



**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1997 SENATE BILL 251**

May 7, 1998 - Offered by JOINT COMMITTEE ON FINANCE.

1     **AN ACT** *to renumber and amend* 125.07 (4) (e) 4.; *to amend* 125.07 (4) (bs) 1.,  
2           2., 3. and 4., 125.07 (4) (c) 1., 2., 3. and 4., 125.07 (4) (e) 5., 125.085 (3) (bd),  
3           343.30 (6) (b) (intro.), 343.30 (6) (b) 1., 2. and 3., 343.30 (6) (bm), 343.30 (6) (d),  
4           938.344 (2) (a), (b) and (c), 938.344 (2b) (a), (b) and (c) and 938.344 (2d) (a), (b)  
5           and (c) of the statutes; and *to affect* 1997 Wisconsin Act 84, sections 2, 3, 4 and  
6           5; **relating to:** the operating privilege of an underage person convicted of  
7           certain alcohol-related offenses.

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

8           **SECTION 1.** 125.07 (4) (bs) 1., 2., 3. and 4. of the statutes are amended to read:  
9           125.07 (4) (bs) 1. For a first violation, a forfeiture of not less than \$250 nor more  
10          than \$500, suspension of the person's operating privilege as provided under s. 343.30  
11          (6) (b) 1., participation in a supervised work program or other community service  
12          work under par. (cg) or any combination of these penalties. In addition to any penalty

1 imposed under this subdivision, the violator's operating privilege shall be suspended  
2 as provided under s. 343.30 (6) (b) 1.

3 2. For a violation committed within 12 months of a previous violation, either  
4 a forfeiture of not less than \$300 nor more than \$500, ~~suspension of the person's~~  
5 ~~operating privilege as provided under s. 343.30 (6) (b) 2.,~~ participation in a  
6 supervised work program or other community service work under par. (cg) or any  
7 combination of these penalties. In addition to any penalty imposed under this  
8 subdivision, the violator's operating privilege shall be suspended as provided under  
9 s. 343.30 (6) (b) 2.

10 3. For a violation committed within 12 months of 2 previous violations, either  
11 a forfeiture of not less than \$500 nor more than \$750, ~~revocation of the person's~~  
12 ~~operating privilege under s. 343.30 (6) (b) 3.,~~ participation in a supervised work  
13 program or other community service work under par. (cg) or any combination of these  
14 penalties. In addition to any penalty imposed under this subdivision, the violator's  
15 operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.

16 4. For a violation committed within 12 months of 3 or more previous violations,  
17 either a forfeiture of not less than \$750 nor more than \$1,000, ~~revocation of the~~  
18 ~~person's operating privilege under s. 343.30 (6) (b) 3.,~~ participation in a supervised  
19 work program or other community service work under par. (cg) or any combination  
20 of these penalties. In addition to any penalty imposed under this subdivision, the  
21 violator's operating privilege shall be suspended as provided under s. 343.30 (6) (b)  
22 3.

23 **SECTION 2.** 125.07 (4) (c) 1., 2., 3. and 4. of the statutes are amended to read:

24 125.07 (4) (c) 1. For a first violation, a forfeiture of not less than \$100 nor more  
25 than \$200, ~~suspension of the person's operating privilege as provided under s. 343.30~~

1 ~~(6) (b) 1.~~, participation in a supervised work program or other community service  
2 work under par. (cg) or any combination of these penalties. In addition to any penalty  
3 imposed under this subdivision, the violator's operating privilege shall be suspended  
4 as provided under s. 343.30 (6) (b) 1.

5 2. For a violation committed within 12 months of a previous violation, either  
6 a forfeiture of not less than \$200 nor more than \$300, ~~suspension of the person's~~  
7 ~~operating privilege as provided under s. 343.30 (6) (b) 2.~~, participation in a  
8 supervised work program or other community service work under par. (cg) or any  
9 combination of these penalties. In addition to any penalty imposed under this  
10 subdivision, the violator's operating privilege shall be suspended as provided under  
11 s. 343.30 (6) (b) 2.

12 3. For a violation committed within 12 months of 2 previous violations, either  
13 a forfeiture of not less than \$300 nor more than \$500, ~~revocation of the person's~~  
14 ~~operating privilege under s. 343.30 (6) (b) 3.~~, participation in a supervised work  
15 program or other community service work under par. (cg) or any combination of these  
16 penalties. In addition to any penalty imposed under this subdivision, the violator's  
17 operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.

18 4. For a violation committed within 12 months of 3 or more previous violations,  
19 either a forfeiture of not less than \$500 nor more than \$1,000, ~~revocation of the~~  
20 ~~person's operating privilege under s. 343.30 (6) (b) 3.~~, participation in a supervised  
21 work program or other community service work under par. (cg) or any combination  
22 of these penalties. In addition to any penalty imposed under this subdivision, the  
23 violator's operating privilege shall be suspended as provided under s. 343.30 (6) (b)  
24 3.

