



1995 ASSEMBLY BILL 106

February 6, 1995 - Introduced by Representatives WIRCH, BELL, URBAN, HASENOHRL, UNDERHEIM, NOTESTEIN, CARPENTER, BLACK, WOOD, DOBYNS, HAHN, RYBA, KREUSER, WASSERMAN, GUNDERSON and KRUSICK, cosponsored by Senators DARLING and WEEDEN. Referred to Committee on Highways and Transportation.

1 **AN ACT to repeal** 340.01 (23v) and (23w), 343.10 (2) (e), 343.10 (5) (a) 3., 343.10
2 (7) (cm), 343.305 (4) (b) and (c), 343.305 (10m), 343.38 (5), 343.39 (3), 346.65 (6),
3 347.413, 347.417, 347.50 (1s), 940.09 (1d) and 940.25 (1d); **to renumber** 351.11;
4 **to amend** 342.13 (1), 343.10 (2) (a) (intro.), 343.10 (5) (a) 2., 343.23 (2), 343.30
5 (1q) (b) 4., 343.305 (10) (b) 4., 343.31 (2), 343.31 (3) (a) (intro.), 343.31 (3) (bm)
6 4., 343.44 (1) and 347.50 (1); and **to create** 343.10 (2) (f), 343.445 and 351.11
7 (2) of the statutes; **relating to:** revocation of motor vehicle operating privileges
8 for life and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, if a person is convicted of operating a motor vehicle while under the influence of an intoxicant or controlled substance or both (OWI) after having 2 or more prior OWI convictions, suspensions or revocations within 10 years, the court must revoke the person's operating privilege for not less than 2 years or more than 3 years. If a person refuses to submit to a test for intoxication and has 2 or more prior OWI convictions, suspensions or revocations within 10 years, the court must revoke the person's operating privilege for 3 years. In addition, any motor vehicle owned by the person may be immobilized, seized and forfeited or equipped with an ignition interlock device. The person may be eligible for an occupational license but the vehicle that he or she uses may have to be equipped with an ignition interlock device and certain other conditions may be imposed on the driver. This bill revokes a person's operating privilege for life if he or she is convicted of an OWI offense after having 2 or more prior OWI-related convictions, suspensions and

revocations within 10 years. The person is also never eligible for an occupational license.

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

1 **SECTION 1.** 340.01 (23v) and (23w) of the statutes are repealed.

2 **SECTION 2.** 342.13 (1) of the statutes is amended to read:

3 342.13 (1) If a certificate of title is lost, stolen, mutilated or destroyed or
4 becomes illegible, the owner or legal representative of the owner named in the
5 certificate, as shown by the records of the department, shall promptly make
6 application for and may obtain a replacement upon furnishing information
7 satisfactory to the department. The replacement certificate of title shall contain the
8 legend "This is a replacement certificate and may be subject to the rights of a person
9 under the original certificate". ~~If applicable under s. 346.65 (6), the replacement~~
10 ~~certificate of title shall include the notation "Per section 346.65 (6) of the Wisconsin~~
11 ~~statutes, ownership of this motor vehicle may not be transferred without prior court~~
12 ~~approval".~~

13 **SECTION 3.** 343.10 (2) (a) (intro.) of the statutes is amended to read:

14 343.10 (2) (a) (intro.) Except as provided in pars. (b) to ~~(e)~~ (f), a person is eligible
15 for an occupational license if the following conditions are satisfied:

16 **SECTION 4.** 343.10 (2) (e) of the statutes is repealed.

17 **SECTION 5.** 343.10 (2) (f) of the statutes is created to read:

18 343.10 (2) (f) A person whose operating privilege has been permanently
19 revoked is not eligible for an occupational license.

20 **SECTION 6.** 343.10 (5) (a) 2. of the statutes is amended to read:

1 343.10 (5) (a) 2. If the petitioner has 2 or more convictions, suspensions or
2 revocations, as counted under s. 343.307 (1), the order for issuance of an occupational
3 license shall prohibit the petitioner from driving or operating a motor vehicle while
4 he or she has a blood alcohol concentration of more than 0.0% by weight of alcohol
5 in the person's blood or more than 0.0 grams of alcohol in 210 liters of that person's
6 breath.

7 **SECTION 7.** 343.10 (5) (a) 3. of the statutes is repealed.

