



1997 ASSEMBLY BILL 572

October 17, 1997 – Introduced by Representatives WARD, FOTI, HUEBSCH, HANSON, HAHN, URBAN, OLSEN, M. LEHMAN, LA FAVE, LADWIG, WALKER, GARD, JOHNSRUD, BAUMGART, SCHAFER, OURADA, OTT, KEDZIE, DUFF, AINSWORTH, F. LASEE, OTTE, GOETSCH, OWENS, DOBYNS, LAZICH, KELSO, VRAKAS, GROTHMAN, HUTCHISON, NASS, POWERS, TURNER, PORTER, HARSDORF, HEBL and HASENOHRL, cosponsored by Senators WIRCH, FARROW, RISSER, COWLES, FITZGERALD, ROESSLER, PANZER, ROSENZWEIG, DARLING and PLACHE. Referred to Committee on Highways and Transportation.

1 **AN ACT to repeal** 85.09 (1) (b); **to renumber and amend** 343.10 (5) (a) 1., 343.10
2 (6), 343.21 (1) (j) and 346.65 (6) (a) 1.; **to amend** 16.75 (1) (a) 1., 85.022 (3),
3 85.024 (1), 85.063 (1) (b), 85.065 (1) (a) (intro.), 85.08 (2) (i), 85.08 (4m) (b) 1.,
4 85.08 (4m) (e) 2. d., 85.08 (5) (a) 1., 85.08 (5) (a) 2., 85.095 (1) (a), 85.095 (4),
5 340.01 (23v), 343.10 (2) (a) 1., 343.10 (2) (e), 343.10 (5) (a) 3., 343.10 (7) (cm),
6 343.10 (8) (a) (intro.), 343.10 (8) (b), 343.18 (3) (b), 343.30 (1q) (b) 2., 343.30 (1q)
7 (b) 3., 343.30 (1q) (b) 4., 343.30 (4), 343.305 (4) (b), 343.305 (4) (c), 343.305 (10)
8 (b) 2., 343.305 (10) (b) 3., 343.305 (10) (b) 4., 343.31 (3) (h), 343.38 (5), 343.39
9 (3), 346.65 (6) (d), 347.413 (1) and 347.413 (3); and **to create** 20.395 (5) (er),
10 85.01 (2m), 85.55, 110.10, 343.10 (5) (a) 4., 343.10 (6) (b), 343.10 (8) (ai), 343.21
11 (1) (j) 2., 346.65 (6) (a) 1r. and 347.50 (1t) of the statutes; **relating to:** use of
12 ignition interlock devices on motor vehicles; creating an ignition interlock
13 device program and a safe-ride grant program; requiring the exercise of
14 rule-making authority; making an appropriation; and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, if a person's operating privilege is suspended or revoked, the person may apply for an occupational license to enable him or her to use a motor vehicle to work, go to school or engage in homemaking responsibilities. Currently,

the occupational license restricts the person to operating a motor vehicle at specific times, in specific areas or along specific routes. In addition, currently, if the person applying for an occupational license has been convicted of operating a motor vehicle while under the influence of an intoxicant, controlled substance or other drug (OWI), and the person has 2 or more prior OWI-related suspensions, revocations or convictions, the occupational license may restrict the person to operating motor vehicles equipped with the ignition interlock device.

Under this bill, if a person applying for an occupational license has any prior OWI-related suspensions, revocations or convictions within the previous 10-year period, the occupational license must restrict the person to operating a motor vehicle equipped with the ignition interlock device. This requirement does not apply if the person has only one prior OWI conviction within that 10-year period and the conviction resulted from having a blood alcohol concentration of less than 0.18. The bill provides that, if a person is restricted to operating a motor vehicle equipped with an ignition interlock device, other restrictions as to hours of driving, and areas or routes do not apply. The bill also requires a person applying for an occupational license whose operating privilege is restricted to operating a motor vehicle equipped with an ignition interlock device to pay an additional fee of \$70. If the person is applying for a regular license, an additional \$30 fee is charged.

Under current law, if a person violates any restriction placed on his or her occupational license, the occupational license is revoked and he or she is subject to a forfeiture or fine and imprisonment in the county jail. Under this bill, in addition to those penalties, if a person whose occupational license is restricted to operating a motor vehicle equipped with the ignition interlock device tampers with that device or allows someone else to blow into the device to circumvent the requirement that he or she use the device, the period of the ignition interlock device restriction is increased by the period of time from the date on which the restriction began to the date of the tampering or circumvention.

