



1997 SENATE BILL 223

May 29, 1997 - Introduced by Senator ADELMAN, cosponsored by Representative URBAN. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 **AN ACT to repeal** 346.65 (2) (e), 885.235 (1) (a) 2. and 885.235 (1) (b); **to**
2 **renumber** 343.305 (10m), 346.65 (6) (a) 1., 885.235 (1) (a) 1., 940.09 (1d) and
3 940.25 (1d); **to amend** 23.33 (4c) (a) 2., 23.33 (4c) (a) 3., 23.33 (4c) (b) 2., 23.33
4 (4c) (b) 4., 30.681 (1) (b) 1., 30.681 (2) (b) 1., 30.681 (2) (d) 1., 342.12 (4) (a), 343.10
5 (5) (a) 3., 343.31 (1) (ar), 346.63 (2m), 346.63 (5) (a), 346.63 (6) (a), 346.65 (2) (d),
6 346.65 (2) (f), 346.65 (2c), 346.65 (2e), 346.65 (6) (a) 2m., 346.65 (6) (c), 346.65
7 (6) (d), 346.65 (7), 350.101 (1) (b), 350.101 (1) (c), 350.101 (2) (b), 350.101 (2) (d),
8 885.235 (1) (c), 885.235 (1m), 940.09 (1) (intro.), 940.09 (1) (bm), 940.09 (1g) (b),
9 940.25 (1) (bm), 949.08 (2) (em) and 967.055 (1) (b); **to repeal and recreate**
10 340.01 (46m); and **to create** 343.305 (4) (am), 343.305 (4) (bd), 343.305 (10m)
11 (a), 346.65 (6) (a) 1d., 940.09 (1d) (a) and 940.25 (1d) (a) of the statutes; **relating**
12 **to:** lowering the prohibited alcohol concentration for certain offenses involving
13 alcohol use, installation of an ignition interlock device in cases involving

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1 intoxicated operation of a motor vehicle, seizure and forfeiture of motor vehicles
2 and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from operating an all-terrain vehicle, motorboat or snowmobile if the person has 0.1 grams or more of alcohol in 100 milliliters of his or her blood or in 210 liters of his or her breath. A person who has one or no prior convictions for operating a motor vehicle while under the influence of an intoxicant (OWI) is subject to the same alcohol concentration standards while operating a motor vehicle as persons who operate an all-terrain vehicle, motorboat or snowmobile. If a person has 2 or more prior OWI convictions, the person may not operate a motor vehicle if he or she has 0.08 grams or more of alcohol in 100 milliliters of his or her blood or in 210 liters of his or her breath. This bill changes the prohibited alcohol concentration to 0.08 or more for all motor vehicle operators and for persons operating an all-terrain vehicle, motorboat or snowmobile.

Under current law, if a person has 2 or more prior OWI suspensions, revocations or convictions related to the operation of a motor vehicle, the court may equip a motor vehicle owned by the person with an ignition interlock device. Any occupational license issued to the person with 2 or more prior OWI suspensions, revocations or convictions may restrict him or her to operating a motor vehicle equipped with an ignition interlock device. Under this bill, the court may order that a motor vehicle be equipped with an ignition interlock device after the first OWI offense, including a refusal to submit to testing, and may require the occupational license issued to that person to restrict him or her to operating a motor vehicle equipped with an ignition interlock device.

The bill changes the penalties for a 4th or subsequent OWI conviction from a misdemeanor with a maximum fine of \$2,000 and a maximum imprisonment of one year in the county jail to a felony with a maximum fine of \$10,000 and a maximum imprisonment of 2 years in a state prison.

Current law allows a court to seize a motor vehicle owned by a person if he or she is convicted of an OWI offense and has 2 prior OWI suspensions, revocations or convictions and requires that seizure if the person has 3 or more prior OWI suspensions, revocations or convictions. Currently, the district attorney of the county where the motor vehicle was seized is required to commence the action to forfeit the seized motor vehicle to the state. This bill requires the district attorney of the county where the motor vehicle was ordered seized (usually the county where the underlying OWI offense is prosecuted) to commence the action to forfeit the seized motor vehicle.

