



**ASSEMBLY AMENDMENT 1,
TO 1999 SENATE BILL 125**

March 29, 2000 - Offered by Representatives STONE, FOTI and LADWIG.

1 At the locations indicated, amend the engrossed bill as follows:

2 **1.** Page 9, line 3: delete “2 3” and substitute “2”.

3 **2.** Page 11, line 10: after that line insert:

4 “**SECTION 21m.** 343.30 (1q) (b) 1. of the statutes is amended to read:

5 343.30 (1q) (b) 1. The Except as provided in subds. 3. and 4., the court shall
6 suspend or revoke the person’s operating privilege under this paragraph according
7 to the number of previous suspensions, revocations or convictions that would be
8 counted under s. 343.307 (1). Suspensions, revocations and convictions arising out
9 of the same incident shall be counted as one. If a person has a conviction, suspension
10 or revocation for any offense that is counted under s. 343.307 (1), that conviction,
11 suspension or revocation shall count as a prior conviction, suspension or revocation
12 under this subdivision.”.

13 **3.** Page 11, line 19: after that line insert:

1 **“SECTION 22m.** 343.30 (1q) (b) 4. of the statutes is amended to read:

2 343.30 (1q) (b) 4. Except as provided in subd. 4m., if the number of convictions
3 under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the total number of other
4 convictions, suspensions and revocations counted under s. 343.307 (1), equals 3 or
5 more, the court shall revoke the person’s operating privilege for not less than 2 years
6 nor more than 3 years. After the first 90 days of the revocation period, the person
7 is eligible for an occupational license under s. 343.10 if he or she has completed the
8 assessment and is complying with the driver safety plan ordered under par. (c).”.

9 **4.** Page 11, line 20: delete that line.

10 **5.** Page 12, line 5: delete that line and substitute “person has a total of one or
11 more prior convictions, suspensions or revocations, counting convictions under ss.
12 940.09 (1) and 940.25 in the person’s lifetime and other convictions, suspensions and
13 revocations”.

14 **6.** Page 12, line 22: after “has” insert “a total of”.

15 **7.** Page 12, line 23: delete that line and substitute “or more prior convictions,
16 suspensions or revocations, counting convictions under ss. 940.09 (1) and 940.25 in
17 the person’s lifetime and other convictions, suspensions and revocations counted
18 under”.

19 **8.** Page 13, line 19: after that line insert:

20 **“SECTION 34m.** 343.305 (10) (b) 1. of the statutes is amended to read:

21 343.305 (10) (b) 1. The Except as provided in subds. 3. and 4., the court shall
22 revoke the person’s operating privilege under this paragraph according to the
23 number of previous suspensions, revocations or convictions that would be counted
24 under s. 343.307 (2). Suspensions, revocations and convictions arising out of the

1 same incident shall be counted as one. If a person has a conviction, suspension or
2 revocation for any offense that is counted under s. 343.307 (2), that conviction,
3 suspension or revocation shall count as a prior conviction, suspension or revocation
4 under this subdivision.”.

5 **9.** Page 14, line 2: after that line insert:

6 “**SECTION 35m.** 343.305 (10) (b) 4. of the statutes is amended to read:

7 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions
8 under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the total number of other
9 convictions, suspensions and revocations counted under s. 343.307 (2), equals 3 or
10 more, the court shall revoke the person’s operating privilege for 3 years. After the
11 first 120 days of the revocation period, the person is eligible for an occupational
12 license under s. 343.10 if he or she has completed the assessment and is complying
13 with the driver safety plan.”.

14 **10.** Page 14, line 3: delete that line.

15 **11.** Page 14, line 9: delete “or seizure” and substitute “~~or seizure~~”.

16 **12.** Page 14, line 10: delete “equipping” and substitute “equipping”.

17 **13.** Page 14, line 10: after “used” insert “in the commission of the offense”.

18 **14.** Page 14, line 11: delete lines 11 to 13 and substitute “or if the court
19 requires that the person’s operating privilege for the operation of “Class D” vehicles
20 be restricted to operating “Class D” vehicles equipped with an ignition interlock
21 device. If the number of convictions under ss. 940.09 (1) and 940.25 in the lifetime
22 of the person whose operating privilege is revoked under sub. (10), plus the total
23 number of other convictions, suspensions and revocations counted under s. 343.307
24 (1), equals 2 or more, the procedure under s. 346.65 (6) shall be followed if”.

1 **15.** Page 14, line 14: after “used” insert “in the improper refusal”.

2 **16.** Page 14, line 15: after that line insert:

3 “**SECTION 39m.** 343.31 (3) (bm) 1. of the statutes is amended to read:

4 343.31 (3) (bm) 1. The Except as provided in subds. 3. and 4., the department
5 shall suspend or revoke the person’s operating privilege under this paragraph
6 according to the number of previous suspensions, revocations or convictions that
7 would be counted under s. 343.307 (1). Suspensions, revocations and convictions
8 arising out of the same incident shall be counted as one. If a person has a conviction,
9 suspension or revocation for any offense that is counted under s. 343.307 (1), that
10 conviction, suspension or revocation shall count as a prior conviction, suspension or
11 revocation under this subdivision.”.

