

2001 DRAFTING REQUEST

Bill

Received: 01/12/2001

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Etzler

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Alt. Drafters:

Subject: **Drunk Driving - penalties**
Drunk Driving - refusals
Transportation - driver licenses

Extra Copies: **TNF, ARG,RPN**

Pre Topic:

DOA:.....Etzler -

Topic:

Occupational drivers' licenses for persons convicted of OWI or improper refusal

Instructions:

after 2d offense, no occupational license for one year after suspension or revocation of operating privilege

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> |
|--------------|-----------------------|------------------------|------------------------|----------------|----------------------------|-----------------|-----------------|
| /1 | phurley 01/16/2001 | csicilia 01/16/2001 | ismith 01/16/2001 | _____ | lrb_docadmin 01/17/2001 | | State |
| /2 | phurley 02/05/2001 | csicilia 02/05/2001 | rschluet 02/05/2001 | _____ | lrb_docadmin 02/05/2001 | | State |

FE Sent For:

<END>

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| /1 | phurley 01/16/2001 | csicilia 01/16/2001 | ismith 01/16/2001 | | lrb_docadmin 01/17/2001 | | State |

FE Sent For:

1/2 cjs 2/5
01 2-5-1 P 6 2-5-1
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|--------------|----------------|-----------------|---------------|------------------|------------------|-----------------|-----------------|
| 1? | phurley | 1 gjs 1/16/01 | IS 1/16/01 | IS/KF 1/16/01 | | | State |

FE Sent For:

<END>

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY



Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: January 12, 2001
To: Steve Miller, LRB
From: John M. Etzler, DOA *JME*
266-1039
Subject: Department of Transportation Statutory Language

I am forwarding statutory language changes that we would like to have drafted for inclusion in the Department of Transportation's budget.

1. The intent of these two changes to the state's operating while intoxicated (OWI) laws is to ensure Wisconsin's compliance with federal guidelines for repeat OWI offenders:
 - (a) Require the suspension of an individual's driver's license for 2 or more OWI offenses.
 - (b) Require the impoundment or the installation of an immobilization device in an individual's vehicle for 2 or more OWI offenses.

Thanks.

1-12-01 t/c to John re: 1(a) - no occupational license for 1 year for repeat OWI offenders



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2018/1

PJH:/:....

ej5

DOA:.....Etzler – Occupational drivers licenses for persons convicted of OWI or improper refusal

FOR 2001-03 BUDGET – NOT READY FOR INTRODUCTION

San 1-16-01
D. Note

D. NOT GEN

1

AN ACT...; relating to: application for occupational drivers licenses.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, if a person is convicted of an offense related to operating a motor vehicle while under the influence of an intoxicant, controlled substance, or other drug (OWI), or is found to have improperly refused to submit to a test to determine his or her blood alcohol concentration, the person's motor vehicle operating privilege is suspended or revoked for a certain period of time, depending on the number of the person's prior OWI-related convictions, suspensions, or revocations that are counted when determining the applicable penalty. A person whose operating privilege is suspended or revoked is eligible to apply for an occupational driver's license after a waiting period of not less than 30 days nor more than 120 days, ~~except that~~ a person who has no prior OWI-related convictions, suspensions, or revocations is eligible to apply immediately.

This bill provides that when a person commits a second or subsequent OWI offense or improper refusal, the waiting period for an occupational license is one year.

STET

to apply for

driver's

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. 343.30 (1q) (b) 3. of the statutes is amended to read:

2 343.30 (1q) (b) 3. 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) within a
5 10-year period, equals 2, the court shall revoke the person's operating privilege for
6 not less than one year nor more than 18 months. ~~After the first 60 days year of the~~
7 ~~revocation period~~ After one year of a revocation period of more than one year has
8 elapsed , the person is eligible for an occupational license under s. 343.10 if he or she
9 has completed the assessment and is complying with the driver safety plan ordered
10 under par. (c).

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; s. 13.93 (2) (c).

11 SECTION 2. 343.30 (1q) (b) 4. of the statutes is amended to read:

12 343.30 (1q) (b) 4. Except as provided in subd. 4m., if the number of convictions
13 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
14 convictions, suspensions and revocations counted under s. 343.307 (1), equals 3 or
15 more, the court shall revoke the person's operating privilege for not less than 2 years
16 nor more than 3 years. ~~After the first 90 days one year~~ of the revocation period has
17 elapsed, the person is eligible for an occupational license under s. 343.10 if he or she
18 has completed the assessment and is complying with the driver safety plan ordered
19 under par. (c).