Under current law, if a person is convicted of a OWI-related offense, and the person has had 2 prior OWI-related suspensions, revocations or convictions, the court may order that a motor vehicle owned by the person be equipped with an ignition interlock device, immobilized or seized. If an ignition interlock device is installed, current law requires the device to prevent the motor vehicle from starting if the driver's breath sample indicates a blood alcohol concentration that is prohibited, currently 0.10 for first and 2nd offenses and 0.08 for subsequent offenses. If the court orders a motor vehicle equipped with an ignition interlock device, under current law, the owner is liable for the cost of equipping the motor vehicle with the ignition interlock device.

Under this bill, if a person is convicted of his or her first OWI-related offense and that conviction resulted from the person having a blood alcohol concentration of 0.18 or more, the court is required, in addition to other penalties, to restrict the person to operating a motor vehicle equipped with an ignition interlock device for the first 6 months that the person is authorized to operate a motor vehicle under an occupational license or regular license. If the blood alcohol concentration is less than 0.18, the court may restrict the person to operating a motor vehicle equipped with

an ignition interlock device for the same 6-month period if the court determines that it is necessary to ensure public safety. If a person is convicted of his or her 2nd or subsequent OWI-related offense, the court is required, in addition to other penalties, to restrict the person to operating a motor vehicle equipped with an ignition interlock device for the first 2 years that the person is authorized to operate a motor vehicle under an occupational license or regular license. The current requirement that a motor vehicle owned by a person be subject to seizure, immobilization or ignition interlock device equipping if the person is convicted of his or her 3rd OWI-related offense is revised to remove the seizure option.

Under the bill, when ordering a person to equip his or her motor vehicle with an ignition interlock device, the court may consider his or her ability to pay for the costs of complying with that order and reduce the amount of the fine imposed, but not to an amount below the minimum fine specified for the violation. The bill requires that the period of time of the ignition interlock device restriction start over if a person tampers with or circumvents the operation of the device. The bill also requires that all ignition interlock devices prevent a person from starting the motor vehicle if the person's blood alcohol concentration is 0.04 or more.

This bill requires the department of transportation (DOT) to develop and administer a program to assist individuals in complying with a court order restricting the person's operating privilege to operating only vehicles equipped with an ignition interlock device. The bill requires DOT to contract with a person to create and implement a service delivery plan to install and monitor ignition interlock devices in vehicles and to report the results of the monitoring to DOT. The bill specifies eligibility criteria for contracting with DOT, and specifies the terms and conditions required to be included in the contract. The bill requires DOT to amend its vehicle registration records to indicate that an ignition interlock device is installed in or removed from a vehicle.

The bill authorizes a person who has contracted with DOT to implement a service delivery plan ("service provider") to charge a person a uniform fee for the installation and monitoring of an ignition interlock device.

The bill also creates a safe-ride grant program, administered by DOT, to award grants to any city, village, town or county for costs associated with transporting intoxicated persons from any premises licensed to sell alcohol beverages to their places of residence. Grants are limited to an amount that the grants are funded with revenues received from the increased occupational license fee and from the applicable \$30 increase in the fee to reinstate an operating privilege.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 16.75 (1) (a) 1. of the statutes is amended to read:

1 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
2 materials, supplies, equipment and contractual services to be provided to any
3 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
4 (6), (7), (8) and (9) and ss. 16.73 (4) (a), 16.754, 50.05 (7) (f), 110.10 (2) (b), 287.15 (7)
5 and 301.265, shall be awarded to the lowest responsible bidder, taking into
6 consideration life cycle cost estimates under sub. (1m), when appropriate, the
7 location of the agency, the quantities of the articles to be supplied, their conformity
8 with the specifications, and the purposes for which they are required and the date
9 of delivery.

10 **SECTION 2.** 20.395 (5) (er) of the statutes is created to read:

11 20.395 (5) (er) *Ignition interlock device program, state funds.* All moneys
12 received under ss. 343.10 (6) (b) and 343.21 (1) (j) 2. that are credited to this
13 appropriation, for the ignition interlock device program under s. 110.10, for
14 educational and informational materials and technical equipment related to that
15 program and for grants under s. 85.55.

16 **SECTION 3.** 85.01 (2m) of the statutes is created to read:

17 85.01 (2m) “Municipality” means a city, village or town.

18 **SECTION 4.** 85.022 (3) of the statutes is amended to read:

19 85.022 (3) A recipient of funding under this section shall make the results of
20 its study available to any interested ~~city, village, town~~ municipality or county.

21 **SECTION 5.** 85.024 (1) of the statutes is amended to read:

22 85.024 (1) In this section, “political subdivision” means a municipality or
23 county, ~~city, village or town~~.

24 **SECTION 6.** 85.063 (1) (b) of the statutes is amended to read:

1 85.063 (1) (b) “Urban area” means any area that includes a ~~city, village or town~~
2 municipality having a population of 50,000 or more that is appropriate, in the
3 judgment of the department, for an urban rail transit system.

