

2005 ASSEMBLY BILL 450

June 1, 2005 – Introduced by Representatives GUNDRUM, KERKMAN, HAHN, LEMAHIEU, MURSAU, JESKEWITZ, HINES, VOS, LOTHIAN, MONTGOMERY and ZEPNICK, cosponsored by Senators ROESSLER, GROTHMAN and LEIBHAM. Referred to Committee on State Affairs.

1 **AN ACT to amend** 343.32 (2) (a), 343.32 (2) (bj) and 346.65 (2q) of the statutes;
2 **relating to:** absolute sobriety for operators of motor vehicles who have not
3 attained the legal drinking age and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who is under the legal drinking age may not drive or operate a motor vehicle with an alcohol concentration above 0.0. A person who does so is required to forfeit \$10 and his or her operating privileges are suspended for three months or, if there was a minor under the age of 16 present in the motor vehicle at the time of the offense, the person is required to forfeit \$20 and his or her operating privileges are suspended for six months. Currently, the Department of Transportation (DOT) does not assess demerit points against the driver's license of a person who has not attained the legal drinking age if he or she is found to have driven or operated a motor vehicle with an alcohol concentration above 0.0.

This bill increases the forfeiture amount for a person who is under the legal drinking age and who drives or operates a motor vehicle with an alcohol concentration above 0.0 to \$200, and to \$400 if a minor under the age of 16 was present in the motor vehicle at the time of the offense. The period of license suspension remains the same under the bill, but the bill requires DOT to assess four demerit points for each violation.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state and local* 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.** 343.32 (2) (a) of the statutes is amended to read:

2 343.32 (2) (a) The secretary may suspend a person's operating privilege if the
3 person appears by the records of the department to be a habitually reckless or
4 negligent operator of a motor vehicle or to have repeatedly violated any of the state
5 traffic laws, any local ordinance enacted under ch. 349 or any traffic laws enacted by
6 a federally recognized American Indian tribe or band in this state if the tribal traffic
7 laws violated strictly conform to provisions in chs. 341 to 348 or, if the offense
8 occurred on a federal military installation located in this state, any federal law which
9 is in strict conformity with a state traffic law. For the purpose of determining when
10 to suspend an operating privilege under this subsection, the secretary may
11 determine and adopt by rule a method of weighing traffic convictions or violations
12 by their seriousness and may, subject to the limitations in this subsection, change
13 such weighted scale as experience or the accident frequency in the state makes
14 necessary or desirable.

15 **SECTION 2.** 343.32 (2) (bj) of the statutes is amended to read:

16 343.32 (2) (bj) The scale adopted by the secretary shall assess, for each
17 conviction or determination of a violation, 6 demerit points for a violation of s. 346.63
18 (6), 4 demerit points for a violation of s. 346.63 (2m), and 3 demerit points for a
19 violation of s. 346.63 (7) (a) 3. The scale adopted by the secretary shall not assess any
20 demerit points for conviction of a violation of s. 346.63 (5) or (7) (a) 1. or 2.

21 **SECTION 3.** 346.65 (2q) of the statutes is amended to read:

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1 346.65 **(2q)** Any person violating s. 346.63 (2m) shall forfeit \$10 \$200. If there
2 was a minor passenger under 16 years of age in the motor vehicle at the time of the
3 violation that gave rise to the conviction under 346.63 (2m), the forfeiture is \$20
4 \$400.

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(END)