



1995 ASSEMBLY BILL 153

February 24, 1995 – Introduced by Representatives FOTI, PROSSER, BOCK, VRAKAS, NOTESTEIN, HUEBSCH, CARPENTER, GUNDERSON, GARD, LEHMAN, SCHNEIDERS, HUTCHISON, OTT, HANDRICK, LADWIG, F. LASEE, OTTE, KREIBICH, OWENS, LA FAVE, SILBAUGH, DOBYNS and WASSERMAN, cosponsored by Senators FITZGERALD, BUETTNER, BURKE, ROSENZWEIG and ZIEN. Referred to Committee on Highways and Transportation.

1 **AN ACT to amend** 340.01 (46m) (b); and **to create** 340.01 (46m) (c) of the statutes;
2 **relating to:** operating a motor vehicle while under the influence of an
3 intoxicant, drugs or both.

Analysis by the Legislative Reference Bureau

Under current law, a person who has one or no prior convictions, suspensions or revocations for operating a motor vehicle while under the influence of an intoxicant, drugs or both is prohibited from operating a motor vehicle if the person's blood alcohol concentration is 0.1% or more by weight of alcohol in the person's blood or 0.1 or more grams of alcohol in 210 liters of the person's breath.

Current law prohibits a person who has 2 or more of those convictions, suspensions or revocations from operating a motor vehicle if the person's blood alcohol concentration is 0.08% or more by weight of alcohol in the person's blood or 0.08 or more grams in 210 liters of the person's breath.

This bill prohibits a person who has 3 or more of those convictions, suspensions or revocations from operating a motor vehicle if the person has any measured blood alcohol concentration.

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:

4 **SECTION 1.** 340.01 (46m) (b) of the statutes is amended to read:
5 340.01 (**46m**) (b) If the person has 2 or more prior convictions, suspensions or
6 revocations, as counted under s. 343.307 (1), a blood alcohol concentration of 0.08%

1 or more by weight of alcohol in the person's blood or 0.08 grams or more of alcohol
2 in 210 liters of the person's breath.

3 **SECTION 2.** 340.01 (46m) (c) of the statutes is created to read:

4 340.01 (**46m**) (c) If the person has 3 or more prior convictions, suspensions or
5 revocations, as counted under s. 343.307 (1), a blood alcohol concentration of 0.0%
6 or more by weight of alcohol in the person's blood or 0.0 grams or more of alcohol in
7 210 liters of the person's breath.

8 **SECTION 3. Initial applicability.**

9 (1) This act first applies to offenses committed or refusals occurring on the
10 effective date of this subsection, but does not preclude the counting of other
11 convictions, suspensions or revocations as prior convictions, suspensions or
12 revocations for purposes of determining the prohibited alcohol concentration.

13 (END)