4 **SECTION 7.** 85.065 (1) (a) (intro.) of the statutes is amended to read:

5 85.065 (1) (a) (intro.) Any municipality or ~~county, city, village, town or~~
6 combination thereof may apply to the department for a study of the cost and benefits
7 of the location and form of railroad lines, associated facilities, and railroad
8 operations within an urban area. Upon receiving such application, the department
9 may undertake or contract for a study to determine the extent to which the existing
10 location of such lines, facilities and operations serves the public interests in:

11 **SECTION 8.** 85.08 (2) (i) of the statutes is amended to read:

12 85.08 (2) (i) To make and execute contracts with the federal government, any
13 other state or any municipality, ~~county, city, village, town,~~ railroad, or any transit
14 commission organized under s. 59.58 (3), 66.30 or 66.943, to ensure the continuance
15 and improvement of quality transportation service at reasonable rates or to provide
16 for rail service on rail property owned by the state.

17 **SECTION 9.** 85.08 (4m) (b) 1. of the statutes is amended to read:

18 85.08 (4m) (b) 1. “Eligible applicant” means a county, or ~~municipality or town~~
19 or agency thereof, a railroad, a current or potential user of freight rail service or a
20 transit commission organized under s. 59.58 (3), 66.30 or 66.943.

21 **SECTION 10.** 85.08 (4m) (e) 2. d. of the statutes is amended to read:

22 85.08 (4m) (e) 2. d. Relocation of a freight rail off-loading facility that has been
23 agreed to by the owner of the facility; the ~~city, village or town~~ municipality in which
24 the facility is located; and the ~~city, village or town~~ municipality in which the facility
25 will be relocated.

1 **SECTION 11.** 85.08 (5) (a) 1. of the statutes is amended to read:

2 85.08 (5) (a) 1. A ~~city, town or village~~ municipality with a population of 4,000
3 or less.

4 **SECTION 12.** 85.08 (5) (a) 2. of the statutes is amended to read:

5 85.08 (5) (a) 2. A ~~city, town or village~~ municipality that is located in a county
6 with a population density of less than 150 persons per square mile.

7 **SECTION 13.** 85.09 (1) (b) of the statutes is repealed.

8 **SECTION 14.** 85.095 (1) (a) of the statutes is amended to read:

9 85.095 (1) (a) "Eligible applicant" means a county, or ~~municipality, town~~ or
10 agency thereof or a board of harbor commissioners organized under s. 30.37.

11 **SECTION 15.** 85.095 (4) of the statutes is amended to read:

12 85.095 (4) HARBOR IMPROVEMENTS ON MISSISSIPPI RIVER. An eligible applicant
13 may receive a grant under this section for harbor improvements located on an island
14 in the Mississippi River regardless of the state in which the island is located if the
15 island is owned by a ~~city, village, town~~ municipality or county in this state.

16 **SECTION 16.** 85.55 of the statutes is created to read:

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

24 **SECTION 17.** 110.10 of the statutes is created to read:

25 **110.10 Ignition interlock device program. (1)** In this section:

1 (a) "Restricted operator" means a person whose operating privilege is restricted
2 to operating only motor vehicles equipped with an ignition interlock device.

3 (b) "Service provider" means a person who has contracted with the department
4 to provide services under this section.

5 **(2)** The department shall do all of the following:

6 (a) Develop and administer an ignition interlock device program that assists
7 a person in complying with a court order restricting the person's operating privilege
8 to operating only motor vehicles equipped with an ignition interlock device.

9 (b) Contract with a person to provide services required under sub. (3). The
10 department shall contract only with a person who has at least 2 years' full-time field
11 experience providing and servicing ignition interlock devices. The requirements of
12 s. 16.75 (1) to (5) do not apply to contracts made under this paragraph.

13 (c) Amend its vehicle registration records to reflect the installation or removal
14 of an ignition interlock device upon receiving notice under sub. (3) (g).

15 (d) Promulgate rules to implement this section.

16 **(3)** A contract under sub. (2) (b) shall require the service provider to do all of
17 the following:

18 (a) Use only ignition interlock devices approved by the department and
19 manufactured by a manufacturer that has 500 or more devices in service in the
20 United States or Canada.

21 (am) Create and implement a service delivery plan under which any restricted
22 operator may obtain routine service of an installed ignition interlock device within
23 a 60-mile radius of his or her place of residence. The service delivery plan shall make
24 installation of an ignition interlock device available to any restricted operator within
25 a 150-mile radius of his or her place of residence.

1 (b) Service at least once every 2 months each ignition interlock device installed
2 by the service provider.

