

**2007 DRAFTING REQUEST**

**Bill**

Received: **12/14/2007**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Dean Kaufert (608) 266-5719**

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.Kaufert@legis.wisconsin.gov**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Ignition interlock devices

**Instructions:**

Require IID after the 2d drunken driving - see 12-14-07 email

**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>
/?				_____			S&L
/1	phurley 01/23/2008	kfollett 01/23/2008	rschluet 01/23/2008	_____	cduerst 01/23/2008		S&L
	phurley 01/24/2008	bkraft 01/24/2008		_____			
/2			rschluet 01/24/2008	_____	lparisi 01/24/2008	cduerst 01/25/2008	

FE Sent For:

*at  
intro*

<END>

**2007 DRAFTING REQUEST**

**Bill**

Received: **12/14/2007**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Dean Kaufert (608) 266-5719**

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.Kaufert@legis.wisconsin.gov**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Ignition interlock devices

**Instructions:**

Require IID after the 2d drunken driving - see 12-14-07 email

**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>
/?				_____			S&L
/1	phurley 01/23/2008	kfollett 01/23/2008	rschluet 01/23/2008	_____	cduerst 01/23/2008		S&L
	phurley 01/24/2008	bkraft 01/24/2008		_____			
/2			rschluet 01/24/2008	_____	lparisi 01/24/2008		

FE Sent For:

**<END>**

2007 DRAFTING REQUEST

Bill

Received: 12/14/2007

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Dean Kaufert (608) 266-5719

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.Kaufert@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Ignition interlock devices

Instructions:

Require IID after the 2d drunken driving - see 12-14-07 email

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>
/?							S&L
/1	phurley 01/23/2008	kfollett 01/23/2008	rschluet 01/23/2008		cduerst 01/23/2008		

FE Sent For:

1/2 bjk 1/24

Handwritten signature and scribbles over the Drafting History table, including the number 1258 and the text <END>.

<END>

**2007 DRAFTING REQUEST**

**Bill**

Received: 12/14/2007

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Dean Kaufert (608) 266-5719

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.Kaufert@legis.wisconsin.gov

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Ignition interlock devices

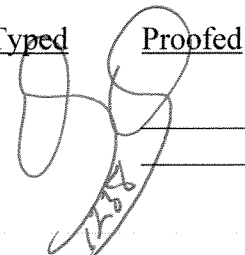
---

**Instructions:**

Require IID after the 2d drunken driving - see 12-14-07 email

---

**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>
/?	phurley	1/15 f 1/23					S&L

FE Sent For:

<END>

Handwritten initials and signatures: "EV", "bik", "gpf", "bit", and a signature.

2007 BILL

Now

1 AN ACT <sup>insert</sup> relating to: requiring ignition interlock devices for certain motor  
2 vehicle violations

*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, 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 to operating vehicles that are equipped with an ignition interlock device.

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:*

Insert 1-3

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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.

---

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

---

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

MS  
 1-3  
 5           **SECTION 1.** 343.301 (1) (a) 1. and 2. of the statutes are consolidated,  
 6           renumbered 343.301 (1) (am) and amended to read:

7           343.301 (1) (am) ~~Except as provided in subd. 2., if~~ If a person improperly refuses  
 8           to take a test under s. 343.305 or violates s. 346.63 (1) or (2), 940.09 (1), or 940.25,  
 9           and the person has a total of one or more prior convictions, suspensions, or  
 10          revocations, counting convictions under ss. 940.09 (1) and 940.25 in the person's


