



1999 ASSEMBLY BILL 668

January 19, 2000 - Introduced by Representatives BRANDEMUEHL, STONE, LA FAVE, GOETSCH, HUNDERTMARK, SPILLNER, LADWIG, KELSO, ALBERS, AINSWORTH and OWENS, cosponsored by Senators BRESKE, ROESSLER, DARLING, HUELSMAN, BAUMGART and ROSENZWEIG. Referred to Committee on Transportation.

1 **AN ACT to amend** 343.30 (1g) (b), 343.31 (1) (hm), 343.38 (1) (c) 2. d., 343.44 (2)
2 (am) and 343.44 (2r) of the statutes; **relating to:** counting prior offenses of
3 operating a motor vehicle with an operating privilege that is suspended or
4 revoked, or of operating a commercial motor vehicle while disqualified or
5 ordered out of service.

Analysis by the Legislative Reference Bureau

Numerous changes to the law were made by 1997 Wisconsin Act 84 regarding operating a motor vehicle with an operating privilege that is suspended or revoked and regarding operating a commercial motor vehicle while ordered out of service or while disqualified. The changes take effect May 1, 2001, or when implemented by the department of transportation, whichever is sooner. It is unclear under that act whether convictions of certain offenses committed before the implementation of 1997 Wisconsin Act 84 must be counted as prior convictions after the implementation of 1997 Wisconsin Act 84. The number of prior convictions is used, before and after implementation of 1997 Wisconsin Act 84, to determine the appropriate penalty or administrative sanction to impose on a person convicted of a second, or subsequent, similar offense.

This bill clarifies that convictions for certain offenses (operating a motor vehicle with an operating privilege that is suspended or revoked, or operating a commercial motor vehicle while ordered out of service or while disqualified) that are committed

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before the implementation of 1997 Wisconsin Act 84 must be counted as prior convictions after the implementation of 1997 Wisconsin Act 84.

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

1 **SECTION 1.** 343.30 (1g) (b) of the statutes, as affected by 1997 Wisconsin Act 84,
2 is amended to read:

3 343.30 **(1g)** (b) A court shall revoke a person's operating privilege upon the
4 person's conviction for violating s. 343.44 (1) (a), (b) or (d) or a local ordinance in
5 conformity therewith if the person has been convicted of 3 or more prior violations
6 of s. 343.44 (1) (a), (b) or (d), or s. 343.44 (1), 1997 stats., or a local ordinance in
7 conformity therewith, within the 5-year period preceding the violation. The
8 revocation shall be for a period of 6 months, unless the court orders a period of
9 revocation of less than 6 months and places its reasons for ordering the lesser period
10 of revocation on the record.

11 **SECTION 2.** 343.31 (1) (hm) of the statutes, as created by 1997 Wisconsin Act
12 84, is amended to read:

13 343.31 **(1)** (hm) A violation of s. 343.44 (1) (a), (b) or (d), or a local ordinance in
14 conformity therewith, if the person has been convicted of 3 or more prior violations
15 of s. 343.44 (1) (a), (b) or (d), or s. 343.44 (1), 1997 stats., or a local ordinance in
16 conformity therewith within the 5-year period preceding the violation. Revocation
17 under this paragraph shall be for a period of 6 months unless a lesser period of
18 revocation is ordered under s. 343.30 (1g) (b).

19 **SECTION 3.** 343.38 (1) (c) 2. d. of the statutes, as created by 1997 Wisconsin Act
20 84, is amended to read:

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1 343.38 (1) (c) 2. d. Reinstatement of an operating privilege revoked under s.
2 343.31 (1) (b) or (2) if, within the 5-year period preceding the violation, the person
3 has not been convicted of a prior offense that may be counted under s. 343.307 (2) and
4 if, within the 10-year period preceding the violation, the person has not been
5 convicted of 2 or more prior offenses that may be counted under s. 343.307 (2).

6 **SECTION 4.** 343.44 (2) (am) of the statutes, as affected by 1997 Wisconsin Act
7 84 and 1999 Wisconsin Act 9, is amended to read:

8 343.44 (2) (am) Any person who violates sub. (1) (b) before May 1, 2002, may
9 be required to forfeit not more than \$600, except that, if the person has been
10 convicted of a previous violation ~~described in~~ of sub. (1) (b), or of operating a motor
11 vehicle in violation of s. 343.44 (1), 1997 stats., with an operating privilege that is
12 revoked, within the preceding 5-year period, the penalty under par. (b) shall apply.

13 **SECTION 5.** 343.44 (2r) of the statutes, as affected by 1997 Wisconsin Act 84, is
14 amended to read:

15 343.44 (2r) PRIOR CONVICTIONS. For purposes of determining prior convictions
16 under this section, the 5-year period shall be measured from the dates of the
17 violations that resulted in the convictions and each conviction under sub. (2) shall
18 be counted. Convictions of s. 343.44 (1), 1997 stats., shall be counted under this
19 section as prior convictions.

20 **SECTION 6. Effective date.**

21 (1) This act takes effect on May 1, 2001, or on the date stated in the notice
22 published by the secretary of transportation in the Wisconsin Administrative
23 Register under section 85.515 of the statutes, whichever is earlier.

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(END)