3 (c) Provide a 24-hour toll-free telephone number for information and services
4 related to the contract.

5 (d) Return any telephone call requesting service of an ignition interlock device
6 installed by the service provider within 45 minutes after receiving the call and repair
7 or replace any defective ignition interlock device within 48 hours after receiving a
8 call requesting service of the device.

9 (e) Install devices within 15 days after receiving a request to install an ignition
10 interlock device.

11 (g) Provide the department, within 2 business days after installing or removing
12 an ignition interlock device, with notice of the installation or removal.

13 (h) Provide the department, within 2 business days after inspecting an
14 installed ignition interlock device, with notice of evidence of any tampering with,
15 circumventing, or bypassing an ignition interlock device or of resetting violations
16 recorded by the device.

17 (i) Provide the department with monthly reports summarizing electronic data
18 from the ignition interlock devices in a format that is agreed upon by the department
19 and the service provider.

20 (im) Provide the department with all of the software that is reasonably
21 required by the department to access and interpret the data collected by an ignition
22 interlock device or submitted under pars. (h) and (i) and with any technical support
23 that is necessary to use the software.

24 (j) Provide the department in a timely manner with any other information
25 reasonably requested by the department.

1 (k) Cooperate with any study by the department or the legislature of the
2 ignition interlock device program.

3 (L) Provide all required services and products at no cost to the state.

4 (m) Provide the owner of the vehicle with a program of instruction on the proper
5 use of the ignition interlock device.

6 (n) Refuse to install an ignition interlock device unless the person has
7 completed the program of instruction under par. (m).

8 **(4)** No service provider may do any of the following:

9 (a) Contract with any person to have that person provide any services that are
10 required to be performed by the service provider under sub. (3).

11 (b) Allow any business to be conducted from its service centers other than
12 business directly related to providing service required under this section.

13 **(5)** A service provider may charge a restricted operator a periodic fee for
14 services provided under this section. The amount of the fee shall be uniform
15 statewide. No service provider may increase the fee charged to any person while that
16 person is a restricted operator.

17 **SECTION 18.** 340.01 (23v) of the statutes is amended to read:

18 340.01 **(23v)** "Ignition interlock device" means a device which measures the
19 person's alcohol concentration and which is installed on a vehicle in such a manner
20 that the vehicle will not start if the sample shows that the person has a prohibited
21 an alcohol concentration of 0.04 or more.

22 **SECTION 19.** 343.10 (2) (a) 1. of the statutes is amended to read:

23 343.10 **(2)** (a) 1. Except for a revocation or suspension that arose out of the same
24 incident or occurrence for which the person's license or operating privilege is
25 currently revoked or suspended, the person's license or operating privilege was not

1 revoked or suspended previously under s. 961.50 or under this chapter or ch. 344 or
2 s. 161.50, except under s. 344.40, within the one-year period immediately preceding
3 the present revocation or suspension, ~~except as provided in s. 344.40.~~ This
4 subdivision does not apply to a person applying for an occupational license whose
5 license or operating privilege is currently revoked or suspended because of a
6 conviction, suspension or revocation, as counted under s. 343.307 (1).

7 **SECTION 20.** 343.10 (2) (e) of the statutes is amended to read:

8 343.10 (2) (e) If the court orders a person to submit to and comply with an
9 assessment and driver safety plan and if the person has ~~2 or more prior~~ any
10 convictions, suspensions or revocations, as counted under s. 343.307 (1), within the
11 previous 10-year period, no occupational license may be granted until the person has
12 completed the assessment and is complying with the driver safety plan.

13 **SECTION 21.** 343.10 (5) (a) 1. of the statutes is renumbered 343.10 (5) (a) 1. a.
14 and amended to read:

15 343.10 (5) (a) 1. a. In addition to any restrictions appearing on the former
16 operator's license of the applicant and except as provided in this subd. 1. a., the
17 occupational license shall contain definite restrictions as to hours of the day, not to
18 exceed 12, hours per week, not to exceed 60, type of occupation and areas or routes
19 of travel which are permitted under the license. The occupational license may permit
20 travel to and from church during specified hours if the travel does not exceed the
21 restrictions as to hours of the day and hours per week in this subdivision subd. 1. a.
22 The occupational license may permit travel necessary to comply with a driver safety
23 plan ordered under s. 343.30 (1q) or 343.305 if the travel does not exceed the
24 restrictions as to hours of the day and hours per week in this subdivision subd. 1. a.
25 The restrictions under this subd. 1. a. do not apply to an occupational license that

1 restricts the applicant's operation under the occupational license to motor vehicles
2 that are equipped with a functioning ignition interlock device as provided under s.
3 346.65 (6).

