



## 2003 ASSEMBLY BILL 239

April 8, 2003 – Introduced by Representatives WIECKERT, HAHN, TOWNSEND, J. WOOD, GUNDERSON and KREIBICH, cosponsored by Senators ROESSLER and STEPP. Referred to Committee on Highway Safety.

1     **AN ACT** *to amend* 343.307 (1) (intro.) and 343.307 (2) (intro.); and *to create*  
2             343.305 (10q) and 346.65 (6m) of the statutes; **relating to:** allowing courts to  
3             order that certain licenses or certifications be restricted, limited, suspended,  
4             withheld, denied, or refused in certain offenses involving operating a motor  
5             vehicle while intoxicated.

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### *Analysis by the Legislative Reference Bureau*

Under current law, if a person is convicted of operating a motor vehicle while intoxicated or while having a prohibited alcohol concentration or is found to have improperly refused to have his or her blood alcohol concentration tested (OWI), the person is subject to penalties based on the number of previous OWI offenses that the person has committed.

Under this bill, if a person commits a sixth or greater OWI offense, a court may order, in addition to the penalties imposed by current law, any licensing agency, or request the Supreme Court or the Lac du Flambeau band of the Lake Superior Chippewa, to restrict, limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or revalidate for a period of not more than five years any professional license that the person holds or applies for.

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

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

1           **SECTION 1.** 343.305 (10q) of the statutes is created to read:

2           343.305 **(10q)** LICENSES AND APPROVALS. If the person has 6 or more prior  
3 convictions, suspensions, or revocations, as counted under s. 343.307 (2), the  
4 procedure under s. 346.65 (6m) shall be followed regarding the restriction,  
5 limitation, suspension, withholding, denial, refusal to grant or issue, or refusal to  
6 renew or revalidate any license, as defined in s. 346.65 (6m) (a) 1.

7           **SECTION 2.** 343.307 (1) (intro.) of the statutes is amended to read:

8           343.307 **(1)** (intro.) The court shall count the following to determine the length  
9 of a revocation under s. 343.30 (1q) (b) and to determine the penalty under s. 346.65  
10 **(2) or (6m):**

11           **SECTION 3.** 343.307 (2) (intro.) of the statutes is amended to read:

12           343.307 **(2)** (intro.) The court shall count the following to determine the length  
13 of a revocation under s. 343.305 (10) and to determine the penalty under s. 343.305  
14 (10q) or 346.65 (2j) and to determine the prohibited alcohol concentration under s.  
15 340.01 (46m):

16           **SECTION 4.** 346.65 (6m) of the statutes is created to read:

17           346.65 **(6m)** (a) In this subsection:

18           1. “License” has the meaning given in s. 49.857 (1) (d), but does not include a  
19 license specified in s. 49.857 (1) (d) 2. or 2m.

20           2. “Licensing agency” means a board, office or commissioner, or department, or  
21 division within a department, that grants or issues a license.

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1           3. "Licensing authority" means the supreme court or the Lac du Flambeau band  
2 of the Lake Superior Chippewa.

3           (b) In addition to the other penalties provided under this section, if the number  
4 of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total  
5 number of suspensions, revocations, and other convictions counted under s. 343.307  
6 (1), equals 6 or more, a judge may order any licensing agency or request any licensing  
7 authority to restrict, limit, suspend, withhold, deny, refuse to grant or issue, or refuse  
8 to renew or revalidate for a period of not more than 5 years any license that the  
9 person holds or applies for. For purposes of this paragraph, suspensions,  
10 revocations, or convictions arising out of the same incident or occurrence shall be  
11 counted as one. The court shall notify the department, in a form and manner  
12 prescribed by the department, that an order has been entered under this paragraph.

13           (c) If the department receives a record of conviction that contains an order made  
14 pursuant to par. (b), the department shall notify any licensing agency or any  
15 licensing authority specified in the order that an order has been made pursuant to  
16 par. (b).

17           (d) No provision in any statute that entitles an applicant or the holder of a  
18 license to a notice or hearing applies to a restriction, limitation, suspension,  
19 withholding, denial, refusal to grant or issue, or refusal to renew or revalidate any  
20 approval or license made pursuant to par. (b).

**SECTION 5. Initial applicability.**

21           (1) This act first applies to violations committed or refusals occurring on the  
22 effective date of this subsection, but does not preclude the counting of other  
23 convictions, suspensions, or revocations as prior convictions, suspensions, or  
24 revocations for purposes of administrative action by the department of  
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**SECTION 5**

1 transportation, sentencing by a court, or revocation or suspension of motor vehicle  
2 operating privileges.

3 **SECTION 6. Effective date.**

4 (1) This act takes effect on January 1, 2004.

5 (END)