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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.** 23.33 (4c) (a) 2. of the statutes is amended to read:
2 23.33 (4c) (a) 2. ‘Operating with alcohol concentrations at or above specified
3 levels.’ No person may engage in the operation of an all-terrain vehicle while the
4 person has an alcohol concentration of ~~0.1~~ 0.08 or more.
- 5 **SECTION 2.** 23.33 (4c) (a) 3. of the statutes is amended to read:
6 23.33 (4c) (a) 3. ‘Operating with alcohol concentrations at specified levels;
7 below age 19.’ If a person has not attained the age of 19, the person may not engage
8 in the operation of an all-terrain vehicle while he or she has an alcohol concentration
9 of more than 0.0 but not more than ~~0.1~~ 0.08.
- 10 **SECTION 3.** 23.33 (4c) (b) 2. of the statutes is amended to read:
11 23.33 (4c) (b) 2. ‘Causing injury with alcohol concentrations at or above
12 specified levels.’ No person who has an alcohol concentration of ~~0.1~~ 0.08 or more may
13 cause injury to another person by the operation of an all-terrain vehicle.
- 14 **SECTION 4.** 23.33 (4c) (b) 4. of the statutes is amended to read:
15 23.33 (4c) (b) 4. ‘Defenses.’ In an action under this paragraph, the defendant
16 has a defense if he or she proves by a preponderance of the evidence that the injury
17 would have occurred even if he or she had been exercising due care and he or she had
18 not been under the influence of an intoxicant or did not have an alcohol concentration
19 of ~~0.1~~ 0.08 or more.
- 20 **SECTION 5.** 30.681 (1) (b) 1. of the statutes is amended to read:

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1 30.681 (1) (b) 1. No person may engage in the operation of a motorboat while
2 the person has an alcohol concentration of ~~0.1~~ 0.08 or more. This subdivision does
3 not apply to commercial motorboats.

4 **SECTION 6.** 30.681 (2) (b) 1. of the statutes is amended to read:

5 30.681 (2) (b) 1. No person who has an alcohol concentration of ~~0.1~~ 0.08 or more
6 may cause injury to another person by the operation of a motorboat. This subdivision
7 does not apply to commercial motorboats.

8 **SECTION 7.** 30.681 (2) (d) 1. of the statutes is amended to read:

9 30.681 (2) (d) 1. In an action under this subsection for a violation of the
10 intoxicated boating law where the defendant was operating a motorboat that is not
11 a commercial motorboat, the defendant has a defense if he or she proves by a
12 preponderance of the evidence that the injury would have occurred even if he or she
13 had been exercising due care and he or she had not been under the influence of an
14 intoxicant or did not have an alcohol concentration of ~~0.1~~ 0.08 or more.

15 **SECTION 8.** 340.01 (46m) of the statutes is repealed and recreated to read:

16 340.01 (46m) "Prohibited alcohol concentration" means an alcohol
17 concentration of 0.08 or more.

18 **SECTION 9.** 342.12 (4) (a) of the statutes is amended to read:

19 342.12 (4) (a) The district attorney shall notify the department when he or she
20 files a criminal complaint against a person who has been arrested for violating s.
21 346.63 (1) or (2), 940.09 (1) or 940.25 ~~and who has 2 or more prior convictions,~~
22 ~~suspensions or revocations within a 10-year period, as counted under s. 343.307 (1).~~
23 The department may not issue a certificate of title transferring ownership of any
24 motor vehicle owned by the person upon receipt of a notice under this subsection until

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1 the court assigned to hear the criminal complaint issues an order permitting the
2 department to issue a certificate of title.

3 **SECTION 10.** 343.10 (5) (a) 3. of the statutes is amended to read:

4 343.10 (5) (a) 3. ~~If the applicant has 2 or more prior convictions, suspensions~~
5 ~~or revocations, as counted under s. 343.307 (1), the~~ The occupational license of the
6 applicant may restrict the applicant's operation under the occupational license to
7 vehicles that are equipped with a functioning ignition interlock device as provided
8 under s. 346.65 (6). A person to whom a restriction under this subdivision applies
9 violates that restriction if he or she requests or permits another to blow into an
10 ignition interlock device or to start a motor vehicle equipped with an ignition
11 interlock device for the purpose of providing the person an operable motor vehicle
12 without the necessity of first submitting a sample of his or her breath to analysis by
13 the ignition interlock device.