4 b. The occupational license may contain restrictions on the use of alcohol and
5 of controlled substances and controlled substance analogs in violation of s. 961.41.

6 **SECTION 22.** 343.10 (5) (a) 3. of the statutes is amended to read:

7 343.10 (5) (a) 3. If the applicant has ~~2 or more prior convictions, suspensions~~
8 ~~or revocations~~ any conviction, suspension or revocation, as counted under s. 343.307
9 (1), within the previous 10-year period, the occupational license of the applicant may
10 shall restrict the applicant's operation under the occupational license to vehicles that
11 are equipped with a functioning ignition interlock device as provided under s. 346.65
12 (6). The ignition interlock device restriction under this subdivision does not apply
13 if an applicant has only one conviction, as counted under s. 343.307 (1), within the
14 previous 10-year period, the conviction resulted from the person having an alcohol
15 concentration of less than 0.18, as reported to the department under s. 343.305 (7)
16 (a), and the applicant does not have any suspension or revocation as the result of the
17 refusal to submit to chemical testing, as counted under s. 343.307 (1) (e) or (f), within
18 the previous 10-year period. A person to whom a restriction under this subdivision
19 applies violates that restriction if he or she requests or permits another to blow into
20 an ignition interlock device or to start a motor vehicle equipped with an ignition
21 interlock device for the purpose of providing the person an operable motor vehicle
22 without the necessity of first submitting a sample of his or her breath to analysis by
23 the ignition interlock device. In addition to the penalties under sub. (8), if a person
24 requests or permits another to blow into an ignition interlock device or to start a
25 motor vehicle equipped with an ignition interlock device for the purpose of providing

1 the person with an operable motor vehicle without the necessity of first submitting
2 a sample of his or her breath to analysis by the ignition interlock device, the period
3 of the ignition interlock device restriction shall be increased by the amount of time
4 from the issuance of the restricted occupational license under this subdivision to the
5 date of violation of the ignition interlock device restriction.

6 **SECTION 23.** 343.10 (5) (a) 4. of the statutes is created to read:

7 343.10 (5) (a) 4. If the department issues a person an occupational license
8 under sub. (7) restricted to operating motor vehicles equipped with an ignition
9 interlock device, the department shall inform the person of the ignition interlock
10 program under s. 110.10 and that he or she is liable for the reasonable costs of
11 equipping any motor vehicle that he or she operates with a functioning ignition
12 interlock device.

13 **SECTION 24.** 343.10 (6) of the statutes is renumbered 343.10 (6) (a) and
14 amended to read:

15 343.10 (6) (a) ~~No~~ Except as provided in par. (b), no person may file an
16 application for an occupational license under sub. (1) unless he or she first pays a fee
17 of \$40 to the department ~~59.25 (3) (m)~~.

18 **SECTION 25.** 343.10 (6) (b) of the statutes is created to read:

19 343.10 (6) (b) No person whose operating privilege is restricted to operating
20 only vehicles equipped with an ignition interlock device may file an application for
21 an occupational license under sub. (1) unless he or she first pays a fee of \$70 to the
22 department. Forty-three percent of the fees collected under this paragraph shall be
23 credited to the appropriation account under s. 20.395 (5) (er).

24 **SECTION 26.** 343.10 (7) (cm) of the statutes is amended to read:

1 343.10 (7) (cm) If the occupational license includes the restriction specified in
2 sub. (5) (a) 3., the department shall not issue the occupational license until the
3 applicant provides evidence satisfactory to the department that ~~any a~~ motor vehicle
4 that the applicant will be permitted to operate has been equipped with a functioning
5 ignition interlock device obtained from a service provider under s. 110.10.

6 **SECTION 27.** 343.10 (8) (a) (intro.) of the statutes is amended to read:

7 343.10 (8) (a) (intro.) ~~Any~~ Except as provided under par. (ai), any person who
8 violates any restriction of an occupational license, in addition to the immediate
9 revocation of the license:

10 **SECTION 28.** 343.10 (8) (ai) of the statutes is created to read:

11 343.10 (8) (ai) Any person who violates an occupational license restriction that
12 requires him or her to only operate vehicles that are equipped with an ignition
13 interlock device:

14 1. Shall forfeit not less than \$150 nor more than \$600, except as provided in
15 subd. 2.

16 2. Shall be fined not less than \$300 nor more than \$1,000 and shall be
17 imprisoned not more than 6 months, if the number of convictions under this section
18 equals 2 or more in a 5-year period.

19 **SECTION 29.** 343.10 (8) (b) of the statutes is amended to read:

20 343.10 (8) (b) The 5-year period under par. (a) 2. or (ai) 2. shall be measured
21 from the dates of the violations which resulted in the convictions.