8 **SECTION 8.** 343.10 (7) (cm) of the statutes is repealed.

9 **SECTION 9.** 343.23 (2) of the statutes is amended to read:

10 343.23 (2) The department shall maintain a file for each licensee containing the
11 application for license, permit or endorsement, a record of reports or abstract of
12 convictions, the status of the licensee's authorization to operate different vehicle
13 groups, a record of any out-of-service orders issued under s. 343.305 (7) (b) or (9)
14 (am) and a record of any reportable accident in which the licensee has been involved,
15 including specification of the type of license and endorsements issued under this
16 chapter under which the licensee was operating at the time of the accident and an
17 indication whether or not the accident occurred in the course of the licensee's
18 employment as a law enforcement officer, fire fighter or emergency medical
19 technician — paramedic or as a person engaged, by an authority in charge of the
20 maintenance of the highway, in highway winter maintenance snow and ice removal
21 during either a storm or cleanup following a storm. This information must be filed
22 by the department so that the complete operator's record is available for the use of
23 the secretary in determining whether operating privileges of such person shall be
24 suspended, revoked, canceled or withheld in the interest of public safety. The record
25 of suspensions, revocations and convictions that would be counted under s. 343.307

1 (2) shall be maintained for at least 10 years. The records of revocations for life under
2 s. 343.30 (1q) (b) 4., 343.305 (10) (b) 4. or 343.31 (2) or (3) (bm) 4. shall be maintained
3 permanently. The record of convictions for disqualifying offenses under s. 343.315
4 (2) (f) shall be maintained for at least 3 years. The record of convictions for
5 disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently,
6 except that 5 years after a licensee transfers residency to another state such record
7 may be transferred to another state of licensure of the licensee if that state accepts
8 responsibility for maintaining a permanent record of convictions for disqualifying
9 offenses. Such reports and records may be cumulative beyond the period for which
10 a license is granted, but the secretary, in exercising the power of revocation granted
11 under s. 343.32 (2) may consider only those reports and records entered during the
12 4-year period immediately preceding the exercise of such power of revocation. For
13 purposes of this subsection, "highway winter maintenance snow and ice removal"
14 includes plowing, sanding, salting and the operation of vehicles in the delivery of
15 those services.

16 **SECTION 10.** 343.30 (1q) (b) 4. of the statutes is amended to read:

17 343.30 (1q) (b) 4. If the number of convictions, suspensions and revocations
18 within a 10-year period equals 3 or more, the court shall revoke the person's
19 operating privilege for not less than 2 years nor more than 3 years. After the first
20 90 days of the revocation period, the person is eligible for an occupational license
21 under s. 343.10 if he or she has completed the assessment and is complying with the
22 driver safety plan ordered under par. (e) life.

23 **SECTION 11.** 343.305 (4) (b) and (c) of the statutes are repealed.

24 **SECTION 12.** 343.305 (10) (b) 4. of the statutes is amended to read:

1 343.305 (10) (b) 4. If the number of convictions, suspensions and revocations
2 in a 10-year period equals 3 or more, the court shall revoke the person's operating
3 privilege for 3 years. ~~After the first 120 days of the revocation period, the person is~~
4 ~~eligible for an occupational license under s. 343.10 if he or she has completed the~~
5 ~~assessment and is complying with the driver safety plan life.~~

6 **SECTION 13.** 343.305 (10m) of the statutes is repealed.

7 **SECTION 14.** 343.31 (2) of the statutes is amended to read:

8 343.31 (2) The department shall revoke or suspend, respectively, the operating
9 privilege of any resident upon receiving notice of the conviction of such person in
10 another jurisdiction for an offense therein which, if committed in this state, would
11 have been cause for revocation or suspension under this section or under s. 343.30
12 (1q). Such offenses shall include violation of any law of another jurisdiction that
13 prohibits use of a motor vehicle while intoxicated or under the influence of a
14 controlled substance, or a combination thereof, or with an excess or specified range
15 of alcohol concentration, or under the influence of any drug to a degree that renders
16 the person incapable of safely driving, as those or substantially similar terms are
17 used in that jurisdiction's laws. Upon receiving similar notice with respect to a
18 nonresident, the department shall revoke or suspend, respectively, the privilege of
19 the nonresident to operate a motor vehicle in this state. If the conviction would have
20 been cause for revocation for life if committed in this state, the department shall
21 revoke the privilege of the resident or nonresident for life. Such suspension or
22 revocation of a nonresident's operating privilege shall not apply to the operation of
23 a commercial motor vehicle by a nonresident who holds a valid commercial driver
24 license issued by another state.

