rise to the conviction under s. 346.63 (2), the minimum and
14 maximum revocation periods are doubled. The department shall restrict the
15 person's operating privilege for "Class D" and "Class M" vehicles to operating a motor
16 vehicle equipped with an ignition interlock device during the revocation period.

17 **SECTION 32.** 343.31 (3) (f) of the statutes is amended to read:

18 343.31 (3) (f) Any person convicted under s. 940.25 shall have his or her
19 operating privilege revoked for 2 years. If there was a minor passenger under 16
20 years of age in the motor vehicle at the time of the violation that gave rise to the
21 conviction under s. 940.25, the revocation period is 4 years. The department shall
22 restrict the person's operating privilege for "Class D" and "Class M" vehicles to
23 operating a motor vehicle equipped with an ignition interlock device during the
24 revocation period.

25 **SECTION 33.** 343.38 (5) of the statutes is repealed.

1 **SECTION 34.** 343.39 (3) of the statutes is repealed.

2 **SECTION 35.** 346.65 (6) (a) 1. of the statutes is amended to read:

3 346.65 (6) (a) 1. (intro.) Except as provided in this paragraph, the court may
4 order a law enforcement officer to ~~seize a motor vehicle, or, if the motor vehicle is not~~
5 ~~ordered seized, shall order a law enforcement officer to equip the motor vehicle with~~
6 ~~an ignition interlock device or immobilize any motor vehicle owned by the person~~
7 whose operating privilege is revoked under s. 343.305 (10) or who committed a
8 violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a) or (b) or 940.25 (1)
9 (a) or (b) if the person whose operating privilege is revoked under s. 343.305 (10) or
10 who is convicted of the violation has 2 prior suspensions, revocations or convictions
11 within a 10-year period that would be counted under s. 343.307 (1) The court shall
12 not order a motor vehicle equipped with ~~an ignition interlock device or immobilized~~
13 if that order would result in undue hardship ~~or extreme inconvenience~~ or would
14 endanger the health and safety of a person.

15 **SECTION 36.** 346.65 (6) (a) 2m. of the statutes is amended to read:

16 346.65 (6) (a) 2m. A person who owns a motor vehicle ~~subject to seizure,~~
17 ~~equipping with an ignition interlock device or immobilization~~ ordered seized or
18 immobilized under this paragraph shall surrender to the clerk of circuit court the
19 certificate of title issued under ch. 342 for every motor vehicle owned by the person.
20 The person shall comply with this subdivision within 5 working days after receiving
21 notification of this requirement from the district attorney. When a district attorney
22 receives a copy of a notice of intent to revoke the operating privilege under s. 343.305
23 (9) (a) of a person who has 2 or more convictions, suspensions or revocations within
24 a 5-year period, as counted under s. 343.307 (1), or when a district attorney notifies
25 the department of the filing of a criminal complaint against a person under s. 342.12

1 (4) (a), the district attorney shall notify the person of the requirement to surrender
2 all certificates of title to the clerk of circuit court. The notification shall include the
3 time limits for that surrender, the penalty for failure to comply with the requirement
4 and the address of the clerk of circuit court. The clerk of circuit court shall promptly
5 return each certificate of title surrendered to the clerk of circuit court under this
6 subdivision after stamping the certificate of title with the notation "Per section
7 346.65 (6) of the Wisconsin statutes, ownership of this motor vehicle may not be
8 transferred without prior court approval". Any person failing to surrender a
9 certificate of title as required under this subdivision shall forfeit not more than \$500.

10 **SECTION 37.** 346.65 (6) (a) 3. of the statutes is amended to read:

11 346.65 (6) (a) 3. The court shall notify the department, in a form and manner
12 prescribed by the department, that an order to ~~equip a motor vehicle with an ignition~~
13 ~~interlock device, to immobilize a motor vehicle or to seize a motor vehicle~~ has been
14 entered. The registration records of the department shall reflect that the order has
15 been entered against the vehicle and remains unexecuted. Any law enforcement
16 officer may execute that order and shall transfer any motor vehicle ordered seized
17 to the law enforcement agency that was originally ordered to seize the vehicle based
18 on the information provided by the department. The law enforcement agency shall
19 notify the department when an order has been executed under this subdivision and
20 the department shall amend its vehicle registration records to reflect that
21 notification.

