



2005 SENATE BILL 626

February 24, 2006 - Introduced by Senators LAZICH, LASSA and ROESSLER, cosponsored by Representatives STONE, AINSWORTH, HAHN, NASS, JESKEWITZ, KRUSICK, LEHMAN and GUNDERSON. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT to amend** 343.05 (5) (b) 1.; and **to create** 343.05 (5) (b) 3., 343.44 (1) (am),
2 343.44 (2) (e), 343.44 (2) (f), 343.44 (2) (g) and 343.44 (2) (h) of the statutes;
3 **relating to:** causing property damage, injury, or death while operating a
4 vehicle without a valid driver's license or after suspension or revocation of an
5 operating privilege and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, a person who operates his or her motor vehicle without a valid driver's license issued by the Department of Transportation (DOT) may be required to forfeit not more than \$200 for the first offense, may be fined not more than \$300 and imprisoned for not more than 30 days for the second offense occurring within three years, and may be fined not more than \$500 and imprisoned for not more than six months for the third or subsequent offense occurring within three years. A person who operates his or her motor vehicle while the person's operating privilege is revoked may be required to forfeit not less than \$2,500, except that a person with a prior conviction within the preceding five years or a person whose operating privilege was revoked for a violation related to operating while intoxicated may be fined not more than \$2,500 or imprisoned for not more than one year in the county jail or both. A person who operates a motor vehicle while his or her operating privilege is suspended is required to forfeit not less than \$50 nor more than \$200.

Under this bill, a person who knowingly operates a motor vehicle without a valid driver's license issued by DOT or while his or her operating privilege is

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cancelled, suspended, or revoked and who causes damage to another person's property is guilty of a Class A misdemeanor, and may be fined not more than \$10,000 or imprisoned for not more than nine months or both. A person who knowingly operates a motor vehicle without a valid driver's license issued by DOT or while his or her operating privilege is cancelled, suspended, or revoked and who causes injury to another person is guilty of a Class I felony, and may be fined not more than \$10,000 or imprisoned for not more than three years and six months or both.

A person who knowingly operates a motor vehicle without a valid driver's license issued by DOT or while his or her operating privilege is cancelled, suspended, or revoked and who causes great bodily harm to another person is guilty of a Class H felony and may be fined not more than \$10,000 or imprisoned for not more than 6 years or both. A person who knowingly operates a motor vehicle without a valid driver's license issued by DOT or while his or her operating privilege is cancelled, suspended, or revoked and who causes the death of another person is guilty of a Class G felony and may be fined not more than \$25,000 or imprisoned for not more than ten years or both.

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.

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.** 343.05 (5) (b) 1. of the statutes is amended to read:

2 343.05 (5) (b) 1. Except as provided in subd. 2. or 3. and sub. (6), any person
3 who violates sub. (3) (a) may be required to forfeit not more than \$200 for the first
4 offense, may be fined not more than \$300 and imprisoned for not more than 30 days
5 for the 2nd offense occurring within 3 years, and may be fined not more than \$500
6 and imprisoned for not more than 6 months for the 3rd or subsequent offense
7 occurring within 3 years. A violation of a local ordinance in conformity with this
8 section or a violation of a law of a federally recognized American Indian tribe or band
9 in this state in conformity with this section shall count as a previous offense.

10 **SECTION 2.** 343.05 (5) (b) 3. of the statutes is created to read:

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1 343.05 (5) (b) 3. a. Any person who, in the course of operating a motor vehicle
2 which is not a commercial motor vehicle upon a highway in this state knowingly
3 without a valid operator's license issued to the person by the department or
4 knowingly with an operator's license that has been revoked, suspended, or canceled,
5 causes damage to the property of another is guilty of a Class A misdemeanor.

6 b. Any person who, in the course of operating a motor vehicle which is not a
7 commercial motor vehicle upon a highway in this state knowingly without a valid
8 operator's license issued to the person by the department or knowingly with an
9 operator's license that has been revoked, suspended, or canceled, causes injury to
10 another person is guilty of a Class I felony.

11 c. Any person who, in the course of operating a motor vehicle which is not a
12 commercial motor vehicle upon a highway in this state knowingly without a valid
13 operator's license issued to the person by the department or knowingly with an
14 operator's license that has been revoked, suspended, or canceled, causes great bodily
15 harm to another person is guilty of a Class H felony.

16 d. Any person who, in the course of operating a motor vehicle which is not a
17 commercial motor vehicle upon a highway in this state knowingly without a valid
18 operator's license issued to the person by the department or knowingly with an
19 operator's license that has been revoked, suspended, or canceled, causes the death
20 of another person is guilty of a Class G felony.

21 **SECTION 3.** 343.44 (1) (am) of the statutes is created to read:

22 343.44 (1) (am) *Knowingly operating while suspended.* No person whose
23 operating privilege has been duly suspended under the laws of this state may
24 knowingly operate a motor vehicle upon any highway in this state during the period
25 of suspension or in violation of any restriction on an occupational license issued to

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1 the person during the period of suspension. In this paragraph, “restriction on an
2 occupational license” means restrictions imposed under s. 343.10 (5) (a) as to hours
3 of the day, area, routes or purpose of travel, vehicles allowed to be operated, use of
4 an ignition interlock device, sobriety or use of alcohol, controlled substances, or
5 controlled substance analogs.

6 **SECTION 4.** 343.44 (2) (e) of the statutes is created to read:

7 343.44 (2) (e) Any person who, in the course of a violation of sub. (1) (am) or (b)
8 or a local ordinance in conformity therewith, causes damage to the property of
9 another is guilty of a Class A misdemeanor.

10 **SECTION 5.** 343.44 (2) (f) of the statutes is created to read:

11 343.44 (2) (f) Any person who, in the course of a violation of sub. (1) (am) or (b)
12 or a local ordinance in conformity therewith, causes injury to another person is guilty
13 of a Class I felony.

14 **SECTION 6.** 343.44 (2) (g) of the statutes is created to read:

15 343.44 (2) (g) Any person who, in the course of a violation of sub. (1) (am) or (b)
16 or a local ordinance in conformity therewith, causes great bodily harm to another
17 person shall is guilty of a Class H felony.

18 **SECTION 7.** 343.44 (2) (h) of the statutes is created to read:

19 343.44 (2) (h) Any person who, in the course of a violation of sub. (1) (am) or
20 (b) or a local ordinance in conformity therewith, causes the death of another person
21 is guilty of a Class G felony.

22 **SECTION 8. Initial applicability.**

23 (1) This act first applies to violations that occur on the effective date of this
24 subsection.

25

(END)