

## 2007 ASSEMBLY BILL 733

January 29, 2008 – Introduced by Representatives KAUFERT, STASKUNAS, ROTH, SMITH, MONTGOMERY, LOTHIAN, ZIEGELBAUER, OWENS, A. OTT, TURNER, SHERIDAN, SOLETSKI, KERKMAN and DAVIS, cosponsored by Senator ROESSLER. Referred to Committee on Judiciary and Ethics.

1     **AN ACT** *to consolidate, renumber and amend* 343.301 (1) (a) 1. and 2. and  
2             343.301 (1) (b) 1. and 2.; and *to amend* 343.301 (1) (c), 343.301 (1) (d) and  
3             343.301 (2) (a) 2. of the statutes; **relating to:** requiring ignition interlock  
4             devices for certain motor vehicle violations.

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### *Analysis by the Legislative Reference Bureau*

Under current law, if a person is convicted of a second offense relating to operating a motor vehicle with a prohibited alcohol concentration or under the influence of an intoxicant, a judge may require that the person's operating privilege be limited to operating vehicles that are equipped with an ignition interlock device. If a person is convicted of a third or subsequent offense within five years, a judge must limit the person's operating privilege to operating vehicles that are equipped with an ignition interlock device unless the judge orders that the person's motor vehicles be seized or immobilized.

This bill makes it mandatory, upon a second offense relating to operating a motor vehicle with a prohibited alcohol concentration or under the influence of an intoxicant, for a judge to require that the person's operating privilege be limited, for a minimum of 18 months, to operating vehicles that are equipped with an ignition interlock device.

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

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 343.301 (1) (a) 1. and 2. of the statutes are consolidated,  
2           renumbered 343.301 (1) (am) and amended to read:

3           343.301 (1) (am) ~~Except as provided in subd. 2., if~~ If a person improperly refuses  
4           to take a test under s. 343.305 or violates s. 346.63 (1) or (2), 940.09 (1), or 940.25,  
5           and the person has a total of one or more prior convictions, suspensions, or  
6           revocations, counting convictions under ss. 940.09 (1) and 940.25 in the person's  
7           lifetime and other convictions, suspensions, and revocations counted under s.  
8           343.307 (1), the court ~~may order that the person's operating privilege for the~~  
9           ~~operation of "Class D" vehicles be restricted to operating "Class D" vehicles that are~~  
10          ~~equipped with an ignition interlock device.~~ 2. ~~If a person improperly refuses to take~~  
11          ~~a test under s. 343.305 or violates s. 346.63 (1) or (2), 940.09 (1), or 940.25, and the~~  
12          ~~person has a total of 2 or more convictions, suspensions, or revocations, counted~~  
13          ~~under s. 343.307 (1) within any 5-year period, the court shall order that the person's~~  
14          operating privilege for the operation of "Class D" vehicles be restricted to operating  
15          vehicles that are equipped with an ignition interlock device and shall order that each  
16          motor vehicle for which the person's name appears on the vehicle's certificate of title  
17          or registration be equipped with an ignition interlock device. If equipping each motor  
18          vehicle with an ignition interlock device under this ~~subdivision~~ paragraph would  
19          cause an undue financial hardship, the court may order that one or more motor  
20          vehicles subject to this ~~subdivision~~ paragraph not be equipped with an ignition  
21          interlock device. This ~~subdivision~~ paragraph does not apply if the court enters an

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1 order under sub. (2) (a) 2. or, if the person has 2 or more prior convictions,  
2 suspensions, or revocations for purposes of this ~~subdivision~~ paragraph, to the motor  
3 vehicle owned by the person and used in the violation or refusal if the court orders  
4 the vehicle to be seized and forfeited under s. 346.65 (6).

5 **SECTION 2.** 343.301 (1) (b) 1. and 2. of the statutes are consolidated,  
6 renumbered 343.301 (1) (bm) and amended to read:

7 343.301 (1) (bm) The court ~~may~~ shall restrict the operating privilege restriction  
8 under par. (a) 1. (am) for a period of not less than ~~one year~~ 18 months nor more than  
9 the maximum operating privilege revocation period permitted for the refusal or  
10 violation. ~~2. The court shall order the operating privilege restriction and the~~  
11 ~~installation of an ignition interlock device under par. (a) 2. for a period of not less than~~  
12 ~~one year nor more than the maximum operating privilege revocation period~~  
13 ~~permitted for the refusal or violation, beginning one year after the operating~~  
14 ~~privilege revocation period begins on the date the person is eligible for, and applies~~  
15 ~~for, the issuance of any license granted under this chapter. The court may order the~~  
16 ~~installation of an ignition interlock device under par. (am) immediately upon issuing~~  
17 ~~an order under par. (am).~~

18 **SECTION 3.** 343.301 (1) (c) of the statutes is amended to read:

19 343.301 (1) (c) If the court enters an order under par. (a) (am), the person shall  
20 be liable for the reasonable cost of equipping and maintaining any ignition interlock  
21 device installed on his or her motor vehicle.

22 **SECTION 4.** 343.301 (1) (d) of the statutes is amended to read:

23 343.301 (1) (d) A person to whom an order under par. (a) (am) applies violates  
24 that order if he or she requests or permits another to blow into an ignition interlock  
25 device or to start a motor vehicle equipped with an ignition interlock device for the

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1 purpose of providing the person an operable motor vehicle without the necessity of  
2 first submitting a sample of his or her breath to analysis by the ignition interlock  
3 device.

4 **SECTION 5.** 343.301 (2) (a) 2. of the statutes is amended to read:

5 343.301 **(2)** (a) 2. If a person improperly refuses to take a test under s. 343.305  
6 or violates s. 346.63 (1) or (2), 940.09 (1), or 940.25, and the person has a total of 2  
7 or more convictions, suspensions, or revocations counted under s. 343.307 (1) within  
8 any 5–year period, the court shall order that each motor vehicle for which the  
9 person’s name appears on the vehicle’s certificate of title or registration be  
10 immobilized. If immobilizing each motor vehicle under this subdivision would cause  
11 undue hardship to any person, except the person to whom the order applies, who is  
12 completely dependent on a motor vehicle subject to immobilization for the necessities  
13 of life, including a family member or any person who holds legal title to a motor  
14 vehicle with the person to whom the order applies, the court may order that one or  
15 more motor vehicles subject to this subdivision not be immobilized. This subdivision  
16 does not apply if the court enters an order under sub. (1) ~~(a) 1.~~ (am) or, if the person  
17 has 2 or more prior convictions, suspensions, or revocations for purposes of this  
18 subdivision, to the motor vehicle owned by the person and used in the violation or  
19 refusal if the court orders the vehicle to be seized and forfeited under s. 346.65 (6).

20 (END)