



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 491

**Assembly Substitute
Amendment 1**

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Contact: Mike Queensland, Staff Attorney (266-3810)

Current law prohibits a person from driving or operating a motor vehicle with a prohibited concentration of alcohol or a detectable amount of a controlled substance or while under the influence of an intoxicant (OWI). If a chemical test indicates that a person has committed OWI, the arresting officer must do the following:

- Seize the person's driver's license.
- Inform the person that his or her operating privileges have been administratively suspended for six months.
- Provide the person with a written explanation of his or her right to request a review of the administrative suspension (which also serves as a 30-day temporary license).

If a person appeals his or her suspension within 10 days after receiving notification, the Department of Transportation must hold a review hearing in the county where the alleged offense took place within 30 days of the date the person received the written explanation of his or her right to review. The person appealing the suspension must appear in person, while the arresting officer need not appear at the administrative hearing unless subpoenaed.

2011 Assembly Bill 491 allows a person to attend a review hearing challenging the administrative suspension of his or her driving privileges in the following ways:

- In person.
- By telephone.
- By submitting objections in writing (record review).

Assembly Substitute Amendment 1 to the bill allows a person to attend a review hearing challenging the administrative suspension of his or her driving privileges in each of the ways permitted under the bill. Additionally, the Substitute Amendment allows a person to attend his or her review hearing through video conferencing or other remote communication. Under the Substitute Amendment, the arresting officer need not appear in person at a hearing conducted by remote communication mechanism or record review.

Legislative History

Assembly Substitute Amendment 1 was offered by Representative Petrowski. On February 14, 2012, the Assembly Committee on Transportation recommended adoption of Assembly Substitute Amendment 1, on a vote of Ayes, 13; Noes, 0. The committee then recommended passage of Assembly Bill 491, as amended, on a vote of Ayes, 13; Noes, 0.

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