4



1 lifetime and other convictions, suspensions, and revocations counted under s.  
2 343.307 (1), the court ~~may order that the person's operating privilege for the~~  
3 ~~operation of "Class D" vehicles be restricted to operating "Class D" vehicles that are~~  
4 ~~equipped with an ignition interlock device. 2. If a person improperly refuses to take~~  
5 ~~a test under s. 343.305 or violates s. 346.63 (1) or (2), 940.09 (1), or 940.25, and the~~  
6 ~~person has a total of 2 or more convictions, suspensions, or revocations, counted~~  
7 ~~under s. 343.307 (1) within any 5-year period, the court shall order that the person's~~  
8 ~~operating privilege for the operation of "Class D" vehicles be restricted to operating~~  
9 ~~vehicles that are equipped with an ignition interlock device and shall order that each~~  
10 ~~motor vehicle for which the person's name appears on the vehicle's certificate of title~~  
11 ~~or registration be equipped with an ignition interlock device. If equipping each motor~~  
12 ~~vehicle with an ignition interlock device under this subdivision paragraph would~~  
13 ~~cause an undue financial hardship, the court may order that one or more motor~~  
14 ~~vehicles subject to this subdivision paragraph not be equipped with an ignition~~  
15 ~~interlock device. This subdivision paragraph does not apply if the court enters an~~  
16 ~~order under sub. (2) (a) 2. or, if the person has 2 or more prior convictions,~~  
17 ~~suspensions, or revocations for purposes of this subdivision paragraph, to the motor~~  
18 ~~vehicle owned by the person and used in the violation or refusal if the court orders~~  
19 ~~the vehicle to be seized and forfeited under s. 346.65 (6).~~

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

22 343.301 (1) (bm) The court ~~may~~ shall restrict the operating privilege restriction  
23 under par. (a) ~~1. (am)~~ for a period of not less than one year nor more than the  
24 maximum operating privilege revocation period permitted for the refusal or  
25 violation. ~~2. The court shall order the operating privilege restriction and the~~



1 ~~installation of an ignition interlock device under par. (a) 2. for a period of not less than~~  
2 ~~one year nor more than the maximum operating privilege revocation period~~  
3 ~~permitted for the refusal or violation, beginning one year after the operating~~  
4 ~~privilege revocation period begins on the date the person is eligible for, and applies~~  
5 ~~for, the issuance of any license granted under this chapter. The court may order the~~  
6 ~~installation of an ignition interlock device under par. (am) immediately upon issuing~~  
7 ~~an order under par. (am).~~ ✓

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

9 343.301 (1) (c) If the court enters an order under par. (a) (am), the person shall  
10 be liable for the reasonable cost of equipping and maintaining any ignition interlock  
11 device installed on his or her motor vehicle.

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

13 343.301 (1) (d) A person to whom an order under par. (a) (am) applies violates  
14 that order if he or she requests or permits another to blow into an ignition interlock  
15 device or to start a motor vehicle equipped with an ignition interlock device for the  
16 purpose of providing the person an operable motor vehicle without the necessity of  
17 first submitting a sample of his or her breath to analysis by the ignition interlock  
18 device. ✓

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

20 343.301 (2) (a) 2. If a person improperly refuses to take a test under s. 343.305  
21 or violates s. 346.63 (1) or (2), 940.09 (1), or 940.25, and the person has a total of 2  
22 or more convictions, suspensions, or revocations counted under s. 343.307 (1) within  
23 any 5-year period, the court shall order that each motor vehicle for which the  
24 person's name appears on the vehicle's certificate of title or registration be  
25 immobilized. If immobilizing each motor vehicle under this subdivision would cause

✓

1 undue hardship to any person, except the person to whom the order applies, who is  
2 completely dependent on a motor vehicle subject to immobilization for the necessities  
3 of life, including a family member or any person who holds legal title to a motor  
4 vehicle with the person to whom the order applies, the court may order that one or  
5 more motor vehicles subject to this subdivision not be immobilized. This subdivision  
6 does not apply if the court enters an order under sub. (1) ~~(a) 1.~~ (am) or, if the person  
7 has 2 or more prior convictions, suspensions, or revocations for purposes of this  
8 subdivision, to the motor vehicle owned by the person and used in the violation or  
9 refusal if the court orders the vehicle to be seized and forfeited under s. 346.65 (6).

10

(END)

*of merit*

Stay

2007 BILL

5/12/07 PM

SAV  
X-ref -

regen-cat.

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.

Five

within 5 years

**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, 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 to operating vehicles that are equipped with an ignition interlock device.

↑ for a maximum of 18 months

**BILL**

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. 343.301 (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

**BILL**

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~~ eighteen months nor more than the  
9 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

**BILL**

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) ✓

**Duerst, Christina**

---

**From:** Field, Adam  
**Sent:** Friday, January 25, 2008 10:44 AM  
**To:** LRB.Legal  
**Subject:** LRB 3656/2

**Attachments:** 07-36562.pdf

Please jacket LRB 3656/2 for introduction.



07-36562.pdf (18  
KB)

---

**Adam R. Field**  
Office of Rep. Dean Kaufert  
55th Assembly District