

## 2009 DRAFTING REQUEST

### Assembly Amendment (AA-AB283)

Received: 06/08/2009

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Anthony Staskunas (608) 266-0620

By/Representing: Adrienne

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: Rep.Staskunas@legis.wisconsin.gov

Carbon copy (CC:) to:

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Drunken driving

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#### Instructions:

See attached 6-05 email

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#### 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>
/?							
/1	phurley 06/15/2009	kfollett 06/15/2009	jfrantze 06/15/2009	_____	sbasford 06/15/2009	sbasford 06/15/2009	
	phurley 06/15/2009	kfollett 06/15/2009		_____			
/2			mduchek 06/15/2009	_____	mbarman 06/15/2009	mbarman 06/15/2009	
/3	phurley	kfollett	mduchek	_____	lparisi	lparisi	

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	06/16/2009	06/16/2009	06/16/2009 _____		06/16/2009	06/16/2009	

FE Sent For:

**<END>**

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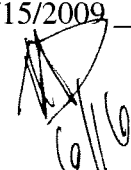
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/2		1315f 6/16	mduchek 06/15/2009	_____	mbarman 06/15/2009	mbarman 06/15/2009	



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AD  
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/?	phurley	1/15 6/15	b	6/15			

FE Sent For:

<END>

## Hurley, Peggy

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**From:** Ramirez, Adrienne  
**Sent:** Monday, June 15, 2009 1:42 PM  
**To:** Hurley, Peggy  
**Subject:** RE: AB-283

Yes. I believe his concerns have been addressed.

---

**From:** Hurley, Peggy  
**Sent:** Monday, June 15, 2009 1:40 PM  
**To:** Ramirez, Adrienne  
**Subject:** RE: AB-283

As I understand it, this does not constitute any new drafting instructions for the amendment to AB 283. Is that correct?

Peggy

---

**From:** Ramirez, Adrienne  
**Sent:** Monday, June 15, 2009 1:37 PM  
**To:** Hurley, Peggy  
**Subject:** FW: AB-283

As promised.....

---

**From:** Kleist, Richard - DOT [<mailto:Richard.Kleist@dot.wi.gov>]  
**Sent:** Friday, June 12, 2009 1:33 PM  
**To:** Ramirez, Adrienne  
**Cc:** Nilsen, Paul - DOT  
**Subject:** AB-283

Adrienne,

I was looking over AB-283 again this morning and came across an issue I missed while preparing the fiscal estimate. I see there is an Executive Session scheduled for next Wednesday morning, so I thought I would mention this to you before that meeting.

Section 12, which creates s. 343.10 (2)(f) of the statutes, states no occupational license can be issued until the person pays the interlock surcharge and submits proof an IID has been installed in each vehicle for which the person's name appears on the vehicles title or registration.

These same items are not specified as requirements prior to the person's eligibility for reinstatement of their regular operating privilege after revocation. If the person was not eligible for an occupational license, which requires proof of the surcharge payment and installation of the IID, conceivably the person can avoid paying the interlock surcharge and not have to prove they have an IID installed at the time of reinstatement. Some language similar to the newly created s. 343.10 (2)(f) added referring to those requirements for reinstatement, possibly under s. 343.38 (1) may be helpful.

Along with that, the proposal says the person has to pay the surcharge to the county before the occupational license can be issued, but does not require the person to submit proof of payment. Obviously the Department could require proof of the surcharge payment by administrative rule, but it may be preferable to have that specified by statute.

If you have any questions resulting from these comments, feel free to contact me.

Respectfully,

Rick Kleist  
Legislative Liaison  
Wisconsin Division of Motor Vehicles  
608-266-1449  
Richard.Kleist@dot.wi.gov



## Hurley, Peggy

---

**From:** Ramirez, Adrienne  
**Sent:** Thursday, June 11, 2009 5:57 PM  
**To:** Hurley, Peggy  
**Subject:** RE: AB 17 amendment

Hey Peggy –

I totally understand that the budget is taking up your time right now.

