

REPORT OF THE DEPARTMENT OF TRANSPORTATION
UNDER
WIS. STAT. 13.0965
FOR
2003 ASSEMBLY BILL 458
AND
2003 SENATE BILL 224

Wis. Stat. 13.0965 requires the Department of Transportation to review bills proposing the revocation of a motor vehicle operating privilege. Assembly Bill 458 was introduced August 4, 2003; and Senate Bill 224, August 6, 2003. Both bills propose to require the revocation of the operating privilege of any person convicted of operating a motor vehicle while having a detectable amount of a defined restricted controlled substance in his or her blood. The report is required to be submitted before any public hearing is held or before any vote is taken by either house. The report is required to state **“whether the bill is consistent with a policy of revoking an operating privilege only for traffic violations that are likely to result in death, personal injury or serious property damage.”** The statute requires this report to be printed as an appendix to the bill and distributed in the same manner as amendments.

Both bills create offenses for snowmobiles, ATVs, motorboats, and firearms, but only qualified motor vehicle traffic violation convictions require the revocation of the operating privilege. This limitation in the bills is consistent with a policy of revoking operating privileges only for traffic violations.

Both bills require revocation for operating a motor vehicle with any detectable amount of a defined restricted controlled substance in the blood. Some drivers are undoubtedly impaired by some amount of these restricted controlled substances so as their operation of a motor vehicle is likely to result in death, personal injury or serious property damage. Revocation under these circumstances is consistent with a policy of revoking only for traffic violations that are likely to result in death, personal injury or serious property damage. These drivers may be prosecuted under existing law.

Both bills also require revocation of the operating privilege for any detectable amount of a defined restricted controlled substance in the blood while operating a motor vehicle. The Department of Transportation is unaware of generally recognized minimum levels of restricted controlled substances in the blood above which a person's ability to safely operate a motor vehicle is impaired. To the extent some drivers may not necessarily be impaired by the level of restricted controlled substances detected in their blood, the revocation requirement in the bills may not be consistent with the policy. Correlating blood levels of certain restricted controlled substances with specific driving impairment problems may not yet be possible.

Dated: August 21, 2003