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**WISCONSIN LEGISLATIVE COUNCIL  
ACT MEMO**

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<b>2009 Wisconsin Act 102</b> [2009 Assembly Bill 177]	<b>Operating a Motor Vehicle While Suspended, Revoked, or Disqualified</b>
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**CURRENT LAW**

Under current law:

- A person is prohibited from operating a motor vehicle on the highway during any period in which the person's motor vehicle operating privilege is suspended (OVS) or revoked (OAR) or the person is disqualified from operating a commercial motor vehicle (ODW).
- A court **may suspend (permissive)** a person's operating privilege for any period not exceeding six months upon the person's conviction for OAR, OVS, or ODW. However, a court **must revoke (mandatory)** a person's operating privilege, for a period of six months or less, upon the person's conviction for OAR, OVS, or ODW **if** the person has been convicted of three or more prior violations of OAR, OVS, or ODW within the preceding five-year period (i.e., **fourth** offense with that five year period).
- In addition, the Department of Transportation (DOT) **must administratively revoke (mandatory)** a person's operating privilege, for a period of six months unless the court has ordered a revocation for a lesser period, upon receiving a record of conviction showing that the person has been convicted of OAR, OVS, or ODW **if** the person has been convicted of three or more prior violations of OAR, OVS, or ODW within the preceding five-year period.

**2009 WISCONSIN ACT 102**

2009 Wisconsin Act 102:

- Makes court-ordered operating privilege revocation for a **fourth** offense OAR, OVS, or ODW **permissive rather than mandatory**.

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This memo provides a brief description of the Act. For more detailed information,  
consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

- **Eliminates the requirement that DOT administratively revoke** a person's operating privilege for a fourth offense OAR, OWS, or OWD.

The Act first applies to violations committed on the effective date of the Act, but does not preclude the counting of other violations as prior violations for purposes of sentencing a person.

*Effective date:* Act 102 takes effect on May 1, 2010.

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March 9, 2010

DLS:jal