14 **SECTION 11.** 343.305 (4) (am) of the statutes is created to read:

15 343.305 (4) (am) If testing is refused, a motor vehicle owned by the person may
16 be equipped with an ignition interlock device and the person's operating privilege
17 will be revoked under this section;

18 **SECTION 12.** 343.305 (4) (bd) of the statutes is created to read:

19 343.305 (4) (bd) If one or more tests are taken and the results of any test
20 indicate that the person has a prohibited alcohol concentration and was driving or
21 operating a motor vehicle, the person will be subject to penalties, the person's
22 operating privilege will be suspended under this section and a motor vehicle owned
23 by the person may be equipped with an ignition interlock device;

24 **SECTION 13.** 343.305 (10m) of the statutes is renumbered 343.305 (10m) (b).

25 **SECTION 14.** 343.305 (10m) (a) of the statutes is created to read:

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1 343.305 **(10m)** (a) If the person's operating privilege is revoked under sub. (10),
2 the procedure under s. 346.65 (6) shall be followed regarding the equipping of a motor
3 vehicle owned by the person with an ignition interlock device.

4 **SECTION 15.** 343.31 (1) (ar) of the statutes is amended to read:

5 343.31 **(1)** (ar) Injury by the operation of a commercial motor vehicle while the
6 person has an alcohol concentration of 0.04 or more but less than ~~0.1~~ 0.08 and which
7 is criminal under s. 346.63 (6).

8 **SECTION 16.** 346.63 (2m) of the statutes is amended to read:

9 346.63 **(2m)** If a person has not attained the age of 19, the person may not drive
10 or operate a motor vehicle while he or she has an alcohol concentration of more than
11 0.0 but not more than ~~0.1~~ 0.08. One penalty for violation of this subsection is
12 suspension of a person's operating privilege under s. 343.30 (1p). The person is
13 eligible for an occupational license under s. 343.10 at any time. If a person arrested
14 for a violation of this subsection refuses to take a test under s. 343.305, the refusal
15 is a separate violation and the person is subject to revocation of the person's
16 operating privilege under s. 343.305 (10) (em).

17 **SECTION 17.** 346.63 (5) (a) of the statutes is amended to read:

18 346.63 **(5)** (a) No person may drive or operate a commercial motor vehicle while
19 the person has an alcohol concentration of 0.04 or more but less than ~~0.1~~ 0.08.

20 **SECTION 18.** 346.63 (6) (a) of the statutes is amended to read:

21 346.63 **(6)** (a) No person may cause injury to another person by the operation
22 of a commercial motor vehicle while the person has an alcohol concentration of 0.04
23 or more but less than ~~0.1~~ 0.08.

24 **SECTION 19.** 346.65 (2) (d) of the statutes is amended to read:

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1 346.65 (2) (d) Except as provided in par. (f), shall be fined not less than \$600
2 nor more than ~~\$2,000~~ \$10,000 and imprisoned for not less than 60 days nor more than
3 ~~one year in the county jail~~ 2 years if the total number of suspensions, revocations and
4 convictions counted under s. 343.307 (1) equals 4 or more in a 10-year period, except
5 that suspensions, revocations or convictions arising out of the same incident or
6 occurrence shall be counted as one.

7 **SECTION 20.** 346.65 (2) (e) of the statutes is repealed.

8 **SECTION 21.** 346.65 (2) (f) of the statutes is amended to read:

9 346.65 (2) (f) If there was a minor passenger under 16 years of age in the motor
10 vehicle at the time of the violation that gave rise to the conviction under s. 346.63 (1),
11 the applicable minimum and maximum forfeitures, fines or imprisonment under par.
12 (a), (b), (c), or (d) ~~or~~ (e) for the conviction are doubled. An offense under s. 346.63 (1)
13 that subjects a person to a penalty under par. (c), ~~(d)~~ ~~or~~ (e) when there is a minor
14 passenger under 16 years of age in the motor vehicle is a felony and the place of
15 imprisonment shall be determined under s. 973.02.