1           **SECTION 3.** 125.07 (4) (e) 4. of the statutes is renumbered 125.07 (4) (e) 4. (intro.)  
2 and amended to read:

3           125.07 (4) (e) 4. (intro.) If the defendant completes the alcohol abuse treatment  
4 program or court-approved alcohol abuse education program, ~~the:~~

5           a. The approved treatment facility or court-approved alcohol abuse education  
6 program shall, with the written informed consent of the defendant, notify the agency  
7 primarily responsible for providing services to the defendant that the defendant has  
8 complied with the order and the court shall notify the defendant of whether or not  
9 the penalty will be reinstated. If the court had ordered the suspension of the  
10 defendant's operating privilege under par. (bs) or (c), the

11           b. The court may reduce the period of suspension under s. 343.30 (6) (b) 1. by  
12 not more than 60 days or may reduce the period of suspension under s. 343.30 (6) (b)  
13 2. by not more than 30 days. If the court reduces a period of suspension the court  
14 shall, consistent with the reduction, order the secretary of transportation to  
15 reinstate the operating privilege of the defendant if he or she completes the alcohol  
16 abuse treatment program or court-approved alcohol abuse education program.

17           **SECTION 4.** 125.07 (4) (e) 5. of the statutes is amended to read:

18           125.07 (4) (e) 5. If an approved treatment facility or court-approved alcohol  
19 abuse education program, with the written informed consent of the defendant,  
20 notifies the agency primarily responsible for providing services to the defendant that  
21 the defendant is not participating in the program or that the defendant has not  
22 satisfactorily completed a recommended alcohol abuse treatment program or an  
23 education program, the court shall hold a hearing to determine whether the  
24 penalties under par. (bs) or (c) not involving an operating privilege should be  
25 imposed.

1           **SECTION 5.** 125.085 (3) (bd) of the statutes, as affected by 1997 Wisconsin Act  
2 27, is amended to read:

3           125.085 **(3)** (bd) Any underage person who violates par. (b) is subject to a  
4 forfeiture of not less than \$300 nor more than \$1,250, suspension of the person's  
5 operating privilege under s. 343.30 ~~(6) (bm)~~, participation in a supervised work  
6 program or other community service work under par. (bh) or any combination of  
7 these penalties. In addition to any penalty imposed under this paragraph, the  
8 underage person's operating privilege shall be suspended as provided in s. 343.30 (6)  
9 (bm).

10           **SECTION 6.** 343.30 (6) (b) (intro.) of the statutes is amended to read:

11           343.30 **(6)** (b) (intro.) If Subject to s. 125.07 (4) (e) 4. b., whenever a court  
12 imposes suspension ~~or revocation~~ of a person's operating privilege under s. 125.07 (4)  
13 (bs) or (c) or 938.344 (2), (2b) or (2d), the suspension or revocation imposed shall be  
14 one of the following:

15           **SECTION 7.** 343.30 (6) (b) 1., 2. and 3. of the statutes are amended to read:

16           343.30 **(6)** (b) 1. For a first violation, suspension for ~~30 to~~ 90 days.

17           2. For a violation committed within 12 months of a previous violation,  
18 suspension for ~~not more than one year~~ 180 days.

19           3. For a violation committed within 12 months of 2 or more previous violations,  
20 ~~revocation~~ suspension for ~~not more than 2 years~~ 270 days.

21           **SECTION 8.** 343.30 (6) (bm) of the statutes is amended to read:

22           343.30 **(6)** (bm) If the court imposes a suspension of a person's operating  
23 privilege under s. 125.085 (3) (bd), the suspension shall be for ~~30 to~~ 90 days.

24           **SECTION 9.** 343.30 (6) (d) of the statutes is amended to read:

1           343.30 (6) (d) If the person subject to suspension ~~or revocation~~ under this  
2 subsection does not hold a valid license under this chapter other than a license under  
3 s. 343.07 or 343.08 on the date of disposition, the suspension ~~or revocation~~ under par.  
4 (b) shall commence on the date that such a license would otherwise be reinstated or  
5 issued after the person applies and qualifies for issuance ~~or 2 years from the date of~~  
6 ~~disposition, whichever occurs first.~~

7           **SECTION 10.** 938.344 (2) (a), (b) and (c) of the statutes are amended to read:

8           938.344 (2) (a) For a first violation, a forfeiture of not more than \$50,  
9 ~~suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 1.~~  
10 or the juvenile's participation in a supervised work program or other community  
11 service work under s. 938.34 (5g). In addition to any penalty imposed under this  
12 paragraph, the juvenile's operating privilege shall be suspended as provided in s.  
13 343.30 (6) (b) 1.

