

1999 Assembly Bill 668

Date of enactment: **May 9, 2000**
Date of publication*: **May 23, 2000**

1999 WISCONSIN ACT 143

AN ACT to repeal 343.31 (1) (f); and to amend 343.30 (1g) (b), 343.31 (1) (hm), 343.38 (1) (c) 2. d., 343.44 (2) (am), 343.44 (2) (b) and 343.44 (2r) of the statutes; **relating to:** counting prior offenses of, and penalties for, operating a motor vehicle with an operating privilege that is suspended or revoked, or of operating a commercial motor vehicle while disqualified or ordered out of service.

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

SECTION 1. 343.30 (1g) (b) of the statutes, as affected by 1997 Wisconsin Act 84, is amended to read:

343.30 (1g) (b) A court shall revoke a person's operating privilege upon the person's conviction for violating s. 343.44 (1) (a), (b) or (d) or a local ordinance in conformity therewith if the person has been convicted of 3 or more prior violations of s. 343.44 (1) (a), (b) or (d), or similar violations under s. 343.44 (1), 1997 stats., or a local ordinance in conformity therewith, within the 5-year period preceding the violation. The revocation shall be for a period of 6 months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.

SECTION 2. 343.31 (1) (f) of the statutes is repealed.

SECTION 3. 343.31 (1) (hm) of the statutes, as created by 1997 Wisconsin Act 84, is amended to read:

343.31 (1) (hm) A violation of s. 343.44 (1) (a), (b) or (d), or a local ordinance in conformity therewith, if the person has been convicted of 3 or more prior violations of s. 343.44 (1) (a), (b) or (d), or similar violations under s. 343.44 (1), 1997 stats., or a local ordinance in confor-

mity therewith within the 5-year period preceding the violation. Revocation under this paragraph shall be for a period of 6 months unless a lesser period of revocation is ordered under s. 343.30 (1g) (b).

SECTION 4. 343.38 (1) (c) 2. d. of the statutes, as created by 1997 Wisconsin Act 84, is amended to read:

343.38 (1) (c) 2. d. Reinstatement of an operating privilege revoked under s. 343.31 (1) (b) or (2) if, within the 5-year period preceding the violation, the person has not been convicted of a prior offense that may be counted under s. 343.307 (2) and if, within the 10-year period preceding the violation, the person has not been convicted of 2 or more prior offenses that may be counted under s. 343.307 (2).

SECTION 5. 343.44 (2) (am) of the statutes, as affected by 1997 Wisconsin Act 84 and 1999 Wisconsin Act 9, is amended to read:

343.44 (2) (am) Any person who violates sub. (1) (b) before May 1, 2002, may be required to forfeit not more than \$600, except that, if the person has been convicted of a previous violation ~~described in~~ of sub. (1) (b), or of operating a motor vehicle in violation of s. 343.44 (1), 1997 stats., with an operating privilege that is revoked, within the preceding 5-year period, the penalty under par. (b) shall apply.

* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 6. 343.44 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 84, is amended to read:

343.44 (2) (b) Except as provided in par. (am), any person who violates sub. (1) (b), (c) or (d) shall be fined not more than \$2,500 or imprisoned for not more than one year in the county jail or both. In imposing a sentence under this paragraph, or a local ordinance in conformity with this paragraph, the court shall review the record and consider the following:

SECTION 7. 343.44 (2r) of the statutes, as affected by 1997 Wisconsin Act 84, is amended to read:

343.44 (2r) PRIOR CONVICTIONS. For purposes of determining prior convictions under this section, the 5-year period shall be measured from the dates of the

violations that resulted in the convictions and each conviction under sub. (2) shall be counted. Convictions of s. 343.44 (1), 1997 stats., other than for operating a commercial motor vehicle while ordered out-of-service shall be counted under this section as prior convictions.

SECTION 8. Initial applicability.

(1) The treatment of section 343.44 (2) (b) of the statutes first applies to motor vehicles operated on the effective date of this subsection.

SECTION 9. Effective date.

(1) This act takes effect on May 1, 2001, or on the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under section 85.515 of the statutes, whichever is earlier.