



1997 SENATE BILL 251

June 26, 1997 - Introduced by Senators DARLING, GROBSCHMIDT, FARROW, ROSENZWEIG, PANZER and ROESSLER, cosponsored by Representatives KAUFERT, WARD, JESKEWITZ, GUNDERSON, REYNOLDS and NASS. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 **AN ACT to amend** 125.07 (4) (bs) 1., 2., 3. and 4., 125.07 (4) (c) 1., 2., 3. and 4.,
2 125.07 (4) (e) 4., 125.07 (4) (e) 5., 125.085 (3) (bd), 343.30 (6) (b) (intro.), 343.30
3 (6) (b) 1., 2. and 3., 343.30 (6) (bm), 343.30 (6) (d), 938.344 (2) (a), (b) and (c),
4 938.344 (2b) (a), (b) and (c) and 938.344 (2d) (a), (b) and (c) of the statutes;
5 **relating to:** the operating privilege of an underage person convicted of certain
6 alcohol-related offenses.

Analysis by the Legislative Reference Bureau

Under current law, no person who has not attained the legal drinking age of 21 years of age (underage person) may: procure or attempt to procure alcohol beverages from a person licensed to sell alcohol beverages; enter, knowingly attempt to enter or be on licensed premises; falsely represent his or her age for the purpose of receiving alcohol beverages from a licensee or permittee; or, unless authorized by law, possess or consume alcohol beverages. The sentence for a violation of these prohibitions varies depending upon the number of prior violations the underage person has committed, and may include suspension or revocation of the underage person's operating privilege, a forfeiture of up to \$1,000, required participation in a supervised work program or other community service work or any combination of these penalties. The specified period of suspension or revocation of an underage person's operating privilege, if imposed, ranges from a minimum of 30 days to a maximum of 2 years. The suspension or revocation period commences immediately

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unless the underage person does not possess a valid regular driver's license, in which case the suspension or revocation period commences on the date that a regular license would otherwise be reinstated or issued after the person applies and qualifies for issuance or 2 years from the date of disposition of the alcohol-related offense, whichever occurs first.

This bill changes the penalties for underage persons who commit certain alcohol-related offenses. In addition to other penalties that a court elects to impose, the bill requires that the operating privilege of an underage person convicted of certain alcohol-related offenses be acted upon as follows:

1. For a first violation, suspended for 90 days.
2. For a 2nd violation committed within 12 months, suspended for 180 days.
3. For a 3rd or subsequent violation committed within 12 months, revoked for 270 days.

The bill specifies that the period of suspension or revocation of the operating privilege of an underage person who does not possess a regular driver's license does not commence until the date that a regular license would otherwise be reinstated or issued after the person applies and qualifies for issuance. The bill also eliminates the authority of a court that ordered the suspension of an underage person's operating privilege to reinstate that person's operating privilege for completing an alcohol abuse treatment program or court-approved alcohol abuse education program.

For further information see the *state* 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.** 125.07 (4) (bs) 1., 2., 3. and 4. of the statutes are amended to read:

2 125.07 (4) (bs) 1. For a first violation, a forfeiture of not less than \$250 nor more
3 than \$500, suspension of the person's operating privilege as provided under s. 343.30
4 ~~(6) (b) 1.~~, participation in a supervised work program or other community service
5 work under par. (cg) or any combination of these penalties. In addition to any penalty
6 imposed under this subdivision, the violator's operating privilege shall be suspended
7 as provided under s. 343.30 (6) (b) 1.

8 2. For a violation committed within 12 months of a previous violation, either
9 a forfeiture of not less than \$300 nor more than \$500, suspension of the person's
10 ~~operating privilege as provided under s. 343.30 (6) (b) 2.,~~ participation in a

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1 supervised work program or other community service work under par. (cg) or any
2 combination of these penalties. In addition to any penalty imposed under this
3 subdivision, the violator's operating privilege shall be suspended as provided under
4 s. 343.30 (6) (b) 2.

5 3. For a violation committed within 12 months of 2 previous violations, either
6 a forfeiture of not less than \$500 nor more than \$750, ~~revocation of the person's~~
7 ~~operating privilege under s. 343.30 (6) (b) 3.,~~ participation in a supervised work
8 program or other community service work under par. (cg) or any combination of these
9 penalties. In addition to any penalty imposed under this subdivision, the violator's
10 operating privilege shall be revoked as provided under s. 343.30 (6) (b) 3.

11 4. For a violation committed within 12 months of 3 or more previous violations,
12 either a forfeiture of not less than \$750 nor more than \$1,000, ~~revocation of the~~
13 ~~person's operating privilege under s. 343.30 (6) (b) 3.,~~ participation in a supervised
14 work program or other community service work under par. (cg) or any combination
15 of these penalties. In addition to any penalty imposed under this subdivision, the
16 violator's operating privilege shall be revoked as provided under s. 343.30 (6) (b) 3.

