

**1999 DRAFTING REQUEST****Assembly Substitute Amendment (ASA-AB238)**Received: **04/20/99**Received By: **nelsorp1**Wanted: **As time permits**

Identical to LRB:

For: **DuWayne Johnsrud (608) 266-3534**By/Representing: **Louis S.**This file may be shown to any legislator: **NO**Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Drunk Driving - penalties**

Extra Copies:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Prohibit alcohol consumption after being driver in a serious accident

---

**Instructions:**

Make drinking within 3 hours after driver in accident involving injury or death an offense, but not an OWI violation. Penalty should be same as a class B misdemeanor. Do not include intent-obstruction of evidence of OWI.

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	nelsorp1 04/21/99	ygeller 04/21/99	martykr 04/22/99	_____	lrb_docadmin 04/22/99	lrb_docadmin 04/22/99	
				_____	lrb_docadmin 04/22/99		
/1	nelsorp1 04/27/99	ygeller 04/27/99	jfrantze 04/27/99	_____	lrb_docadmin 04/27/99	lrb_docadmin 04/27/99	

FE Sent For:

&lt;END&gt;

4/22/99 11:51:41 AM

Page 1

**1999 DRAFTING REQUEST****Assembly Substitute Amendment (ASA-AB238)**

Received: 04/20/99

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: DuWayne Johnsrud (608) 266-3534

By/Representing: Louis S.

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Drunk Driving - penalties

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Prohibit alcohol consumption after being driver in a serious accident

**Instructions:**

Make drinking within 3 hours after driver in accident involving injury or death an offense, but not an OWI violation. Penalty should be same as a class B misdemeanor. Do not include intent-obstruction of evidence of OWI.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	nelsorp1 04/21/99	jgeller 04/21/99 1 4 1/2 jg	martykr 04/22/99	_____	lrb_docadmin 04/22/99	lrb_docadmin 04/22/99	
				_____	lrb_docadmin 04/22/99		
				_____			

FE Sent For:

6/4/27  
6/1/99  
END

not Jacketed

4/20/99 3:37:11 PM

Page 1

**1999 DRAFTING REQUEST****Assembly Substitute Amendment (ASA-AB238)**

Received: 04/20/99

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: DuWayne Johnsrud (608) 266-3534

By/Representing: Louis S.

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Drunk Driving - penalties

Extra Copies: PEN

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Prohibit alcohol consumption after being driver in a serious accident

---

**Instructions:**

Make drinking within 3 hours after driver in accident involving injury or death an offense, but not an OWI violation. Penalty should be same as a class B misdemeanor. Do not include intent-obstruction of evidence of OWI.

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1	1/01 4/21 jlg	4/21 jlg	4/21 jlg	4/21 jlg		

FE Sent For:

&lt;END&gt;



5004 4/21  
State of Wisconsin  
1999 - 2000 LEGISLATURE

D-note

LRBs0043/P1

RPN.....

jl9

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 1999 ASSEMBLY BILL 238

gen cat

1 AN ACT ...; relating to: the consumption of alcohol after a traffic accident.

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

2 SECTION 1. 346.705 of the statutes is created to read:

3 346.705 Consumption of alcohol after an accident prohibited. (1) The  
4 operator of a motor vehicle who was involved in an accident that is reportable under  
5 s. 346.70 (1) may not consume alcohol within <sup>3</sup> ~~three~~ hours after that accident.

6 SECTION 2. 346.74 (6) of the statutes is created to read:

7 346.74 (6) <sup>Any</sup> ~~who~~ person violating s. 346.705 shall be fined not more than \$1,000  
8 or imprisoned <sup>for</sup> ~~not more~~ 90 days, <sup>than or</sup> ~~or~~ both.

9 SECTION 3. Initial applicability.

10 (1) This act first applies to accidents occurring on the effective date of this  
11 subsection.

**SECTION 4. Effective date.**

(1) This act takes effect on the first day of the <sup>3rd</sup>~~8th~~ month beginning after  
publication. ✓

(END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0043/P1dn

RPN.....  
JLg

This draft is based on discussions I had with Louis Schubert of Senator Drzewiecki's office. I prepared the draft as a preliminary draft so you could review it to make sure it meets your intent. After reviewing the draft, call me with any suggestions and I will prepare an introducible draft.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0043/P1dn  
RPN;jlg:km

April 21, 1999

This draft is based on discussions I had with Louis Scrubber of Senator Drzewiecki's office. I prepared the draft as a preliminary draft so you could review it to make sure it meets your intent. After reviewing the draft, call me with any suggestions and I will prepare an introducible draft.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511



5004 4/27  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBs0043/BR  
RPN;jlg:km

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 1999 ASSEMBLY BILL 238

Regen

1 AN ACT *to create* 346.705 and 346.74 (6) of the statutes; **relating to:** the  
2 consumption of alcohol after a traffic accident, *and providing a penalty*

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

3 SECTION 1. 346.705 of the statutes is created to read:

4 **346.705 Consumption of alcohol after an accident prohibited.** ~~4~~ The  
5 operator of a motor vehicle who was involved in an accident that is reportable under  
6 s. 346.70 (1) may not consume alcohol within 3 hours after that accident.

7 SECTION 2. 346.74 (6) of the statutes is created to read:

8 346.74 (6) Any person violating s. 346.705 shall be fined not more than \$1,000  
9 or imprisoned for not more than 90 days ~~or both.~~

10 SECTION 3. **Initial applicability.**



(1) This act first applies to accidents occurring on the effective date of this subsection.

**SECTION 4. Effective date.**

(1) This act takes effect on the first day of the 3rd month beginning after publication.

**(END)**