25 **SECTION 15.** 343.31 (3) (a) (intro.) of the statutes is amended to read:

1 343.31 (3) (a) (intro.) Except as otherwise provided in this subsection or sub.
2 (2) or (2m), all revocations or suspensions under this section shall be for a period of
3 one year.

4 **SECTION 16.** 343.31 (3) (bm) 4. of the statutes is amended to read:

5 343.31 (3) (bm) 4. If the number of suspensions, revocations and convictions
6 within a 10-year period equals 3 or more, the department shall revoke the person's
7 operating privilege for ~~not less than 2 years nor more than 3 years~~ . If an Indian tribal
8 court in this state revokes the person's privilege to operate a motor vehicle on tribal
9 lands for ~~not less than 2 years nor more than 3 years for the conviction specified in~~
10 ~~par. (bm) (intro.)~~, the department shall impose the same period of revocation. ~~After~~
11 ~~the first 90 days of the revocation period, the person is eligible for an occupational~~
12 ~~license under s. 343.10~~ life.

13 **SECTION 17.** 343.38 (5) of the statutes is repealed.

14 **SECTION 18.** 343.39 (3) of the statutes is repealed.

15 **SECTION 19.** 343.44 (1) of the statutes is amended to read:

16 343.44 (1) No person whose operating privilege has been duly revoked or
17 suspended ~~pursuant to~~ under the laws of this state shall operate a motor vehicle upon
18 any highway in this state during such suspension or revocation or thereafter before
19 filing proof of financial responsibility or before that person has obtained a new
20 license in this state, including an occupational license, or the person's operating
21 privilege has been reinstated under the laws of this state. This section does not apply
22 to persons whose operating privilege is revoked for life under this chapter. No person
23 may operate a commercial motor vehicle while ordered out-of-service as provided
24 in s. 343.305 (7) (b) or (9) (am). No person may operate a commercial motor vehicle
25 after March 31, 1992, while disqualified as provided in s. 343.315.

1 **SECTION 20.** 343.445 of the statutes is created to read:

2 **343.445 Operation of motor vehicle by a person whose operating**
3 **privilege is permanently revoked.** No person whose operating privilege has been
4 revoked for life under this chapter shall operate a motor vehicle upon any highway
5 in this state. Any person who is convicted of operating a motor vehicle upon any
6 highway in this state after his or her operating privilege is revoked for life under this
7 chapter shall be fined not more than \$10,000 and imprisoned in the Wisconsin state
8 prisons for not less than one year nor more than 2 years. No portion of the sentence
9 may be suspended, except in a case where operating was made necessary by a
10 situation of emergency, as determined by the court.

11 **SECTION 21.** 346.65 (6) of the statutes is repealed.

12 **SECTION 22.** 347.413 of the statutes is repealed.

13 **SECTION 23.** 347.417 of the statutes is repealed.

14 **SECTION 24.** 347.50 (1) of the statutes is amended to read:

15 347.50 (1) Any person violating ss. 347.35 to 347.49, except s. ~~347.413 (1) or s.~~
16 ~~347.415 (1), (2) and (3) to (5) or s. 347.417 (1) or s.,~~ 347.48 (2m) or (4) (a) or s. ~~347.489,~~
17 may be required to forfeit not less than \$10 nor more than \$200.

18 **SECTION 25.** 347.50 (1s) of the statutes is repealed.

19 **SECTION 26.** 351.11 of the statutes is renumbered 351.11 (1).

20 **SECTION 27.** 351.11 (2) of the statutes is created to read:

21 351.11 (2) Notwithstanding sub. (1), this chapter does not apply to any person
22 whose operating privilege is subject to revocation for life under s. 343.30 (1q) (b) 4.,
23 343.305 (10) (b) 4. or 343.31 (2) or (3) (bm) 4.

24 **SECTION 28.** 940.09 (1d) of the statutes is repealed.

25 **SECTION 29.** 940.25 (1d) of the statutes is repealed.