Of course plans have changed for which proposal is currently advancing. We have an Executive Session scheduled on AB 283 next Wednesday, June 17<sup>th</sup>.

Could you draft these IID changes to AB 283? We would also like the amendment to address the probation concern raised by the Dept of Corrections on probation for a 4<sup>th</sup> OWI. I believe current law would be 2 years of probation, but the bill inadvertently changed it to one year.

If we could possibly get the draft by Monday afternoon, I would greatly appreciate it.

Let me know if you have any questions.

Thanks,

Adrienne

---

**From:** Hurley, Peggy  
**Sent:** Monday, June 08, 2009 4:04 PM  
**To:** Ramirez, Adrienne  
**Subject:** RE: AB 17 amendment

Hi Adrienne,

I have entered the request, but the budget is taking up most of the resources in the office for the next few days. Are you looking to get this right away?

Peggy

---

**From:** Ramirez, Adrienne  
**Sent:** Friday, June 05, 2009 5:06 PM  
**To:** Hurley, Peggy  
**Subject:** AB 17 amendment

Peggy –

We have another amendment request that we would like you to draft to AB 17.

We'd like to make three changes to the bill.

- 1 Change the time a person has to wait to get an occupational to 45 days for the second OWI offence.
- 2 Return the vehicle titling and the 'hardship exemption' that we had in the language in the original bill.
- 3 Return the \$50 from the courts back to DOT, but instruct them to retain \$10 and forward \$40 to the county sheriff of residence.

If you have any questions, please let me know.

Thanks.

Adrienne  
6-0620



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa0513/1  
PJH...*gf*

ASSEMBLY AMENDMENT ,  
TO 2009 ASSEMBLY BILL 283

*today*

✓

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 10, line 6: after that line insert:

3 **SECTION 14m.** 343.30 (1q) (b) 3. of the statutes is amended to read:

4 343.30 (1q) (b) 3. Except as provided in subd. 4m., if the number of convictions

5 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other

6 convictions, suspensions, and revocations counted under s. 343.307 (1) within a

7 10-year period, equals 2, the court shall revoke the person's operating privilege for

8 not less than one year nor more than 18 months. After the first ~~60 days of the~~

9 ~~revocation period or, if the total number of convictions, suspensions, and revocations~~

10 ~~counted under this subdivision within any 5-year period equals 2 or more, after one~~

11 ~~year of the revocation period has elapsed~~ 45 days of the revocation period, the person

12 is eligible for an occupational license under s. 343.10 if he or she has completed the

13 assessment and is complying with the driver safety plan ordered under par. (c)."

**History:** 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989

a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80; 2005 a. 277; 2005 a. 443 s. 265; 2005 a. 466; 2007 a. 20 ss. 3300, 9121 (6) (a); 2007 a. 134.

1 **2.** Page 11, line 9: delete “in the person’s household operated by the person”  
2 and substitute “for which the person’s name appears on the vehicle’s certificate of  
3 title or registration”.

4 **3.** Page 12, line 22: delete lines 22 to 25.

5 **4.** Page 13, line 4: delete “150 percent of”.

6 **5.** Page 13, line 7: delete lines 7 to 9 and substitute “(a) to \$1 per day that the  
7 ignition interlock device is installed on his or her motor vehicle.”.

8 **6.** Page 13, line 13: delete the material beginning with “county treasurer” and  
9 ending with line 15 and substitute “*department.*” on “department. The department shall pay \$40 of  
10 each surcharge payment it receives to the sheriff of the county where the fee was  
11 collected.”.

12 **7.** Page 25, line 25: delete the material beginning with that line and ending  
13 with page 26, line 3.

14 (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa051341  
PJH:kjf:jf  
2 mnr

ASSEMBLY AMENDMENT ,  
TO 2009 ASSEMBLY BILL 283

by 6-16-09 a.m.

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(END)