22 **SECTION 38.** 346.65 (6) (c) of the statutes is amended to read:

23 346.65 (6) (c) The district attorney of the county where the ~~motor vehicle was~~
24 ~~seized~~ seizure is ordered shall commence an action to forfeit the motor vehicle within
25 30 days after the motor vehicle is seized. The action shall name the owner of the

1 motor vehicle and all lienholders of record as parties. The forfeiture action shall be
2 commenced by filing a summons, complaint and affidavit of the law enforcement
3 agency with the clerk of circuit court. Upon service of an answer, the action shall be
4 set for hearing within 60 days after the service of the answer. If no answer is served
5 or no issue of law or fact joined and the time for that service or joining of issues has
6 expired, the court may render a default judgment as provided in s. 806.02.

7 **SECTION 39.** 346.65 (6) (d) of the statutes is amended to read:

8 346.65 (6) (d) At the hearing set under par. (c), the state has the burden of
9 proving to a reasonable certainty by the greater weight of the credible evidence that
10 the motor vehicle is a motor vehicle owned by a person who committed a violation of
11 s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a) or (b) or 940.25 (1) (a) or (b) and,
12 ~~if the seizure is under par. (a) 1., that the person had 2 prior convictions, suspensions~~
13 ~~or revocations within a 10-year period as counted under s. 343.307 (1) or, if the~~
14 ~~seizure is under par. (a) 2., that the owner had 3 or more prior convictions,~~
15 ~~suspensions or revocations within a 10-year period as counted under s. 343.307 (1).~~
16 ~~If the owner of the motor vehicle proves by a preponderance of the evidence that he~~
17 ~~or she was not convicted of a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09~~
18 ~~(1) (a) or (b) or 940.25 (1) (a) or (b), or, if the seizure is under par. (a) 1., that he or she~~
19 ~~did not have 2 prior convictions, suspensions or revocations within a 10-year period~~
20 ~~as counted under s. 343.307 (1) or, if the seizure is under par. (a) 2., 3 or more prior~~
21 ~~convictions, suspensions or revocations within a 10-year period as counted under s.~~
22 ~~343.307 (1) state fails to meet the burden of proof required under this paragraph,~~
23 ~~motor vehicle shall be returned to the owner upon the payment of storage costs.~~

24 **SECTION 40.** 346.65 (6) (k) of the statutes, as affected by 1997 Wisconsin Act
25 (Assembly Bill 487), is amended to read:

1 346.65 **(6)** (k) Except as provided in par. (km), no person may transfer
2 ownership of any motor vehicle that is subject to immobilization or seizure ~~or to~~
3 ~~equipping with an ignition interlock device~~ under this subsection or make
4 application for a new certificate of title under s. 342.18 for the motor vehicle unless
5 the court determines that the transfer is in good faith and not for the purpose of or
6 with the effect of defeating the purposes of this subsection. The department may
7 cancel a title or refuse to issue a new certificate of title in the name of the transferee
8 as owner to any person who violates this paragraph.

9 **SECTION 41.** 346.65 (6) (km) of the statutes, as created by 1997 Wisconsin Act
10 (Assembly Bill 487), is amended to read:

11 346.65 **(6)** (km) If a person purchases a motor vehicle in good faith and without
12 knowledge that the motor vehicle was subject to immobilization or seizure ~~or to~~
13 ~~equipping with an ignition interlock device~~ under this subsection and the
14 department has no valid reason for not issuing a certificate of title other than the
15 prohibition under par. (k), the department shall issue a new certificate of title in the
16 name of the person requesting the new certificate of title if at the time of the purchase
17 of the motor vehicle the certificate of title did not contain the notation stamped on
18 the certificate of title by the clerk of circuit court under par. (a) 2m. and if the person
19 submits the affidavit required under s. 342.12 (4) (c) 1. c.