16 **SECTION 22.** 346.65 (2c) of the statutes is amended to read:

17 346.65 (2c) In sub. (2) (b) to (e) (d), the 5-year or 10-year period shall be
18 measured from the dates of the refusals or violations that resulted in the revocation
19 or convictions. If a person has a suspension, revocation or conviction for any offense
20 under a local ordinance or a state statute of another state that would be counted
21 under s. 343.307 (1), that suspension, revocation or conviction shall count as a prior
22 suspension, revocation or conviction under sub. (2) (b) to ~~(e)~~ (d).

23 **SECTION 23.** 346.65 (2e) of the statutes is amended to read:

24 346.65 (2e) If the court determines that a person does not have the ability to
25 pay the costs and fine or forfeiture imposed under sub. (2) (a), (b), (c), (d), ~~(e)~~ or (f),

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1 the court may reduce the costs, fine and forfeiture imposed and order the person to
2 pay, toward the cost of the assessment and driver safety plan imposed under s. 343.30
3 (1q) (c), the difference between the amount of the reduced costs and fine or forfeiture
4 and the amount of costs and fine or forfeiture imposed under sub. (2) (a), (b), (c), (d),
5 (e) or (f).

6 **SECTION 24.** 346.65 (6) (a) 1. of the statutes is renumbered 346.65 (6) (a) 1g.

7 **SECTION 25.** 346.65 (6) (a) 1d. of the statutes is created to read:

8 346.65 (6) (a) 1d. Except as provided in this subdivision, the court may order
9 a law enforcement officer to equip with an ignition interlock device a motor vehicle
10 owned by the person whose operating privilege is revoked under s. 343.305 (10) or
11 who committed a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a) or
12 (b) or 940.25 (1) (a) or (b). The court shall not order a motor vehicle equipped with
13 an ignition interlock device if that would result in undue hardship or extreme
14 inconvenience or would endanger the health or safety of a person.

15 **SECTION 26.** 346.65 (6) (a) 2m. of the statutes is amended to read:

16 346.65 (6) (a) 2m. A person who owns a motor vehicle subject to seizure,
17 equipping with an ignition interlock device or immobilization under this paragraph
18 shall surrender to the clerk of circuit court the certificate of title issued under ch. 342
19 for every motor vehicle owned by the person. The person shall comply with this
20 subdivision within 5 working days after receiving notification of this requirement
21 from the district attorney. When a district attorney receives a copy of a notice of
22 intent to revoke the operating privilege under s. 343.305 (9) (a) ~~of a person who has~~
23 ~~2 or more convictions, suspensions or revocations within a 5-year period, as counted~~
24 ~~under s. 343.307 (1), or when a district attorney notifies the department of the filing~~
25 of a criminal complaint against a person under s. 342.12 (4) (a), the district attorney

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1 shall notify the person of the requirement to surrender all certificates of title to the
2 clerk of circuit court. The notification shall include the time limits for that surrender,
3 the penalty for failure to comply with the requirement and the address of the clerk
4 of circuit court. The clerk of circuit court shall promptly return each certificate of title
5 surrendered to the clerk of circuit court under this subdivision after stamping the
6 certificate of title with the notation "Per section 346.65 (6) of the Wisconsin statutes,
7 ownership of this motor vehicle may not be transferred without prior court approval".
8 Any person failing to surrender a certificate of title as required under this
9 subdivision shall forfeit not more than \$500.

10 **SECTION 27.** 346.65 (6) (c) of the statutes is amended to read:

11 346.65 (6) (c) The district attorney of the county where the ~~motor vehicle was~~
12 seized seizure is ordered shall commence an action to forfeit the motor vehicle within
13 30 days after the motor vehicle is seized. The action shall name the owner of the
14 motor vehicle and all lienholders of record as parties. The forfeiture action shall be
15 commenced by filing a summons, complaint and affidavit of the law enforcement
16 agency with the clerk of circuit court. Upon service of an answer, the action shall be
17 set for hearing within 60 days after the service of the answer. If no answer is served
18 or no issue of law or fact joined and the time for that service or joining of issues has
19 expired, the court may render a default judgment as provided in s. 806.02.