12 **17.** Page 15, line 3: delete lines 3 to 12 and substitute:

13 “**SECTION 41m.** 343.31 (3) (bm) 4. of the statutes is amended to read:

14 343.31 (3) (bm) 4. Except as provided in subd. 4m., if the number of convictions
15 under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the total number of other
16 suspensions, revocations and convictions counted under s. 343.307 (1), equals 3 or
17 more, the department shall revoke the person’s operating privilege for not less than
18 2 years nor more than 3 years. If an Indian tribal court in this state revokes the
19 person’s privilege to operate a motor vehicle on tribal lands for not less than 2 years
20 nor more than 3 years for the conviction specified in par. (bm) (intro.), the department
21 shall impose the same period of revocation. After the first 90 days of the revocation
22 period, the person is eligible for an occupational license under s. 343.10.”.

23 **18.** Page 15, line 16: on lines 16 and 17, delete “prior”.

1 **19.** Page 15, line 19: delete “. Suspensions” and substitute “–Suspensions,
2 except that suspensions”.

3 **20.** Page 15, line 24: after “if the” insert “number of convictions under ss.
4 940.09 (1) and 940.25 in the person’s lifetime, plus the”.

5 **21.** Page 15, line 25: before “convictions” insert “other”.

6 **22.** Page 15, line 25: delete “(1)” and substitute “(1),”.

7 **23.** Page 16, line 6: after “if the” insert “number of convictions under ss. 940.09
8 (1) and 940.25 in the person’s lifetime, plus the”.

9 **24.** Page 16, line 7: before “convictions” insert “other”.

10 **25.** Page 16, line 7: delete “(1)” and substitute “(1),”.

11 **26.** Page 16, line 13: after “the” insert “number of convictions under ss. 940.09
12 (1) and 940.25 in the person’s lifetime, plus the”.

13 **27.** Page 16, line 13: after “revocations and” insert “other”.

14 **28.** Page 16, line 14: delete “(1)” and substitute “(1),”.

15 **29.** Page 16, line 23: delete the material beginning with that line and ending
16 with page 17, line 4.

17 **30.** Page 19, line 24: delete “prior”.

18 **31.** Page 20, line 3: delete lines 3 to 12 and substitute:

19 “**SECTION 54m.** 346.65 (2j) (c) of the statutes is amended to read:

20 346.65 **(2j)** (c) Except as provided in par. (d), shall be fined not less than \$600
21 nor more than \$2,000 and imprisoned for not less than 30 days nor more than one
22 year in the county jail if the ~~total of prior~~ number of convictions under ss. 940.09 (1)

1 and 940.25 in the person’s lifetime, plus the total number of other convictions,
2 suspensions and revocations counted under s. 343.307 (2), equals 3 or more.

3 **SECTION 55b.** 346.65 (2w) of the statutes is amended to read:

4 346.65 (2w) In determining the number of prior convictions for purposes of sub.
5 (2j), the court shall count convictions under ss. 940.09 (1) and 940.25 in the person’s
6 lifetime, plus other suspensions, revocations and convictions ~~that would be~~ counted
7 under s. 343.307 (2). Revocations, suspensions and convictions arising out of the
8 same incident or occurrence shall be counted as one. The time period shall be
9 measured from the dates of the refusals or violations which resulted in the
10 revocation, suspension or convictions. If a person has a conviction under s. 940.09
11 (1) or 940.25 in the person’s lifetime, or another suspension, revocation or conviction
12 for any offense that is counted under s. 343.307 (2), that suspension, revocation or
13 conviction shall count as a prior suspension, revocation or conviction under this
14 section.”.

15 **32.** Page 20, line 23: delete “that would be” and substitute “~~that would be,~~
16 counting convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus
17 other convictions, suspensions or revocations”.

18 **33.** Page 21, line 13: delete “that would be” and substitute “~~that would be,~~
19 counting convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus
20 other convictions, suspensions or revocations”.

21 **34.** Page 22, line 1: delete “as counted” and substitute “as counting convictions
22 under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus other convictions,
23 suspensions or revocations counted”.

1 **35.** Page 24, line 4: delete “as” and substitute “as counting convictions under
2 ss. 940.09 (1) and 940.25 in the person’s lifetime, plus other convictions, suspensions
3 or revocations”.

4 **36.** Page 24, line 24: delete the material beginning with that line and ending
5 with page 25, line 9.

6 **37.** Page 29, line 9: delete “as counted” and substitute “as counting convictions
7 under sub. (1) and s. 940.25 in the person’s lifetime plus other convictions,
8 suspensions or revocations counted”.

9 **38.** Page 29, line 16: delete “convictions, suspensions or revocations, as
10 counted” and substitute “prior convictions, suspensions and revocations, counting
11 convictions, under sub. (1) and s. 940.25 in the person’s lifetime plus other
12 convictions, suspensions or revocations counted”.

13 **39.** Page 29, line 23: delete “as counted” and substitute “as counting
14 convictions under this section and s. 940.09 (1) in the person’s lifetime plus other
15 convictions, suspensions or revocations counted”.

16 **40.** Page 30, line 5: delete “as counted” and substitute “counting convictions
17 under this section and s. 940.09 (1) in the person’s lifetime plus other convictions,
18 suspensions or revocations counted”.

19 **41.** Page 32, line 4: delete that line and substitute “and (c), 343.23 (2) (b),
20 343.30 (1q) (b) 1., 3. and 4., 343.305 (10) (b) 1., 3. and 4., 343.31 (3) (bm) 1. and 3.”.

21 **42.** Page 32, line 5: delete “and 5., 346.63 (2m),” and substitute “and 4.”.

22 **43.** Page 32, line 5: delete “(2c)”.

23 **44.** Page 32, line 6: after “(b)” insert “, (c)”.