14           (b) For a violation committed within 12 months of a previous violation, a  
15 forfeiture of not more than \$100, ~~suspension of the juvenile's operating privilege as~~  
16 ~~provided under s. 343.30 (6) (b) 2.~~ or the juvenile's participation in a supervised work  
17 program or other community service work under s. 938.34 (5g). In addition to any  
18 penalty imposed under this paragraph, the juvenile's operating privilege shall be  
19 suspended as provided in s. 343.30 (6) (b) 2.

20           (c) For a violation committed within 12 months of 2 or more previous violations,  
21 a forfeiture of not more than \$500, ~~revocation of the juvenile's operating privilege as~~  
22 ~~provided under s. 343.30 (6) (b) 3.~~ or the juvenile's participation in a supervised work  
23 program or other community service work under s. 938.34 (5g). In addition to any  
24 penalty imposed under this paragraph, the juvenile's operating privilege shall be  
25 suspended as provided in s. 343.30 (6) (b) 3.

1           **SECTION 11.** 938.344 (2b) (a), (b) and (c) of the statutes are amended to read:

2           938.344 **(2b)** (a) For a first violation, a forfeiture of not less than \$250 nor more  
3 than \$500, ~~suspension of the juvenile's operating privilege as provided under s.~~  
4 ~~343.30 (6) (b) 1.~~ or the juvenile's participation in a supervised work program or other  
5 community service work under s. 938.34 (5g). In addition to any penalty imposed  
6 under this paragraph, the juvenile's operating privilege shall be suspended as  
7 provided in s. 343.30 (6) (b) 1.

8           (b) For a violation committed within 12 months of a previous violation, a  
9 forfeiture of not less than \$300 nor more than \$500, ~~suspension of the juvenile's~~  
10 ~~operating privilege as provided under s. 343.30 (6) (b) 2.~~ or the juvenile's  
11 participation in a supervised work program or other community service work under  
12 s. 938.34 (5g). In addition to any penalty imposed under this paragraph, the  
13 juvenile's operating privilege shall be suspended as provided in s. 343.30 (6) (b) 2.

14           (c) For a violation committed within 12 months of 2 or more previous violations,  
15 a forfeiture of \$500, ~~revocation of the juvenile's operating privilege as provided under~~  
16 ~~s. 343.30 (6) (b) 3.~~ or the juvenile's participation in a supervised work program or  
17 other community service work under s. 938.34 (5g). In addition to any penalty  
18 imposed under this paragraph, the juvenile's operating privilege shall be suspended  
19 as provided in s. 343.30 (6) (b) 3.

20           **SECTION 12.** 938.344 (2d) (a), (b) and (c) of the statutes are amended to read:

21           938.344 **(2d)** (a) For a first violation, a forfeiture of not less than \$100 nor more  
22 than \$500, ~~suspension of the juvenile's operating privilege as provided under s.~~  
23 ~~343.30 (6) (b) 1.~~ or the juvenile's participation in a supervised work program or other  
24 community service work under s. 938.34 (5g). In addition to any penalty imposed

1 under this paragraph, the juvenile's operating privilege shall be suspended as  
2 provided in s. 343.30 (6) (b) 1.

3 (b) For a violation committed within 12 months of a previous violation, a  
4 forfeiture of not less than \$300 nor more than \$500, ~~suspension of the juvenile's~~  
5 ~~operating privilege as provided under s. 343.30 (6) (b) 2.~~ or the juvenile's  
6 participation in a supervised work program or other community service work under  
7 s. 938.34 (5g). In addition to any penalty imposed under this paragraph, the  
8 juvenile's operating privilege shall be suspended as provided in s. 343.30 (6) (b) 2.

9 (c) For a violation committed within 12 months of 2 or more previous violations,  
10 a forfeiture of \$500, ~~revocation of the juvenile's operating privilege as provided under~~  
11 ~~s. 343.30 (6) (b) 3.~~ or the juvenile's participation in a supervised work program or  
12 other community service work under s. 938.34 (5g). In addition to any penalty  
13 imposed under this paragraph, the juvenile's operating privilege shall be suspended  
14 as provided in s. 343.30 (6) (b) 3.

15 **SECTION 13.** 1997 Wisconsin Act 84, sections 2, 3, 4 and 5 are repealed.

16 **SECTION 14. Initial applicability.**

17 (1) This act first applies to violations committed on the effective date of this  
18 subsection, but does not preclude the counting of other violations as prior violations  
19 for sentencing a person or for suspending a person's operating privilege.

20 **SECTION 15. Effective date.**

21 (1) This act takes effect on July 1, 1999.

22 (END)