



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Senate Bill 398**

**Senate Substitute  
Amendment 1**

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*Current law* prohibits a person from 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 an OWI, the person's operator's license is administratively suspended for six months.

If a person appeals his or her suspension within 10 days after receiving notification of the suspension, the Department of Transportation (DOT) must hold a review hearing in the county where the offense allegedly occurred.

*2011 Senate Bill 398* allows a person appealing his or her suspension to present his or her objections to the suspension in writing without appearing in person or to attend the review hearing in person or by telephone.

*Senate Substitute Amendment 1* allows a person appealing his or her suspension to present his or her objections to suspension in writing without appearing in person, or to request that DOT conduct the review hearing by telephone, video conference, or other remote communication mechanism. The substitute amendment also provides that the review hearing shall be in the county where the offense allegedly occurred unless the hearing is by remote communication mechanism or record review.

### *Legislative History*

Senate Amendment 1 was offered by Senator Lazich on February 15, 2012. On March 12, 2012, the Senate Committee on Transportation and Elections unanimously recommended adoption of the amendment and passage of Senate Bill 398, as amended.

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