17 **SECTION 2.** 125.07 (4) (c) 1., 2., 3. and 4. of the statutes are amended to read:

18 125.07 (4) (c) 1. For a first violation, a forfeiture of not less than \$100 nor more
19 than \$200, ~~suspension of the person's operating privilege as provided under s. 343.30~~
20 ~~(6) (b) 1.,~~ participation in a supervised work program or other community service
21 work under par. (cg) or any combination of these penalties. In addition to any penalty
22 imposed under this subdivision, the violator's operating privilege shall be suspended
23 as provided under s. 343.30 (6) (b) 1.

24 2. For a violation committed within 12 months of a previous violation, either
25 a forfeiture of not less than \$200 nor more than \$300, ~~suspension of the person's~~

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1 ~~operating privilege as provided under s. 343.30 (6) (b) 2.,~~ participation in a
2 supervised work program or other community service work under par. (cg) or any
3 combination of these penalties. In addition to any penalty imposed under this
4 subdivision, the violator's operating privilege shall be suspended as provided under
5 s. 343.30 (6) (b) 2.

6 3. For a violation committed within 12 months of 2 previous violations, either
7 a forfeiture of not less than \$300 nor more than \$500, ~~revocation of the person's~~
8 ~~operating privilege under s. 343.30 (6) (b) 3.,~~ participation in a supervised work
9 program or other community service work under par. (cg) or any combination of these
10 penalties. In addition to any penalty imposed under this subdivision, the violator's
11 operating privilege shall be revoked as provided under s. 343.30 (6) (b) 3.

12 4. For a violation committed within 12 months of 3 or more previous violations,
13 either a forfeiture of not less than \$500 nor more than \$1,000, ~~revocation of the~~
14 ~~person's operating privilege under s. 343.30 (6) (b) 3.,~~ participation in a supervised
15 work program or other community service work under par. (cg) or any combination
16 of these penalties. In addition to any penalty imposed under this subdivision, the
17 violator's operating privilege shall be revoked as provided under s. 343.30 (6) (b) 3.

18 **SECTION 3.** 125.07 (4) (e) 4. of the statutes is amended to read:

19 125.07 (4) (e) 4. If the defendant completes the alcohol abuse treatment
20 program or court-approved alcohol abuse education program, the approved
21 treatment facility or court-approved alcohol abuse education program shall, with
22 the written informed consent of the defendant, notify the agency primarily
23 responsible for providing services to the defendant that the defendant has complied
24 with the order and the court shall notify the defendant of whether or not the penalty
25 will be reinstated. ~~If the court had ordered the suspension of the defendant's~~

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1 ~~operating privilege under par. (bs) or (c), the court may order the secretary of~~
2 ~~transportation to reinstate the operating privilege of the defendant if he or she~~
3 ~~completes the alcohol abuse treatment program or court-approved alcohol abuse~~
4 ~~education program.~~

5 **SECTION 4.** 125.07 (4) (e) 5. of the statutes is amended to read:

6 125.07 (4) (e) 5. If an approved treatment facility or court-approved alcohol
7 abuse education program, with the written informed consent of the defendant,
8 notifies the agency primarily responsible for providing services to the defendant that
9 the defendant is not participating in the program or that the defendant has not
10 satisfactorily completed a recommended alcohol abuse treatment program or an
11 education program, the court shall hold a hearing to determine whether the
12 penalties under par. (bs) or (c) not involving an operating privilege should be
13 imposed.

14 **SECTION 5.** 125.085 (3) (bd) of the statutes is amended to read:

15 125.085 (3) (bd) Any underage person who violates par. (b) is subject to a
16 forfeiture of not less than \$100 nor more than \$500, ~~suspension of the person's~~
17 ~~operating privilege under s. 343.30 (6) (bm),~~ participation in a supervised work
18 program or other community service work under par. (bh) or any combination of
19 these penalties. In addition to any penalty imposed under this paragraph, the
20 underage person's operating privilege shall be suspended as provided in s. 343.30 (6)
21 (bm).

22 **SECTION 6.** 343.30 (6) (b) (intro.) of the statutes is amended to read:

23 343.30 (6) (b) (intro.) If Whenever a court imposes suspension or revocation of
24 a person's operating privilege under s. 125.07 (4) (bs) or (c) or 938.344 (2), (2b) or (2d),
25 the suspension or revocation imposed shall be one of the following:

SENATE BILL 251**SECTION 7**

1 **SECTION 7.** 343.30 (6) (b) 1., 2. and 3. of the statutes are amended to read:

2 343.30 **(6)** (b) 1. For a first violation, suspension for ~~30 to~~ 90 days.

3 2. For a violation committed within 12 months of a previous violation,
4 suspension for ~~not more than one year~~ 180 days.

5 3. For a violation committed within 12 months of 2 or more previous violations,
6 revocation for ~~not more than 2 years~~ 270 days.

7 **SECTION 8.** 343.30 (6) (bm) of the statutes is amended to read:

8 343.30 **(6)** (bm) If the court imposes a suspension of a person's operating
9 privilege under s. 125.085 (3) (bd), the suspension shall be for ~~30 to~~ 90 days.

