

2003 DRAFTING REQUEST

Senate Amendment (SA-AB88)

Received: 06/04/2003

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Steven Foti (608) 266-2401

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: **Drunk Driving - penalties**

Extra Copies:

Submit via email: YES

Requester's email: **Rep.Foti@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Penalties for 0.08 to 0.099

Instructions:

See Attached

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	kgilfoy	rschluet	_____	lemery	lemery	
	06/04/2003	06/04/2003	06/05/2003	_____	06/05/2003	06/05/2003	
	phurley	kgilfoy		_____			
	06/11/2003	06/11/2003		_____			
/2			rschluet	_____	sbasford	sbasford	
			06/11/2003	_____	06/11/2003	06/11/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

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FE Sent For:

12-6/11
KMG

[Handwritten Signature] pb

<END>

6-11-3

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/1	phurley	12-6/4 Kmp					
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FE Sent For:

6-5-3

<END>

Hurley, Peggy

From: Polzin, Cindy
Sent: Wednesday, June 04, 2003 9:09 AM
To: Hurley, Peggy
Subject: .08 amendment

Hi Peggy,

Per our phone conversation yesterday, I am requesting a SENATE amendment to AB 88 as passed by the Assembly making sure the following are in place:

**NO assessments of any sort (classes, etc) between .08 - .099
NO surcharges between .08 - .099 (addressing the statute cited yesterday)**

Thank you for your assistance with this. This is a RUSH as the Senate Committee on Transportation and Infrastructure may want to take this up as early as tomorrow or Friday. If you have any questions, please feel free to call.

**Thanks again,
Cindy**

**Cindy Polzin
Office of Majority Leader Steve Foti
215W State Capitol
(608) 266-8551**



PJH:.....
King

**SENATE AMENDMENT ,
TO 2003 ASSEMBLY BILL 88**

by 6-5-03 noon

reengrossed

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At the locations indicated, amend the bill as follows:

- ✓ 1. Page 4, line 16: delete "between 0.08 and 0.099" and substitute "of 0.08 or more but less than 0.1".
- ✓ 2. Page 4, line 24: delete "between" and substitute "of".
- ✓ 3. Page 4, line 25: delete "and 0.099" and substitute "or more but less than 0.1".
- ✓ 4. Page 5, line 21: delete "between 0.08 and 0.099" and substitute "of 0.08 or more but less than 0.1".

✓ 5. Page 6, line 10: after that line insert:

"SECTION 10r. 343.30 (1q) (c) 1. (intro.) of the statutes is amended to read:

343.30 (1q) (c) 1. (intro.) Except as provided in subd. 1. a. or b., and except for
a first violation of ^{s.}346.63 (1) (b), if the person who committed the violation had a blood
alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,
 the court shall order the person to submit to and comply with an assessment by an

1 approved public treatment facility as defined in s. 51.45 (2) (c) for examination of the
 2 person's use of alcohol, controlled substances or controlled substance analogs and
 3 development of a driver safety plan for the person. The court shall notify the
 4 department of transportation of the assessment order. The court shall notify the
 5 person that noncompliance with assessment or the driver safety plan will result in
 6 revocation of the person's operating privilege until the person is in compliance. The
 7 assessment order shall:".

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; 2001 a. 15, 16, 38.

8 ✓ **6.** Page 7, line 6: after that line insert:

9 "SECTION 14m. 346.655 (1) of the statutes is amended to read:

10 346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63
 11 (1) or (5), except for a first violation of ^{s.} 346.63 (1) (b), if the person who committed the
 12 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
 13 time of the violation, or a local ordinance in conformity therewith, or s. 346.63 (2) or
 14 (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall
 15 impose a driver improvement surcharge in an amount of \$355 in addition to the fine
 16 or forfeiture, penalty assessment, jail assessment, crime laboratories and drug law
 17 enforcement assessment, and, if required by s. 349.04, truck driver education
 18 assessment.".

History: 1981 c. 20; 1981 c. 314; 1983 a. 27 s. 2202 (20); 1985 a. 29, 367; 1987 a. 3, 27, 399; 1989 a. 31, 105; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 109; 1999 a. 150 s. 672; 2001 a. 16, 104.

19 ✓ **7.** Page 8, lines 6 and 18 ^{line 6: on} delete "between 0.08 and 0.099" and substitute "of
 20 0.08 or more but less than 0.1".

21 ✓ **8.** Page 8, line 25: delete "between" and substitute "of".

22 ✓ **9.** Page 9, line 1: delete "and 0.099" and substitute "or more but less than 0.1".

line 8: on -3-

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✓ **10.** Page 9, lines 8 and 16 delete “between 0.08 and 0.099” and substitute “of 0.08 or more but less than 0.1”.

✓ **11.** Page 10, line 1: delete “between 0.08 and 0.099” and substitute “of 0.08 or more but less than 0.1”.



SENATE AMENDMENT,
TO 2003 ASSEMBLY BILL 88

✓ #. Page 5, line 22: after "license," insert "if the violation was not committed by a person operating a commercial motor vehicle."

1 At the locations indicated, amend the engrossed bill as follows:

2 1. Page 4, line 16: delete "between 0.08 and 0.099" and substitute "of 0.08 or
3 more but less than 0.1".

4 2. Page 4, line 24: delete "between" and substitute "of".

5 3. Page 4, line 25: delete "and 0.099" and substitute "or more but less than 0.1".

6 4. Page 5, line 21: delete "between 0.08 and 0.099" and substitute "of 0.08 or
7 more but less than 0.1".

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12 blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
13 violation, the court shall order the person to submit to and comply with an

1 assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) for
2 examination of the person's use of alcohol, controlled substances or controlled
3 substance analogs and development of a driver safety plan for the person. The court
4 shall notify the department of transportation of the assessment order. The court
5 shall notify the person that noncompliance with assessment or the driver safety plan
6 will result in revocation of the person's operating privilege until the person is in
7 compliance. The assessment order shall:".

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12 the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at
13 the time of the violation, or a local ordinance in conformity therewith, or s. 346.63
14 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall
15 impose a driver improvement surcharge in an amount of \$355 in addition to the fine
16 or forfeiture, penalty assessment, jail assessment, crime laboratories and drug law
17 enforcement assessment, and, if required by s. 349.04, truck driver education
18 assessment."

19 **7.** Page 8, line 6: on lines 6 and 18, delete "between 0.08 and 0.099" and
20 substitute "of 0.08 or more but less than 0.1".

21 **8.** Page 8, line 25: delete "between" and substitute "of".

22 **9.** Page 9, line 1: delete "and 0.099" and substitute "or more but less than 0.1".

23 **10.** Page 9, line 8: on lines 8 and 16, delete "between 0.08 and 0.099" and
24 substitute "of 0.08 or more but less than 0.1".