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; s. 13.93 (2) (c).

1 **SECTION 3.** 343.305 (10) (b) 3. of the statutes is amended to read:

2 343.305 (10) (b) 3. 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 (2) within a
5 10-year period, equals 2, the court shall revoke the person's operating privilege for
6 2 years. After the ~~first 90 days~~ one year of the revocation period has elapsed, the
7 person is eligible for an occupational license under s. 343.10 if he or she has
8 completed the assessment and is complying with the driver safety plan.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109.

9 **SECTION 4.** 343.305 (10) (b) 4. of the statutes is amended to read:

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

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109.

17 **SECTION 5.** 343.31 (3) (bm) 3. of the statutes is amended to read:

18 343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of convictions
19 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of
20 suspensions, revocations and other convictions counted under s. 343.307 (1) within
21 a 10-year period, equals 2, the department shall revoke the person's operating
22 privilege for not less than one year nor more than 18 months. If an Indian tribal court
23 in this state revokes the person's privilege to operate a motor vehicle on tribal lands

1 for not less than one year nor more than 18 months for the conviction specified in par.
2 (bm) (intro.), the department shall impose the same period of revocation. ~~After the~~
3 ~~first 60 days of the revocation period~~ After one year of a revocation period of more
4 than one year has elapsed, the person is eligible for an occupational license under
5 s. 343.10.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293
s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; s. 13.93 (2) (c).

6 **SECTION 6.** 343.31 (3) (bm) 4. of the statutes is amended to read:

7 343.31 (3) (bm) 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 suspensions, revocations and convictions counted under s. 343.307 (1), equals 3 or
10 more, the department shall revoke the person's operating privilege for not less than
11 2 years nor more than 3 years. If an Indian tribal court in this state revokes the
12 person's privilege to operate a motor vehicle on tribal lands for not less than 2 years
13 nor more than 3 years for the conviction specified in par. (bm) (intro.), the department
14 shall impose the same period of revocation. ~~After the first 90 days~~ one year of the
15 revocation period has elapsed, the person is eligible for an occupational license under
16 s. 343.10.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293
s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; s. 13.93 (2) (c).

17 **SECTION 7.** 343.31 (3m) (a) of the statutes is amended to read:

18 343.31 (3m) (a) Any person who has his or her operating privilege revoked
19 under sub. (3) (c) or (f) is eligible for an occupational license under s. 343.10 after the
20 first 120 days of the revocation period, except that if a person has a conviction,
21 suspension, or revocation for any offense that is counted under s. 343.307 (1), the

1 person is eligible for an occupational license under s. 343.10 after one year of the
2 revocation period has elapsed.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; s. 13.93 (2) (c).

3 **SECTION 8. 343.31 (3m) (b) of the statutes is amended to read:**

4 **343.31 (3m) (b)** Any person who has his or her operating privilege revoked
5 under sub. (3) (e) is eligible for an occupational license under s. 343.10 after the first
6 60 days of the revocation period, except that if a person has a conviction, suspension,
7 or revocation for any offense that is counted under s. 343.307 (1), the person is eligible
8 for an occupational license under s. 343.10 after one year of the revocation period has
9 elapsed.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; s. 13.93 (2) (c).

10 **SECTION 9352. Initial applicability; transportation**

11 **(1) OCCUPATIONAL LICENSE ELIGIBILITY.** The treatment of sections 343.30 (1q) (b)
12 3. and 4., 343.305 (10) (b) 3. and 4., 343.31 (3) (bm) 3. and 4. and 343.31 (3m) (a) and
13 (b) of the statutes first applies to violations committed or refusals occurring on the
14 effective date of this subsection, but does not preclude the counting of other
15 convictions, suspensions, or revocations as prior convictions, suspensions, or
16 revocations for purposes of administrative action by the department of
17 transportation, sentencing by a court, or revocation or suspension of motor vehicle
18 operating privileges.

19 **SECTION 9452. Effective dates; transportation**

20 (1) OCCUPATIONAL LICENSE ELIGIBILITY. The treatment of sections 343.30 (1q) (b)
21 3. and 4., 343.305 (10) (b) 3. and 4., 343.31 (3) (bm) 3. and 4. and 343.31 (3m) (a) and
22 (b) of the statutes and SECTION 9352 (1) of this act takes effect on January 1, 2002.

