



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 12/18/2006 (Per: BAB)





Appendix A

 The 2005 drafting file for LRB 05-2778

has been transferred to the drafting file for

2007 LRB 07-0801

 This cover sheet, the final request sheet, and the final version of the 2005 draft were copied on yellow paper, and returned to the original 2005 drafting file.

 The attached 2005 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2005 DRAFTING REQUEST

Bill

Received: 04/13/2005

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC

By/Representing: Paul Nilsen

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Occupational licenses for persons with ignition interlock

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>
/P1	phurley 04/14/2005	kfollett 04/16/2005	pgreensl 04/18/2005	_____	mbarman 04/18/2005		

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: **04/13/2005**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Paul Nilsen**

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Occupational licenses for persons with ignition interlock

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>
/P1	phurley	1P1KJ 4/16	4/19 PH	4/18 P81M			

FE Sent For:

<END>

REMEDIAL LEGISLATIVE PROPOSAL

Wisconsin Department of Transportation

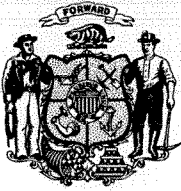
DT1605 9/2004 s.13.83(1)(c)4 Wis. Stats.

Instructions: Complete this form for **Law Revision Committee Remedial Legislative proposal(s)** for which a Division requests Secretary's Office (SO) approval. This form must be signed by the Division Administrator.

Short Title of Issue Allow IID restriction on occupational issued to federal repeater, even if court exempts offender's vehicle from IID equipping	
Date Submitted October 19, 2004	Division OGC
Lead Division Contact Person Paul Nilsen/John Sobotik	Area Code - Telephone Number 608-261-0126
Specific Statutory Change Amend s. 343.10(5)(a)3. to allow court to restrict occupational license to operating only interlock device-equipped vehicles, even if court grants hardship exemption for vehicle owned by offender or orders vehicle used in the offense to be seized. See email John Sobotik to John Alley May 28, 2003, 9:35 am for draft language.	
Administrative Problem with Current Statute 343.10(5)(a)3. and 343.301.(1)(a)2. contradict one another. 343.301(1)(a)2. provides that a federal repeater shall have his or her operating privilege restricted to IID-equipped vehicles if th eperson qualifies as a federal repeat-offender. That should mean any license, including occupational license, should be so restricted, even if the court exempt particular vehicle from an IID equipping or orders a vehicle seized under 346.65. 343.10(5)(a)3. prdes that IID restrictions apply on occupational licenses only if EACH motor vehicle titled in the offender's name is ordered to have an IID. This requires that there be no IID restriction imposed on an occupational license--notwithstanding 343.301(1)(a)2. operating privilege restriction--if the court grants a hardship exemption for a particular vehicle or orders the seizure of the vehicle used in the offense.	
Justification/Need for Change See above. See also, email John Sobotik to John Alley May 28, 2003, 9:35 am (attached).	
Fiscal Effect, If Any None	

(Division Administrator Signature – Brush Script Font If Computer Filled) (Date)

OGC Completes: DOT Remedial Legislation Proposal Number
R050727



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2778/P1

PJH: kjt

Other

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

S-14.05

Gen

- 1 AN ACT ...; relating to: occupational licenses for certain offenders (suggested as
- 2 remedial legislation by the Department of Transportation).

Analysis by the Legislative Reference Bureau

(OWI)

five

x

Upon a person's third or subsequent violation within a 5-year period related to operating a vehicle while intoxicated, 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.

two

Current law requires the Department of Transportation (DOT) to limit an occupational license for a person who has 2 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.

two

x

This bill requires DOT to limit an occupational license for a person who has 2 or more prior OWI-related violations to operating only vehicles that are equipped with an ignition interlock device regardless of whether a court has ordered every vehicle that is titled or registered in the person's name to be equipped with an ignition interlock device.

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

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 equipped with an
8 ignition interlock device or has ordered under s. 346.65 (6) (a) 1., 1999 stats., that the
9 motor vehicle owned by the person and used in the violation or improper refusal be
10 equipped with an ignition interlock device. A person to whom a restriction under this
11 subdivision applies violates that restriction if he or she requests or permits another
12 to blow into an ignition interlock device or to start a motor vehicle equipped with an
13 ignition interlock device for the purpose of providing the person an operable motor
14 vehicle without the necessity of first submitting a sample of his or her breath to
15 analysis by the ignition interlock device. If the occupational license restricts the
16 applicant's operation to a vehicle that is equipped with an ignition interlock device,

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

History: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337; 1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109; 2001 a. 16 ss. 3409f, 3409g, 4060hw, 4060hy; 2003 a. 33, 80, 200, 326.

3 (END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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).

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.

This bill requires 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 regardless of whether a court has ordered every vehicle that is titled or registered in the person's name to be equipped with an ignition interlock device.

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

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 equipped with an
8 ignition interlock device or has ordered under s. 346.65 (6) (a) 1., 1999 stats., that the
9 motor vehicle owned by the person and used in the violation or improper refusal be
10 equipped with an ignition interlock device. A person to whom a restriction under this
11 subdivision applies violates that restriction if he or she requests or permits another
12 to blow into an ignition interlock device or to start a motor vehicle equipped with an
13 ignition interlock device for the purpose of providing the person an operable motor
14 vehicle without the necessity of first submitting a sample of his or her breath to
15 analysis by the ignition interlock device. If the occupational license restricts the
16 applicant's operation to a vehicle that is equipped with an ignition interlock device,

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

3 (END)