22 **SECTION 30.** 343.18 (3) (b) of the statutes is amended to read:

23 343.18 (3) (b) If the special restrictions card is part of an occupational license
24 issued under s. 343.10, any person who violates sub. (1) is subject to the penalties

1 provided in s. 343.10 (8) (a) and the person's operating privilege shall be revoked
2 under s. 343.31 (3) (h).

3 **SECTION 31.** 343.21 (1) (j) of the statutes is renumbered 343.21 (1) (j) 1. and
4 amended to read:

5 343.21 (1) (j) 1. ~~For~~ Except as provided in subd. 2., for reinstatement of an
6 operating privilege previously revoked or suspended, \$50.

7 **SECTION 32.** 343.21 (1) (j) 2. of the statutes is created to read:

8 343.21 (1) (j) 2. For reinstatement of an operating privilege previously revoked
9 or suspended, \$80 if the person's operating privilege is restricted under s. 343.38 (5)
10 to operating vehicles equipped with an ignition interlock device and the person has
11 not paid a fee under s. 343.10 (6) (b) within the past 2 years. Thirty-eight percent
12 of the fees collected under this subdivision shall be credited to the appropriation
13 under s. 20.395 (5) (er).

14 **SECTION 33.** 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 person's conviction resulted from the person
18 having an alcohol concentration of 0.18 or more, or if the court determines that an
19 ignition interlock device restriction is needed to ensure public safety, the court shall
20 order that, for the first 6 months that the person is authorized to operate a motor
21 vehicle after his or her conviction, either with an occupational license or a regular
22 license, the person be restricted to operating a motor vehicle equipped with an
23 ignition interlock device. The person is eligible for an occupational license under s.
24 343.10 at any time.

25 **SECTION 34.** 343.30 (1q) (b) 3. of the statutes is amended to read:

1 343.30 (1q) (b) 3. Except as provided in subd. 4m., if the number of convictions,
2 suspensions and revocations within a 5-year period equals 2, the court shall revoke
3 the person's operating privilege for not less than one year nor more than 18 months
4 and the court shall order that, for the first 2 years that the person is authorized to
5 operate a motor vehicle after his or her conviction, either with an occupational
6 license or a regular license, the person be restricted to operating a motor vehicle
7 equipped with an ignition interlock device. After the first 60 days of the revocation
8 period, the person is eligible for an occupational license under s. 343.10 if he or she
9 has completed the assessment and is complying with the driver safety plan ordered
10 under par. (c).

11 **SECTION 35.** 343.30 (1q) (b) 4. of the statutes is amended to read:

12 343.30 (1q) (b) 4. Except as provided in subd. 4m., if the number of convictions,
13 suspensions and revocations within a 10-year period equals 3 or more, the court
14 shall revoke the person's operating privilege for not less than 2 years nor more than
15 3 years and the court shall order that, for the first 2 years that the person is
16 authorized to operate a motor vehicle after his or her conviction, either with an
17 occupational license or a regular license, the person be restricted to operating a
18 motor vehicle equipped with an ignition interlock device. After the first 90 days of
19 the revocation period, the person is eligible for an occupational license under s.
20 343.10 if he or she has completed the assessment and is complying with the driver
21 safety plan ordered under par. (c).

22 **SECTION 36.** 343.30 (4) of the statutes is amended to read:

23 343.30 (4) Whenever a court or judge suspends or revokes an operating
24 privilege under this section, the court or judge shall immediately take possession of
25 any suspended or revoked license and shall forward it as provided in s. 345.48 to the

1 department together with the record of conviction and notice of suspension or
2 revocation. If a person is convicted under s. 346.63 (1) or a local ordinance in
3 conformity therewith or is convicted under s. 346.63 (2) or 940.25, or s. 940.09 where
4 the offense involved the use of a vehicle, the record of conviction shall include the
5 convicted person's alcohol concentration, if known. Whenever a court or judge
6 restricts the operating privilege of a person, the court or judge shall forward notice
7 of the restriction to the department.