23

(END)

create
auto
ref
"A"

use
auto-ref
"A"

D. Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2018/1dn

PJH.....
/

gs

John Etzler:

Please note that minors and commercial drivers are subject to an "absolute sobriety" standard, meaning that they cannot have a blood alcohol concentration above 0.0. If a minor or a commercial driver refuses to be tested to determine his or her blood alcohol concentration, he or she would be subject to various penalties, including operating privilege suspension for a period of 6 months to 12 months. A person whose operating privileges are suspended for refusal is eligible to apply for an occupational license after 15 days. ✓

However, the refusal of a minor or a commercial driver to be tested to determine his or her blood alcohol concentration is not counted as a prior OWI-related offense. That is, under our statute a minor or a commercial driver cannot be a "repeat offender" for refusing to be tested for absolute sobriety. Therefore, this draft does not affect those refusals. ✓

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2018/1dn
PJH:cjs:ijs

January 16, 2001

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Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2018/12

PJH:cjs:ijs
redraft
already
isn

TODAY

DOA:.....Etzler – Occupational drivers’ licenses for persons convicted of OWI or improper refusal

FOR 2001-03 BUDGET NOT READY FOR INTRODUCTION

2-5-01
D-note
GEN

Do NOT

1 AN ACT...; relating to: application for occupational drivers’ licenses.

Analysis by the Legislative Reference Bureau

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DRIVERS AND MOTOR VEHICLES

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This bill provides that when a person commits a second or subsequent OWI offense or improper refusal, the waiting period to apply for an occupational driver’s license is one year.

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However,

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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4 convictions, suspensions and revocations counted under s. 343.307 (1) within a
5 10-year period, equals 2, the court shall revoke the person's operating privilege for
6 not less than one year nor more than 18 months. ~~After the first 60 days of the~~
7 ~~revocation period~~ After one year of a revocation period of more than one year has
8 elapsed, the person is eligible for an occupational license under s. 343.10 if he or she
9 has completed the assessment and is complying with the driver safety plan ordered
10 under par. (c).

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16 nor more than 3 years. ~~After the first 90 days~~ one year of the revocation period has
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19 under par. (c).

20 **SECTION 3.** 343.305 (10) (b) 3. of the statutes is amended to read:

1 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions
2 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
3 convictions, suspensions and revocations counted under s. 343.307 (2) within a
4 10-year period, equals 2, the court shall revoke the person's operating privilege for
5 2 years. After ~~the first 90 days~~ one year of the revocation period has elapsed, the
6 person is eligible for an occupational license under s. 343.10 if he or she has
7 completed the assessment and is complying with the driver safety plan.

8 **SECTION 4.** 343.305 (10) (b) 4. of the statutes is amended to read:

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

16 **SECTION 5.** 343.31 (3) (bm) 3. of the statutes is amended to read:

17 343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of convictions
18 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of
19 suspensions, revocations and other convictions counted under s. 343.307 (1) within
20 a 10-year period, equals 2, the department shall revoke the person's operating
21 privilege for not less than one year nor more than 18 months. If an Indian tribal court
22 in this state revokes the person's privilege to operate a motor vehicle on tribal lands
23 for not less than one year nor more than 18 months for the conviction specified in par.
24 (bm) (intro.), the department shall impose the same period of revocation. After the
25 ~~first 60 days of the revocation period~~ After one year of a revocation period of more

1 than one year has elapsed, the person is eligible for an occupational license under s.
2 343.10.

3 **SECTION 6.** 343.31 (3) (bm) 4. of the statutes is amended to read:

4 343.31 (3) (bm) 4. Except as provided in subd. 4m., if the number of convictions
5 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
6 suspensions, revocations and convictions counted under s. 343.307 (1), equals 3 or
7 more, the department shall revoke the person's operating privilege for not less than
8 2 years nor more than 3 years. If an Indian tribal court in this state revokes the
9 person's privilege to operate a motor vehicle on tribal lands for not less than 2 years
10 nor more than 3 years for the conviction specified in par. (bm) (intro.), the department
11 shall impose the same period of revocation. After ~~the first 90 days~~ one year of the
12 revocation period has elapsed, the person is eligible for an occupational license under
13 s. 343.10.