20 **SECTION 28.** 346.65 (6) (d) of the statutes is amended to read:

21 346.65 (6) (d) At the hearing set under par. (c), the state has the burden of
22 proving to a reasonable certainty by the greater weight of the credible evidence that
23 the motor vehicle is a motor vehicle owned by a person who committed a violation of
24 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,
25 if the seizure is under par. (a) ~~1.~~ 1g., that the person had 2 prior convictions,

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1 suspensions or revocations within a 10-year period as counted under s. 343.307 (1)
2 or, if the seizure is under par. (a) 2., 3 or more prior convictions, suspensions or
3 revocations within a 10-year period as counted under s. 343.307 (1). If the owner of
4 the motor vehicle proves by a preponderance of the evidence that he or she was not
5 convicted of a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a) or (b)
6 or 940.25 (1) (a) or (b), or, if the seizure is under par. (a) 1., that he or she did not have
7 2 prior convictions, suspensions or revocations within a 10-year period as counted
8 under s. 343.307 (1) or, if the seizure is under par. (a) 2., 3 or more prior convictions,
9 suspensions or revocations within a 10-year period as counted under s. 343.307 (1),
10 the motor vehicle shall be returned to the owner upon the payment of storage costs.

11 **SECTION 29.** 346.65 (7) of the statutes is amended to read:

12 346.65 (7) A person convicted under sub. (2) (b), (c), or (d) ~~or (e)~~ or (2j) (b) or (c)
13 shall be required to remain in the county jail for not less than a 48-consecutive-hour
14 period.

15 **SECTION 30.** 350.101 (1) (b) of the statutes is amended to read:

16 350.101 (1) (b) *Operating with alcohol concentrations at or above specified*
17 *levels.* No person may engage in the operation of a snowmobile while the person has
18 an alcohol concentration of ~~0.1~~ 0.08 or more.

19 **SECTION 31.** 350.101 (1) (c) of the statutes is amended to read:

20 350.101 (1) (c) *Operating with alcohol concentrations at specified levels; below*
21 *age 19.* If a person has not attained the age of 19, the person may not engage in the
22 operation of a snowmobile while he or she has an alcohol concentration of more than
23 0.0 but not more than ~~0.1~~ 0.08.

24 **SECTION 32.** 350.101 (2) (b) of the statutes is amended to read:

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1 350.101 (2) (b) *Causing injury with alcohol concentrations at or above specified*
2 *levels.* No person who has an alcohol concentration of ~~0.1~~ 0.08 or more may cause
3 injury to another person by the operation of a snowmobile.

4 **SECTION 33.** 350.101 (2) (d) of the statutes is amended to read:

5 350.101 (2) (d) *Defenses.* In an action under this subsection, the defendant has
6 a defense if he or she proves by a preponderance of the evidence that the injury would
7 have occurred even if he or she had been exercising due care and he or she had not
8 been under the influence of an intoxicant or did not have an alcohol concentration
9 of ~~0.1~~ 0.08 or more.

10 **SECTION 34.** 885.235 (1) (a) 1. of the statutes is renumbered 885.235 (1) (a).

11 **SECTION 35.** 885.235 (1) (a) 2. of the statutes is repealed.

12 **SECTION 36.** 885.235 (1) (b) of the statutes is repealed.

13 **SECTION 37.** 885.235 (1) (c) of the statutes is amended to read:

14 885.235 (1) (c) The fact that the analysis shows that the person had an alcohol
15 concentration of ~~0.1~~ 0.08 or more is prima facie evidence that he or she was under the
16 influence of an intoxicant and is prima facie evidence that he or she had an alcohol
17 concentration of ~~0.1~~ 0.08 or more.

18 **SECTION 38.** 885.235 (1m) of the statutes is amended to read:

19 885.235 (1m) In any action under s. 23.33 (4c) (a) 3., 346.63 (2m) or (7) or
20 350.101 (1) (c), evidence of the amount of alcohol in the person's blood at the time in
21 question, as shown by chemical analysis of a sample of the person's blood or urine or
22 evidence of the amount of alcohol in the person's breath, is admissible on the issue
23 of whether he or she had an alcohol concentration in the range specified in s. 23.33
24 (4c) (a) 3., 346.63 (2m) or 350.101 (1) (c) or an alcohol concentration above 0.0 under
25 s. 346.63 (7) if the sample was taken within 3 hours after the event to be proved. The

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1 fact that the analysis shows that the person had an alcohol concentration of more
2 than 0.0 but not more than ~~0.1~~ 0.08 is prima facie evidence that the person had an
3 alcohol concentration in the range specified in s. 23.33 (4c) (a) 3., 346.63 (2m) or
4 350.101 (1) (c) or an alcohol concentration above 0.0 under s. 346.63 (7).