8 **SECTION 37.** 343.305 (4) (b) of the statutes is amended to read:

9 343.305 (4) (b) If testing is refused, a motor vehicle owned by the person may
10 be immobilized, seized and forfeited or equipped with an ignition interlock device if
11 the person has 2 or more prior suspensions, revocations or convictions within a
12 10-year period that would be counted under s. 343.307 (1) and, the person's
13 operating privilege will be revoked under this section and the person will be
14 restricted to operating a motor vehicle equipped with an ignition interlock device for
15 a period after his or her operating privilege is reinstated;

16 **SECTION 38.** 343.305 (4) (c) of the statutes is amended to read:

17 343.305 (4) (c) If one or more tests are taken and the results of any test indicate
18 that the person has a prohibited alcohol concentration and was driving or operating
19 a motor vehicle, the person will be subject to penalties, the person's operating
20 privilege will be suspended under this section, the person will be restricted to
21 operating a motor vehicle equipped with an ignition interlock device for a period after
22 his or her operating privilege is reinstated and a motor vehicle owned by the person
23 may be immobilized, seized and forfeited or equipped with an ignition interlock
24 device if the person has 2 or more prior convictions, suspensions or revocations
25 within a 10-year period that would be counted under s. 343.307 (1); and

1 **SECTION 39.** 343.305 (10) (b) 2. of the statutes is amended to read:

2 343.305 (10) (b) 2. Except as provided in subd. 3., 4. or 4m., for the first
3 improper refusal, the court shall revoke the person's operating privilege for one year
4 and the court shall order that, for the first 6 months that the person is authorized
5 to operate a motor vehicle after his or her conviction, either with an occupational
6 license or a regular license, the person be restricted to operating a motor vehicle
7 equipped with an ignition interlock device. After the first 30 days of the revocation
8 period, the person is eligible for an occupational license under s. 343.10.

9 **SECTION 40.** 343.305 (10) (b) 3. of the statutes is amended to read:

10 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions,
11 suspensions and revocations in a 5-year period equals 2, the court shall revoke the
12 person's operating privilege for 2 years and the court shall order that, for the first 2
13 years that the person is authorized to operate a motor vehicle after his or her
14 conviction, either with an occupational license or a regular license, the person be
15 restricted to operating a motor vehicle equipped with an ignition interlock device.
16 After the first ~~90~~ 60 days of the revocation period, the person is eligible for an
17 occupational license under s. 343.10 if he or she has completed the assessment and
18 is complying with the driver safety plan.

19 **SECTION 41.** 343.305 (10) (b) 4. of the statutes is amended to read:

20 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions,
21 suspensions and revocations in a 10-year period equals 3 or more, the court shall
22 revoke the person's operating privilege for 3 years and the court shall order that, for
23 the first 2 years that the person is authorized to operate a motor vehicle after his or
24 her conviction, either with an occupational license or a regular license, the person
25 be restricted to operating a motor vehicle equipped with an ignition interlock device.

1 After the first ~~120~~ 90 days of the revocation period, the person is eligible for an
2 occupational license under s. 343.10 if he or she has completed the assessment and
3 is complying with the driver safety plan.

4 **SECTION 42.** 343.31 (3) (h) of the statutes is amended to read:

5 343.31 (3) (h) Any person subject to s. 343.10 (8) (a) shall have his or her
6 operating privilege revoked for 6 months.

7 **SECTION 43.** 343.38 (5) of the statutes is amended to read:

8 343.38 (5) RESTRICTIONS ON LICENSE. If a court has ordered that the person's
9 operating privilege be restricted for a period of time after the revocation period is
10 completed to operating vehicles equipped with an ignition interlock device, the
11 license issued under this section shall include that restriction. The department may
12 not issue the license until a service provider under s. 110.10 provides evidence
13 satisfactory to the department that the motor vehicle that the applicant will be
14 permitted to operate has been equipped with an ignition interlock device.

15 **SECTION 44.** 343.39 (3) of the statutes is amended to read:

16 343.39 (3) If a court has ordered that the person's operating privilege be
17 restricted for a period of time after the suspension period is completed to operating
18 vehicles equipped with an ignition interlock device, the license shall include that
19 restriction. The department may not issue the license until a service provider under
20 s. 110.10 provides evidence satisfactory to the department that the motor vehicle
21 that the applicant will be permitted to operate has been equipped with an ignition
22 interlock device.

23 **SECTION 45.** 346.65 (6) (a) 1. of the statutes is renumbered 346.65 (6) (a) 1.
24 (intro.) and amended to read:

1 346.65 (6) (a) 1. (intro.) Except as provided in this paragraph, the court may
2 order a law enforcement officer to seize a motor vehicle, or, if the motor vehicle is not
3 ordered seized, shall order a law enforcement officer the owner of a motor vehicle to
4 equip the motor vehicle with an ignition interlock device ~~or~~ under s. 110.10 or order
5 a law enforcement officer to immobilize any motor vehicle owned by the person whose
6 if the owner has 2 suspensions, revocations or convictions within a 10-year period,
7 as counted under s. 343.307 (1), and the owner:

8 a. Has had his or her operating privilege is revoked under s. 343.305 (10) ~~or~~
9 ~~who.~~

10 b. Has committed a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09
11 (1) (a) or (b) or 940.25 (1) (a) or (b) ~~if the person whose operating privilege is revoked~~
12 ~~under s. 343.305 (10) or who is convicted of the violation has 2 prior suspensions,~~
13 ~~revocations or convictions within a 10-year period that would be counted under s.~~
14 ~~343.307 (1).~~

15 1m. The court shall not order a motor vehicle equipped with an ignition
16 interlock device or immobilized if that order would result in undue hardship ~~or~~
17 ~~extreme inconvenience~~ or would endanger the health and safety of a person.