10 **SECTION 9.** 343.30 (6) (d) of the statutes is amended to read:

11 343.30 **(6)** (d) If the person subject to suspension or revocation under this
12 subsection does not hold a valid license under this chapter other than a license under
13 s. 343.07 or 343.08 on the date of disposition, the suspension or revocation under par.
14 (b) shall commence on the date that such a license would otherwise be reinstated or
15 issued after the person applies and qualifies for issuance ~~or 2 years from the date of~~
16 ~~disposition, whichever occurs first.~~

17 **SECTION 10.** 938.344 (2) (a), (b) and (c) of the statutes are amended to read:

18 938.344 **(2)** (a) For a first violation, a forfeiture of not more than \$50,
19 ~~suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 1.~~
20 or the juvenile's participation in a supervised work program or other community
21 service work under s. 938.34 (5g). In addition to any penalty imposed under this
22 paragraph, the juvenile's operating privilege shall be suspended as provided in s.
23 343.30 (6) (b) 1.

24 (b) For a violation committed within 12 months of a previous violation, a
25 forfeiture of not more than \$100, ~~suspension of the juvenile's operating privilege as~~

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1 provided under s. 343.30 (6) (b) 2. or the juvenile's participation in a supervised work
2 program or other community service work under s. 938.34 (5g). In addition to any
3 penalty imposed under this paragraph, the juvenile's operating privilege shall be
4 suspended as provided in s. 343.30 (6) (b) 2.

5 (c) For a violation committed within 12 months of 2 or more previous violations,
6 a forfeiture of not more than \$500, ~~revocation of the juvenile's operating privilege as~~
7 ~~provided under s. 343.30 (6) (b) 3.~~ or the juvenile's participation in a supervised work
8 program or other community service work under s. 938.34 (5g). In addition to any
9 penalty imposed under this paragraph, the juvenile's operating privilege shall be
10 revoked as provided in s. 343.30 (6) (b) 3.

11 **SECTION 11.** 938.344 (2b) (a), (b) and (c) of the statutes are amended to read:

12 938.344 (2b) (a) For a first violation, a forfeiture of not less than \$250 nor more
13 than \$500, ~~suspension of the juvenile's operating privilege as provided under s.~~
14 ~~343.30 (6) (b) 1.~~ or the juvenile's participation in a supervised work program or other
15 community service work under s. 938.34 (5g). In addition to any penalty imposed
16 under this paragraph, the juvenile's operating privilege shall be suspended as
17 provided in s. 343.30 (6) (b) 1.

18 (b) For a violation committed within 12 months of a previous violation, a
19 forfeiture of not less than \$300 nor more than \$500, ~~suspension of the juvenile's~~
20 ~~operating privilege as provided under s. 343.30 (6) (b) 2.~~ or the juvenile's
21 participation in a supervised work program or other community service work under
22 s. 938.34 (5g). In addition to any penalty imposed under this paragraph, the
23 juvenile's operating privilege shall be suspended as provided in s. 343.30 (6) (b) 2.

24 (c) For a violation committed within 12 months of 2 or more previous violations,
25 a forfeiture of \$500, ~~revocation of the juvenile's operating privilege as provided under~~

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1 ~~s. 343.30 (6) (b) 3.~~ or the juvenile's participation in a supervised work program or
2 other community service work under s. 938.34 (5g). In addition to any penalty
3 imposed under this paragraph, the juvenile's operating privilege shall be revoked as
4 provided in s. 343.30 (6) (b) 3.

5 **SECTION 12.** 938.344 (2d) (a), (b) and (c) of the statutes are amended to read:

6 938.344 **(2d)** (a) For a first violation, a forfeiture of not less than \$100 nor more
7 than \$500, ~~suspension of the juvenile's operating privilege as provided under s.~~
8 ~~343.30 (6) (b) 1.~~ or the juvenile's participation in a supervised work program or other
9 community service work under s. 938.34 (5g). In addition to any penalty imposed
10 under this paragraph, the juvenile's operating privilege shall be suspended as
11 provided in s. 343.30 (6) (b) 1.

12 (b) For a violation committed within 12 months of a previous violation, a
13 forfeiture of not less than \$300 nor more than \$500, ~~suspension of the juvenile's~~
14 ~~operating privilege as provided under s. 343.30 (6) (b) 2.~~ or the juvenile's
15 participation in a supervised work program or other community service work under
16 s. 938.34 (5g). In addition to any penalty imposed under this paragraph, the
17 juvenile's operating privilege shall be suspended as provided in s. 343.30 (6) (b) 2.

18 (c) For a violation committed within 12 months of 2 or more previous violations,
19 a forfeiture of \$500, ~~revocation of the juvenile's operating privilege as provided under~~
20 ~~s. 343.30 (6) (b) 3.~~ or the juvenile's participation in a supervised work program or
21 other community service work under s. 938.34 (5g). In addition to any penalty
22 imposed under this paragraph, the juvenile's operating privilege shall be revoked as
23 provided in s. 343.30 (6) (b) 3.

24 **SECTION 13. Initial applicability.**