14 **SECTION 7.** 343.31 (3m) (a) of the statutes is amended to read:

15 343.31 (3m) (a) Any person who has his or her operating privilege revoked
16 under sub. (3) (c) or (f) is eligible for an occupational license under s. 343.10 after the
17 first 120 days of the revocation period, except that if a person has ~~a conviction,~~
18 ~~suspension or revocation~~ for any offense that is counted under s. 343.307 (1), the
19 person is eligible for an occupational license under s. 343.10 after one year of the
20 revocation period has elapsed.

one or more prior convictions, suspensions, or revocations ✓

21 **SECTION 8.** 343.31 (3m) (b) of the statutes is amended to read:

22 343.31 (3m) (b) Any person who has his or her operating privilege revoked
23 under sub. (3) (e) is eligible for an occupational license under s. 343.10 after the first
24 60 days of the revocation period, except that if a person has ~~a conviction, suspension,~~
25 ~~or revocation~~ for any offense that is counted under s. 343.307 (1), the person is eligible

one or more prior convictions, suspensions, or revocations ✓

1 for an occupational license under s. 343.10 after one year of the revocation period has
2 elapsed.

3 **SECTION 9352. Initial applicability; transportation**

4 (1) OCCUPATIONAL LICENSE ELIGIBILITY. The treatment of sections 343.30 (1q) (b)
5 3. and 4., 343.305 (10) (b) 3. and 4., 343.31 (3) (bm) 3. and 4. and 343.31 (3m) (a) and
6 (b) of the statutes first applies to violations committed or refusals occurring on the
7 effective date of this subsection, but does not preclude the counting of other
8 convictions, suspensions, or revocations as prior convictions, suspensions, or
9 revocations for purposes of administrative action by the department of
10 transportation, sentencing by a court, or revocation or suspension of motor vehicle
11 operating privileges.

12 **SECTION 9452. Effective dates; transportation**

13 (1) OCCUPATIONAL LICENSE ELIGIBILITY. The treatment of sections 343.30 (1q) (b)
14 3. and 4., 343.305 (10) (b) 3. and 4., 343.31 (3) (bm) 3. and 4. and 343.31 (3m) (a) and
15 (b) of the statutes and SECTION 9352 (1) of this act takes effect on January 1, 2002.

16 (END)

D-note

2018/2
PJH:cjs:

D-note

Etzler

John Etzler:

This draft is identical to LRB-2018/1₅
except that I have removed a typographical
error_e and added some language to clarify
the analysis and §. 343.31 (3m) (a) and (b).

Please let me know if you have any
questions.

Peggy Hurley

✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2018/2dn

PJH:cjs:rs

February 5, 2001

John Etzler:

This draft is identical to LRB-2018/1, except that I have removed a typographical error, and added some language to clarify the analysis and s. 343.31 (3m) (a) and (b). Please let me know if you have any questions.

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DOA:.....Etzler – Occupational drivers’ licenses for persons convicted of OWI
or improper refusal

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** application for occupational drivers’ licenses.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, if a person is convicted of an offense related to operating a motor vehicle while under the influence of an intoxicant, controlled substance, or other drug (OWI), or is found to have improperly refused to submit to a test to determine his or her blood alcohol concentration, the person’s motor vehicle operating privilege is suspended or revoked for a certain period of time, depending on the number of the person’s prior OWI-related convictions, suspensions, or revocations that are counted when determining the applicable penalty. A person whose operating privilege is suspended or revoked is eligible to apply for an occupational driver’s license after a waiting period of not less than 30 days nor more than 120 days, depending on the number of the person’s prior OWI-related convictions, suspensions, or revocations. However, a person who has no prior OWI-related convictions, suspensions, or revocations is eligible to apply immediately.

This bill provides that when a person commits a second or subsequent OWI offense or improper refusal, the waiting period to apply for an occupational driver’s license is one year.

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.** 343.30 (1q) (b) 3. of the statutes is amended to read:

2 343.30 (1q) (b) 3. 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) within a
5 10-year period, equals 2, the court shall revoke the person's operating privilege for
6 not less than one year nor more than 18 months. ~~After the first 60 days of the~~
7 ~~revocation period~~ After one year of a revocation period of more than one year has
8 elapsed, the person is eligible for an occupational license under s. 343.10 if he or she
9 has completed the assessment and is complying with the driver safety plan ordered
10 under par. (c).

11 **SECTION 2.** 343.30 (1q) (b) 4. of the statutes is amended to read:

12 343.30 (1q) (b) 4. Except as provided in subd. 4m., if the number of convictions
13 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
14 convictions, suspensions and revocations counted under s. 343.307 (1), equals 3 or
15 more, the court shall revoke the person's operating privilege for not less than 2 years
16 nor more than 3 years. ~~After the first 90 days~~ one year of the revocation period has
17 elapsed, the person is eligible for an occupational license under s. 343.10 if he or she
18 has completed the assessment and is complying with the driver safety plan ordered
19 under par. (c).

