

2007 DRAFTING REQUEST

Bill

Received: **11/13/2006**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Rhodes**

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:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Rhodes, BB0149 -

Topic:

Drunken driving surcharge

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>
/?	phurley 11/13/2006	kfollett 11/15/2006		_____			
/1			nnatzke 11/15/2006	_____	lparisi 11/15/2006		

FE Sent For:

<END>

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/?	phurley	1/1/15 11/15	nwn 11/15	nwn/rs 11/15			

FE Sent For:

<END>

BB0149

DOA

2007-2009 Biennial Budget Statutory Language Request
November 8, 2006

Eliminate .08 to .099 OWI surcharge exemption

Current Language

Under s. 346.63(1)(b) first time offenders convicted of an operating with a prohibited alcohol content ranging from .08 to .099 are exempt from paying a \$355 driver improvement surcharge.

Proposed Change

Repeal 346.63(1)(b) so that that first time offenders convicted of a prohibited alcohol content from .08 to .099 are required to pay the \$355 OWI surcharge. The intent is to impose the \$355 surcharge only. The intent is not require alcohol assessments, treatments or impose other assessments, court fees or penalties that are not imposed on first time PAC offenders with BAC's ranging from .08 to .099.

346.655(1)

Background / Justification

The change will reduce uncertainty surrounding imposition of the driver improvement surcharge and increase the amount of OWI surcharge revenue available to support driver improvement related programming and services.

Desired Effective Date: Upon Passage of Bill
Agency: DOA
Agency Contact: Dennis Rhodes
Phone: 266-2288

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Eliminate .08 to .099 OWI Surcharge exemption
- Tracking Code: BB0149
- SBO team: Health and Family Services and Insurance
- SBO analyst: Dennis Rhodes
 - Phone: 608-266-2288
 - Email: dennis.rhodes@doa.state.wi.us
- Agency acronym: DOA
- Agency number: 505
- Priority (Low, Medium, High):

DOA:.....Rhodes, BB0149 - Drunken driving surcharge

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

1 AN ACT ...; relating to: the budget 1

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

X

Under current law, a person who is convicted of certain violations relating to operating a vehicle while intoxicated must pay a driver improvement surcharge of \$355 in addition to any applicable forfeiture or fine, assessments, and costs. However, persons who are found to have committed a first violation of operating a vehicle with a prohibited blood alcohol concentration of ≥ 0.08 or more but less than 0.1 at the time of the violation are exempt from paying the driver improvement surcharge.

X

This bill removes the exemption for first time offenders and requires anyone who is required to pay a fine or a forfeiture for a violation relating to operating a vehicle while intoxicated to pay the \$355 driver improvement surcharge.

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

2 SECTION 1. 346.655 (1) of the statutes is amended to read:

3 346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63

4 (1) or (5), except for a first violation of s. 346.63 (1) (b), if the person who committed

1 ~~the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at~~
 2 ~~the time of the violation,~~ or a local ordinance in conformity therewith, or s. 346.63
 3 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall
 4 impose a driver improvement surcharge under ch. 814 in an amount of \$355 in
 5 addition to the fine or forfeiture, plus costs, fees, and other surcharges imposed under
 6 ch. 814.

History: 1981 c. 20; 1981 c. 314; 1983 a. 27 s. 2202 (20); 1985 a. 29, 337; 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; 2003 a. 30, 33, 139, 326.

7 **SECTION 9348. Initial applicability; transportation**

8 (1) DRIVER IMPROVEMENT SURCHARGE. The treatment of section 346.655 (1) of the
 9 statutes first applies to offenses that are committed on the effective date of this
 10 subsection.
 11

(END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0714/1
PJH:kjf:wnw

DOA:.....Rhodes, BB0149 - Drunken driving surcharge

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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