

**2009 DRAFTING REQUEST**

**Bill**

Received: **01/08/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Drunk Driving - penalties  
Transportation - driver licenses**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Waiting period after OWI

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**Instructions:**

See attached

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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>
/?	phurley 01/16/2009	bkraft 02/05/2009		_____			State
/1			phenry 02/05/2009	_____	mbarman 02/05/2009	sbasford 02/27/2009	

FE Sent For: **"/1" @ intro. 3/3/09**

**<END>**

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/?	phurley	1 bjk 2/5	2/5 ph	2/5 ph			State

FE Sent For:

<END>

Lbjk

*e*  
**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SAV  
X-refv

1-16-09

① **AN ACT** <sup>gen.</sup> **...; relating to:** <sup>ye</sup> **periods of revocation of driving privileges after**  
2 committing certain offenses related to operating a vehicle while intoxicated.

***Analysis by the Legislative Reference Bureau***

Under current law, a person who commits an offense related to operating a vehicle while under the influence of a drug or intoxicant, operating a vehicle with a prohibited blood alcohol concentration, or refusing to take a test for intoxication (OWI-related offense) has his or her operating privileges revoked for a specified period. The period of revocation lengthens with each subsequent OWI-related offense, and generally begins on the date the person commits the OWI-related offense.

Under this bill, the period of revocation begins on the date the person commits the OWI-related offense, but is tolled for any time period that the person spends in jail or in prison. The bill makes the person whose operating privileges are revoked responsible for notifying the Department of Transportation that he or she has been released from jail or prison. *XX*

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:***

3 **SECTION 1.** 343.30 (1q) (b) 5. of the statutes is amended to read:

1           **343.30 (1q) (b) 5.** The time period under this paragraph shall be measured from  
2 the dates of the refusals or violations which resulted in the suspensions, revocations  
3 or convictions, except that the time period shall be tolled whenever and for as long  
4 as the person is imprisoned. A person whose revocation period is tolled under this  
5 subdivision is responsible for notifying the department that he or she has been  
6 released from prison.

**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, 265; 2005 a. 466; 2007 a. 20 ss. 3300, 9121 (6) (a); 2007 a. 134.

7           **SECTION 2. 343.305 (10) (b) 5.** of the statutes is amended to read:

8           **343.305 (10) (b) 5.** The time period under this paragraph shall be measured  
9 from the dates of the refusals or violations which resulted in revocations or  
10 convictions, except that the time period shall be tolled whenever and for as long as  
11 the person is imprisoned. A person whose revocation period is tolled under this  
12 subdivision is responsible for notifying the department that he or she has been  
13 released from prison.

**History:** 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136.

14           **SECTION 3. 343.31 (3) (bm) 5.** of the statutes is amended to read:

15           **343.31 (3) (bm) 5.** The time period under this paragraph shall be measured  
16 from the dates of the refusals or violations which resulted in the suspensions,  
17 revocations or convictions, except that the time period shall be tolled whenever and  
18 for as long as the person is imprisoned. A person whose revocation period is tolled  
19 under this subdivision is responsible for notifying the department that he or she has  
20 been released from prison.

**History:** 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200; 2005 a. 387.

21           **SECTION 4. Initial applicability.**



**Basford, Sarah**

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**From:** Ewy, Stuart  
**Sent:** Friday, February 27, 2009 12:16 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-1372/1 Topic: Waiting period after OWI

Please Jacket LRB 09-1372/1 for the SENATE.

Thank you very much,

Regards,

G. Stuart Ewy  
Office of Senator Tim Carpenter  
State Capitol 306 S  
608.266.8535