

2001 ASSEMBLY BILL 777

February 7, 2002 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 342.12 (4) (b) of the statutes; **relating to:** prohibiting the
2 issuance of certificates of title transferring motor vehicle ownership in certain
3 cases involving a refusal to take a test to determine an individual's blood alcohol
4 concentration (suggested as remedial legislation by the department of
5 transportation).

Analysis by the Legislative Reference Bureau

Under current law, if a person arrested for operating a motor vehicle while under the influence of an intoxicant (OWI) refuses to take a test to determine the amount of alcohol in his or her blood or breath, the law enforcement officer who requested the test takes possession of the person's license, prepares a notice of intent to revoke the person's operating privilege, and gives a copy of the notice to the person, the circuit court, the district attorney, and the department of transportation (DOT). If the person has three or more prior OWI-related convictions, suspensions, or revocations, DOT is generally prohibited from issuing a certificate of title transferring ownership of a motor vehicle if the vehicle is owned by the person and involved in the violation.

1999 Wisconsin Act 109 inadvertently increased the number of prior OWI-related convictions, suspensions, or revocations for this purpose from two to three. This bill restores two prior OWI-related convictions, suspensions, or revocations for purposes of DOT withholding the issuance of certificates of title in these cases.

ASSEMBLY BILL 777

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the the department of transportation and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. This bill is introduced by the law revision committee under s. 13.83 (1) (c), stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 342.12 (4) (b) of the statutes, as affected by 1999 Wisconsin Act 109,
2 is amended to read:

3 342.12 (4) (b) Except as provided under par. (c), the department may not issue
4 a certificate of title transferring ownership of the motor vehicle owned by a person
5 and involved in the violation upon receipt of a notice of intent to revoke the person's
6 operating privilege under s. 343.305 (9) (a), if the person has ~~3~~ 2 or more prior
7 convictions, suspensions, or revocations, as counted under s. 343.307 (1), until the
8 court assigned to the hearing under s. 343.305 (9) issues an order permitting the
9 department to issue a certificate of title.

NOTE: Under current law, if a person who is arrested for operating a motor vehicle while under the influence of an intoxicant (OWI) refuses to take a test to determine the amount of alcohol in the person's blood or breath, the law enforcement officer must take possession of the person's license and prepare a notice of intent to revoke the person's operating privilege. That notice must be sent to the department of transportation (DOT), among others. If the person has three or more OWI-related convictions, revocations, or suspensions, DOT is then prohibited from issuing a certificate of title transferring ownership of the person's motor vehicle.

The number of prior OWI-related convictions, revocations, or suspensions was inadvertently increased from two to three by 1999 Act 109. Section 1 restores the requirement of two OWI-related convictions, revocations, or suspensions.

10 **SECTION 2. Initial applicability.**

