

## 2007 SENATE BILL 369

December 21, 2007 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Transportation and Tourism.

1     **AN ACT to amend** 343.10 (5) (a) 3. of the statutes; **relating to:** occupational  
2           licenses for certain offenders (suggested as remedial legislation by the  
3           Department of Transportation).

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### *Analysis by the Legislative Reference Bureau*

Upon a person's third or subsequent violation within a five-year period related to operating a vehicle while intoxicated (OWI), current law requires a court to order that the person's operating privilege be restricted to operating only vehicles that are equipped with an ignition interlock device. However, the court may allow vehicles that are titled or registered in the person's name to remain free of an ignition interlock device in the interest of preventing a hardship to another person who may use that vehicle. The person who committed the violations may apply for an occupational license that allows the person to operate a motor vehicle for limited purposes, such as for travel to and from places of employment or education.

Current law requires the Department of Transportation (DOT) to limit an occupational license for a person who has two or more prior OWI-related violations to operating only vehicles that are equipped with an ignition interlock device if a court has ordered every vehicle that is titled or registered in the person's name to be equipped with an ignition interlock device.

Under this bill, if a person has two or more prior OWI-related violations and a court has ordered that the person may only operate a vehicle that is equipped with an ignition interlock device, DOT must limit the person's occupational license to operating only vehicles that are equipped with an ignition interlock device.

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For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Transportation and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1           **SECTION 1.** 343.10 (5) (a) 3. of the statutes is amended to read:

2           343.10 (5) (a) 3. If the applicant has 2 or more prior convictions, suspensions,  
3 or revocations, as counted under s. 343.307 (1), the occupational license of the  
4 applicant shall restrict the applicant's operation under the occupational license to  
5 vehicles that are equipped with a functioning ignition interlock device if the court  
6 has ordered under s. 343.301 (1) ~~that each motor vehicle for which the person's name~~  
7 ~~appears on the vehicle's certificate of title or registration be (a) 1. or 2. that the~~  
8 person's operating privilege for Class D vehicles be restricted to operating vehicles  
9 that are equipped with an ignition interlock device or has ordered under s. 346.65  
10 (6) (a) 1., 1999 stats., that the motor vehicle owned by the person and used in the  
11 violation or improper refusal be equipped with an ignition interlock device. A person  
12 to whom a restriction under this subdivision applies violates that restriction if he or  
13 she requests or permits another to blow into an ignition interlock device or to start  
14 a motor vehicle equipped with an ignition interlock device for the purpose of  
15 providing the person an operable motor vehicle without the necessity of first  
16 submitting a sample of his or her breath to analysis by the ignition interlock device.  
17 If the occupational license restricts the applicant's operation to a vehicle that is

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1 equipped with an ignition interlock device, the applicant shall be liable for the  
2 reasonable costs of equipping the vehicle with the ignition interlock device.

NOTE: Clarifies that DOT must limit the occupational license of a person who has  
2 or more prior OWI-related violations to operating only vehicles equipped with an  
ignition interlock device, regardless of whether a court has ordered every vehicle that is  
titled or registered in the offender's name to be equipped with such a device. According  
to DOT, the bill conforms to federal requirements.

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**(END)**