



State of Wisconsin

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STEPHEN R. MILLER
CHIEF

March 3, 2009

MEMORANDUM

To: Representative Staskunas

From: Peggy J. Hurley, Senior Attorney, (608) 266-8906

Subject: Technical Memorandum to **2009 AB 17** (LRB-0933/2) by **DOT**

We received the attached technical memorandum relating to your bill. This copy is for your information and your file.

If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: March 3, 2009

To: Legislative Reference Bureau

From: Richard Kleist
DMV Legislative Liaison, Department of Transportation

Subject: Technical Note for Assembly Bill 17 relating to requiring ignition interlock devices for certain motor vehicle violations.

The department believes certain text in the bill may be redundant and therefore possibly cause some confusion of the intent or expectations of the sections in question.

Section 28 renumbers s.940.09(1d)(a) 1., and amends it to provide an exception to par. (bc) and removes the option for a court to order immobilization of a vehicle. S.940.09 (1d) (ac), the newly renumbered section says if a person committed an offense under sub. (1) (a), (am), (b), (c), (cm), or (d) and has 2 priors counted under sub. (1) and s.940.25 in the person's lifetime, plus other convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure under s. 343.301 is followed.

Section 29 renumbers s. 940.09 (1d) (a) 2., and amends it to remove the 5-year period for counting convictions, suspensions, or revocations under s. 343.307 (1) if a person committed an offense under sub. (1) (a), (am), (b), (c), (cm), or (d). The section also removes the option for a court to order immobilization of a vehicle.

By removing the 5-year period in section 29, it appears you are essentially counting the same convictions, suspensions, or revocations as those being counted in section 28 over the person's lifetime, therefore making section 29 redundant and possibly confusing to those interpreting it.

Section 31 renumbers s.940.25(1d)(a) 1., and amends it to provide an exception to par. (bc) and removes the option for a court to order immobilization of a vehicle. S.940.25 (1d) (ac), the newly renumbered section says if a person committed an offense under sub. (1) (a), (am), (b), (c), (cm), or (d) and has 2 priors counted under sub. (1) and s.940.09 in the person's lifetime, plus other convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure under s. 343.301 is followed.

Section 32 renumbers s. 940.25 (1d) (a) 2., and amends it to remove the 5-year period for counting convictions, suspensions, or revocations under s. 343.307 (1) if a person committed an offense under sub. (1) (a), (am), (b), (c), (cm), or (d). The section also removes the option for a court to order immobilization of a vehicle.

By removing the 5-year period in section 29, it appears you are essentially counting the same convictions, suspensions, or revocations as those being counted in section 28 over the person's lifetime, therefore making section 29 redundant and possibly confusing to those interpreting it.

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Section 34 relating to initial applicability does not address the use of counting prior convictions, so it would seem only convictions occurring after the effective date of this proposal could be used. It may be helpful to include language stating this proposal does not preclude prior convictions or something of the sort.

We appreciate your attention to these technical concerns.

Richard Kleist, WisDOT-DMV
(608) 266-1449