



2009 ASSEMBLY BILL 96

February 27, 2009 - Introduced by Representatives KAUFERT, SPANBAUER, ZIEGELBAUER, ROTH, A. OTT, KESTELL, BROOKS, J. OTT, LOTHIAN, TOWNSEND and MURSAU, cosponsored by Senators DARLING, A. LASEE and KEDZIE. Referred to Committee on Public Safety.

1 **AN ACT** *to amend* 343.44 (2) (as) of the statutes; **relating to:** operating a motor
2 vehicle after revocation.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from operating a motor vehicle on the highway during any period in which the person's motor vehicle operating privilege is revoked (OAR). Subject to a "first offense" exception, a person convicted of OAR on or after May 1, 2002, must be fined not more than \$2,500 or imprisoned for not more than one year or both. Under the "first offense" exception, if the person committed the OAR offense after July 27, 2005, the person has no prior conviction in the preceding five-year period under state statutes for OAR, and the underlying operating privilege revocation was not the result of specified alcohol or controlled substance-related traffic violations, the person must forfeit not more than \$2,500. Also under current law, local authorities may enact traffic regulations in strict conformity with state law that are punishable by forfeiture.

This bill narrows the "first offense" penalty exception for a person convicted of OAR so that the exception applies only if the person has no prior conviction in the preceding five-year period for OAR under state statutes or under local ordinances.

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

3 **SECTION 1.** 343.44 (2) (as) of the statutes is amended to read:

