

2007 DRAFTING REQUEST

Bill

Received: 11/16/2006

Received By: **agary**

Wanted: **As time permits**

Identical to LRB: **05-2718**

For: **Legislative Council - LRC 266-0292**

By/Representing: **Don Dyke**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**
Transportation - driver licenses

Extra Copies: **BAB**

Submit via email: **YES**

Requester's email: **don.dyke@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Eliminate duplicate suspension for underage intoxicants in vehicle (R 0709 14)

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	bbalinsk 12/22/2006 agary 01/03/2007	kfollett 01/26/2007	jfrantze 01/26/2007	_____	sbasford 01/26/2007		State
/1	agary 11/15/2007	kfollett 11/15/2007	nmatzke 11/16/2007	_____	sbasford 11/16/2007	sbasford 11/19/2007	State

FE Sent For: *"/1" @ intro 11-28-07*

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FE Sent For:

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/P1	bbalinsk 12/22/2006 agary	<i>1/P1/gf</i> <i>1/26</i>	<i>to</i> <i>1/26</i>	<i>Jsh</i> <i>1/26</i>			

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 Eliminate duplicate suspension for Underage Intoxicants in Vehicle	
Date Submitted October 19, 2004	Division OGC
Lead Division Contact Person Paul Nilsen	Area Code - Telephone Number 608-261-0126
Specific Statutory Change Repeal s. 343.30(2m).	
Administrative Problem with Current Statute 343.30(2m) allows courts to suspend operating privilege for up to 30 days for conviction of s. 346.93. That statute, s. 346.93, requires courts to suspend for varying periods depending on prior offenses.	
Justification/Need for Change Eliminate confusing and contradictory permissive statutes.	
Fiscal Effect, If Any None.	

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

OGC Completes: DOT Remedial Legislation Proposal Number
R 0709-14

RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

If the underage person has committed prior offenses,

1 AN ACT *to repeal* 343.30 (2m) of the statutes; **relating to:** suspending the
2 operating privilege of an underage person who operates a vehicle while having
3 an intoxicant in a vehicle (suggested as remedial legislation by the Department
4 of Transportation).

Analysis by the Legislative Reference Bureau

Current law ~~requires~~ ^{allows} a court to suspend the operating privilege of an underage person who operates a vehicle while there is an intoxicant in the vehicle. ~~Depending on the number of prior offenses,~~ ^{move} current law requires the court to suspend the operating privilege for varying periods. ~~Current law also allows a court to suspend the operating privilege of an underage person who operates a vehicle while there is an intoxicant in the vehicle for not less than 30 days nor more than one year.~~ ^{move}

This bill eliminates the ~~permissive statute and retains~~ the statute that requires the court to suspend the operating privilege for varying periods. ~~Depending on the number of prior offenses.~~ ^{if there are}

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

For further information see the **state** 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:

more general of these overlapping statutes, retaining

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. 343.30 (2m) of the statutes is repealed.

2

(END)

seen

in 11/15

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Change from Don Ayke - LC - 11/15

Regen

1 AN ACT *to repeal* 343.30 (2m) of the statutes; **relating to:** suspending the
 2 operating privilege of an underage person who operates a vehicle while having
 3 an intoxicant in a vehicle (suggested as remedial legislation by the Department
 4 of Transportation).

Analysis by the Legislative Reference Bureau

Current law allows a court to suspend the operating privilege of an underage person who operates a vehicle while there is an intoxicant in the vehicle. If the underage person has committed prior offenses, current law requires the court to suspend the operating privilege for varying periods, depending on the number of prior offenses. Current law also allows a court to suspend the operating privilege of an underage person who operates a vehicle while there is an intoxicant in the vehicle for not less than 30 days nor more than one year.

This bill eliminates the more general of these overlapping statutes, retaining the statute that requires the court to suspend the operating privilege for varying periods if there are prior offenses.

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

1

INSERT 2A to LRB-0799/P1

no (B)
NOTE: The repealed provision authorizes a court to suspend the operating privilege for a person who violates the prohibition against an underage person operating a motor vehicle while an intoxicant is in the vehicle. The suspension period is not less than 30 days nor more than one year. The statute imposing the prohibition, s. 346.93, stats., contains its own suspension periods: first violation, 30 to 90 days; 2 violations within 12 months, not more than one year; 3 or more violations within 12 months, not more than 2 years. The repeal of s. 343.30 (2m), stats., eliminates overlapping and contradictory provisions and clarifies the pertinent penalties.

Basford, Sarah

From: Dyke, Don
Sent: Monday, November 19, 2007 1:56 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-0799/1 Topic: Eliminate duplicate suspension for underage intoxicants in vehicle (R 0709 14)

Please Jacket LRB 07-0799/1 for the ASSEMBLY.
Thanks