18 **SECTION 46.** 346.65 (6) (a) 1r. of the statutes is created to read:

19 346.65 (6) (a) 1r. When ordering a person to equip a motor vehicle with an
20 ignition interlock device under subd. 1., the court may consider the person's ability
21 to pay for the cost of complying with the order. If the court determines that the person
22 is unable to pay the full cost of complying with the order, the court may reduce the
23 amount of the fine imposed, but may not reduce the fine imposed below the minimum
24 fine specified for the violation.

25 **SECTION 47.** 346.65 (6) (d) of the statutes is amended to read:

1 346.65 (6) (d) At the hearing set under par. (c), the state has the burden of
2 proving to a reasonable certainty by the greater weight of the credible evidence that
3 the motor vehicle is a motor vehicle owned by a person who committed a violation of
4 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,
5 if the seizure is under par. (a) 1., that the person had 2 prior convictions, suspensions
6 or revocations within a 10-year period as counted under s. 343.307 (1) or, if the
7 seizure is under par. (a) 2., that the owner had 3 or more prior convictions,
8 suspensions or revocations within a 10-year period as counted under s. 343.307 (1).
9 If the owner of the motor vehicle proves by a preponderance of the evidence that he
10 or she was not convicted of a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09
11 (1) (a) or (b) or 940.25 (1) (a) or (b), or, if the seizure is under par. (a) 1., that he or she
12 did not have 2 prior convictions, suspensions or revocations within a 10-year period
13 as counted under s. 343.307 (1) or, if the seizure is under par. (a) 2., that he or she
14 did not have 3 or more prior convictions, suspensions or revocations within a 10-year
15 period as counted under s. 343.307 (1), the motor vehicle shall be returned to the
16 owner upon the payment of storage costs.

17 **SECTION 48.** 347.413 (1) of the statutes is amended to read:

18 347.413 (1) No person may remove, disconnect, tamper with or otherwise
19 circumvent the operation of, or violate any requirement established by the
20 department regarding, an ignition interlock device installed in response to the court
21 order under s. ss. 343.30 (1q) (b) 2., 3. and 4., 343.305 (10) (b) 2., 3. and 4. and 346.65
22 (6). This subsection does not apply to the removal of an ignition interlock device upon
23 the expiration of the order requiring the motor vehicle to be so equipped or, to make
24 necessary repairs to a malfunctioning ignition interlock device by a person
25 authorized by the department or as the result of the person defaulting on any

1 agreement with a service provider, as defined in s. 110.10 (1) (b). No person may aid
2 or allow any other person to operate a motor vehicle without a functioning ignition
3 interlock device if that other person has been restricted to operating a motor vehicle
4 equipped with an ignition interlock device under ss. 343.30 (1q) (b) 2., 3. and 4.,
5 343.305 (10) (b) 2., 3. and 4. and 346.65 (6).

6 **SECTION 49.** 347.413 (3) of the statutes is amended to read:

7 347.413 (3) The department shall design a warning label which shall be affixed
8 to each ignition interlock device upon installation. The label shall provide notice of
9 the penalties for tampering with or circumventing the operation of the ignition
10 interlock device under sub. (1) and s. ss. 343.10 (5) (a) 3. and 4., 343.30 (1q) (b) 2., 3.
11 and 4. and 343.305 (10) (b) 2., 3. and 4.

12 **SECTION 50.** 347.50 (1t) of the statutes is created to read:

13 347.50 (1t) If the department determines that a person restricted to operating
14 a motor vehicle equipped with an ignition interlock device has violated s. 347.413 (1),
15 the department shall increase the period of the ignition interlock device restriction
16 on the person's operating privilege by the amount of time from the issuance of the
17 ignition interlock device restriction on his or her operating privilege to the date of the
18 tampering.

19 **SECTION 51. Nonstatutory provisions.**

20 (1) IGNITION INTERLOCK DEVICE PROGRAM. On the effective date of this subsection,
21 the authorized FTE positions for the department of transportation are increased by
22 1.5 SEG positions, to be funded from the appropriation under section 20.395 (5) (er)
23 of the statutes, as created by this act, for the purpose of developing and
24 administering the ignition interlock device program under section 110.10 of the
25 statutes, as created by this act.