20 **SECTION 42.** 346.65 (6) (m) of the statutes is amended to read:

21 346.65 **(6)** (m) The court may order a vehicle to be immobilized under this
22 subsection for not more than the period that the person's operating privilege is
23 revoked under s. 343.30 or 343.31. ~~The court may order a vehicle to be equipped with~~
24 ~~an ignition interlock device under this subsection for not more than 2 years more~~
25 ~~than the period that the person's operating privilege is revoked under s. 343.30 or~~

1 ~~343.31.~~ If the court orders any motor vehicle immobilized ~~or equipped with an~~
2 ~~ignition interlock device~~ under this subsection, the owner shall be liable for the
3 reasonable costs of the immobilization ~~or the equipping of the ignition interlock~~
4 ~~device.~~ If a motor vehicle that is immobilized is subject to a security agreement, the
5 court shall release the motor vehicle to the secured party upon the filing of an
6 affidavit by the secured party that the security agreement is in default and upon
7 payment of the accrued cost of immobilizing the motor vehicle.

8 **SECTION 43.** 346.65 (6) (n) of the statutes is created to read:

9 346.65 (6) (n) The 10-year period under pars. (a) and (d) shall be measured
10 from the dates of the refusals or violations that resulted in the revocation, suspension
11 or conviction.

12 **SECTION 44.** 347.413 (1) of the statutes is amended to read:

13 347.413 (1) No person may remove, disconnect, tamper with or otherwise
14 circumvent the operation of, or violate any requirement established by the
15 department regarding, an ignition interlock device installed in response to the court
16 ~~order under s. 346.65 (6) a motor vehicle operated by the person.~~ This subsection does
17 not apply to the removal of an ignition interlock device upon the expiration of the
18 ~~order requiring the~~ any requirement restricting the person to operating a motor
19 vehicle ~~to be~~ so equipped or to make necessary repairs to a malfunctioning ignition
20 interlock device by a person authorized by the department or to the removal of an
21 ignition interlock device voluntarily placed in a motor vehicle or as the result of the
22 person defaulting on any agreement with a service provider. No person may aid a
23 person in circumventing the operation of an ignition interlock device or allow any
24 other person to operate a motor vehicle without a functioning ignition interlock

1 device if that other person has been restricted to operating a motor vehicle equipped
2 with an ignition interlock device.

3 **SECTION 45.** 940.09 (1d) of the statutes is amended to read:

4 940.09 (1d) If the person who committed an offense under sub. (1) (a) or (b) has
5 2 or more prior convictions, suspensions or revocations in a 10-year period, as
6 counted under s. 343.307 (1), the procedure under s. 346.65 (6) may be followed
7 regarding the immobilization or seizure and forfeiture of a motor vehicle owned by
8 the person who committed the offense ~~or the equipping of a motor vehicle owned by~~
9 ~~the person with an ignition interlock device.~~

10 **SECTION 46.** 940.25 (1d) of the statutes is amended to read:

11 940.25 (1d) If the person who committed the offense under sub. (1) (a) or (b)
12 has 2 or more prior convictions, suspensions or revocations in a 10-year period, as
13 counted under s. 343.307 (1), the procedure under s. 346.65 (6) may be followed
14 regarding the immobilization or seizure and forfeiture of a motor vehicle owned by
15 the person who committed the offense ~~or the equipping of a motor vehicle owned by~~
16 ~~the person with an ignition interlock device.~~

17 **SECTION 47. Nonstatutory provisions.**

18 (1) IGNITION INTERLOCK DEVICE PROGRAM. On the effective date of this subsection,
19 the authorized FTE positions for the department of transportation are increased by
20 2.0 SEG positions, to be funded from the appropriation under section 20.395 (5) (er)
21 of the statutes, as created by this act, for the purpose of developing and
22 administering the safe-ride program under section 85.55 of the statutes and the
23 ignition interlock device program under section 110.10 of the statutes, as created by
24 this act.

25 **SECTION 48. Initial applicability.**

1 (1) This act first applies to offenses committed on the effective date of this
2 subsection, but does not preclude the counting of other offenses as prior offenses for
3 purposes of administrative action by the department of transportation, sentencing
4 by a court or suspending or revoking a person's operating privilege.

5 **SECTION 49. Effective dates.** This act takes effect on January 1, 1999, except
6 as follows:

7 (1) The treatment of section 85.55 of the statutes takes effect on July 1, 1999.

8 (2) The treatment of section 110.10 of the statutes takes effect on the day after
9 publication.

10 (END)