5 **SECTION 39.** 940.09 (1) (intro.) of the statutes is amended to read:

6 940.09 (1) (intro.) Any person who does any of the following is guilty of a Class
7 € BC felony:

8 **SECTION 40.** 940.09 (1) (bm) of the statutes is amended to read:

9 940.09 (1) (bm) Causes the death of another by the operation of a commercial
10 motor vehicle while the person has an alcohol concentration of 0.04 or more but less
11 than ~~0.1~~ 0.08.

12 **SECTION 41.** 940.09 (1d) of the statutes is renumbered 940.09 (1d) (b).

13 **SECTION 42.** 940.09 (1d) (a) of the statutes is created to read:

14 940.09 (1d) (a) If a person commits an offense under sub. (1) (a) or (b), the
15 procedure under s. 346.65 (6) may be followed regarding the equipping of a motor
16 vehicle owned by the person with an ignition interlock device.

17 **SECTION 43.** 940.09 (1g) (b) of the statutes is amended to read:

18 940.09 (1g) (b) Causes the death of another by the operation or handling of a
19 firearm or airgun while the person has an alcohol concentration of ~~0.1~~ 0.08 or more.

20 **SECTION 44.** 940.25 (1) (bm) of the statutes is amended to read:

21 940.25 (1) (bm) Causes great bodily harm to another human being by the
22 operation of a commercial motor vehicle while the person has an alcohol
23 concentration of 0.04 or more but less than ~~0.1~~ 0.08.

24 **SECTION 45.** 940.25 (1d) of the statutes is renumbered 940.25 (1d) (b).

25 **SECTION 46.** 940.25 (1d) (a) of the statutes is created to read:

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1 940.25 **(1d)** (a) If a person commits an offense under sub. (1) (a) or (b), the
2 procedure under s. 346.65 (6) may be followed regarding the equipping of a motor
3 vehicle owned by the person with an ignition interlock device.

4 **SECTION 47.** 949.08 (2) (em) of the statutes is amended to read:

5 949.08 **(2)** (em) Is an adult passenger in the offender's commercial motor
6 vehicle and the crime involved is specified in s. 346.63 (6) or 940.25 and the passenger
7 knew the offender was under the influence of an intoxicant, a controlled substance,
8 a controlled substance analog or any combination of an intoxicant, controlled
9 substance and controlled substance analog, or had an alcohol concentration of 0.04
10 or more but less than ~~0.1~~ 0.08. This paragraph does not apply if the victim is also a
11 victim of a crime specified in s. 940.30, 940.305, 940.31 or 948.30.

12 **SECTION 48.** 967.055 (1) (b) of the statutes is amended to read:

13 967.055 **(1)** (b) The legislature intends to encourage the vigorous prosecution
14 of offenses concerning the operation of motorboats by persons under the influence of
15 an intoxicant, a controlled substance, a controlled substance analog or any
16 combination of an intoxicant, controlled substance and controlled substance analog
17 to a degree which renders him or her incapable of operating a motorboat safely, or
18 under the combined influence of an intoxicant and any other drug to a degree which
19 renders him or her incapable of operating a motorboat safely or having an alcohol
20 concentration of ~~0.1~~ 0.08 or more.

21 **SECTION 49. Initial applicability.**

22 (1) Except as provided in subsection (2), this act first applies to offenses
23 committed on the effective date of this subsection, but does not preclude the counting
24 of other offenses as prior offenses for purposes of administrative action by the

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SECTION 49

1 department of transportation, sentencing by a court or suspending or revoking a
2 person's operating privilege.

3 (2) The treatment of section 346.65 (6) (c) of the statutes first applies to vehicles
4 seized on the effective date of this subsection.

5 **SECTION 50. Effective date.**

6 (1) This act takes effect on the first day of the 4th month beginning after
7 publication.

8 (END)