20 **SECTION 3.** 343.305 (10) (b) 3. of the statutes is amended to read:

1 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions
2 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
3 convictions, suspensions and revocations counted under s. 343.307 (2) within a
4 10-year period, equals 2, the court shall revoke the person's operating privilege for
5 2 years. After ~~the first 90 days~~ one year of the revocation period has elapsed, the
6 person is eligible for an occupational license under s. 343.10 if he or she has
7 completed the assessment and is complying with the driver safety plan.

8 **SECTION 4.** 343.305 (10) (b) 4. of the statutes is amended to read:

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

16 **SECTION 5.** 343.31 (3) (bm) 3. of the statutes is amended to read:

17 343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of convictions
18 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of
19 suspensions, revocations and other convictions counted under s. 343.307 (1) within
20 a 10-year period, equals 2, the department shall revoke the person's operating
21 privilege for not less than one year nor more than 18 months. If an Indian tribal court
22 in this state revokes the person's privilege to operate a motor vehicle on tribal lands
23 for not less than one year nor more than 18 months for the conviction specified in par.
24 (bm) (intro.), the department shall impose the same period of revocation. ~~After the~~
25 ~~first 60 days of the revocation period~~ After one year of a revocation period of more

1 than one year has elapsed, the person is eligible for an occupational license under s.
2 343.10.

3 **SECTION 6.** 343.31 (3) (bm) 4. of the statutes is amended to read:

4 343.31 (3) (bm) 4. Except as provided in subd. 4m., if the number of convictions
5 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
6 suspensions, revocations and convictions counted under s. 343.307 (1), equals 3 or
7 more, the department shall revoke the person's operating privilege for not less than
8 2 years nor more than 3 years. If an Indian tribal court in this state revokes the
9 person's privilege to operate a motor vehicle on tribal lands for not less than 2 years
10 nor more than 3 years for the conviction specified in par. (bm) (intro.), the department
11 shall impose the same period of revocation. After the first 90 days one year of the
12 revocation period has elapsed, the person is eligible for an occupational license under
13 s. 343.10.

14 **SECTION 7.** 343.31 (3m) (a) of the statutes is amended to read:

15 343.31 (3m) (a) Any person who has his or her operating privilege revoked
16 under sub. (3) (c) or (f) is eligible for an occupational license under s. 343.10 after the
17 first 120 days of the revocation period, except that if a person has one or more prior
18 convictions, suspensions, or revocations for any offense that is counted under s.
19 343.307 (1), the person is eligible for an occupational license under s. 343.10 after one
20 year of the revocation period has elapsed.

21 **SECTION 8.** 343.31 (3m) (b) of the statutes is amended to read:

22 343.31 (3m) (b) Any person who has his or her operating privilege revoked
23 under sub. (3) (e) is eligible for an occupational license under s. 343.10 after the first
24 60 days of the revocation period, except that if a person has one or more prior
25 convictions, suspensions, or revocations for any offense that is counted under s.

1 343.307 (1), the person is eligible for an occupational license under s. 343.10 after one
2 year of the revocation period has elapsed.

3 **SECTION 9352. Initial applicability; transportation**

4 (1) OCCUPATIONAL LICENSE ELIGIBILITY. The treatment of sections 343.30 (1q) (b)
5 3. and 4., 343.305 (10) (b) 3. and 4., and 343.31 (3) (bm) 3. and 4. and (3m) (a) and (b)
6 of the statutes first applies to violations committed or refusals occurring on the
7 effective date of this subsection, but does not preclude the counting of other
8 convictions, suspensions, or revocations as prior convictions, suspensions, or
9 revocations for purposes of administrative action by the department of
10 transportation, sentencing by a court, or revocation or suspension of motor vehicle
11 operating privileges.

12 **SECTION 9452. Effective dates; transportation**

13 (1) OCCUPATIONAL LICENSE ELIGIBILITY. The treatment of sections 343.30 (1q) (b)
14 3. and 4., 343.305 (10) (b) 3. and 4., and 343.31 (3) (bm) 3. and 4. and (3m) (a) and (b)
15 of the statutes and SECTION 9352 (1) of this act take effect on January 1, 2002.

16

(END)