LRB-2252/1 ARG:bjk:jf

## 2009 ASSEMBLY BILL 177

March 30, 2009 – Introduced by Representatives Grigsby, Kessler, Fields, Berceau, Smith, Young, Sinicki, Mason, A. Ott, A. Williams and Toles, cosponsored by Senators Taylor, Lehman and Plale. Referred to Committee on Transportation.

- 1 AN ACT *to repeal* 343.31 (1) (hm); and *to amend* 343.30 (1g) (b) of the statutes;
- relating to: operating a motor vehicle while suspended, revoked, or disqualified.

### Analysis by the Legislative Reference Bureau

Current law prohibits a person from operating a motor vehicle on the highway during any period in which the person's motor vehicle operating privilege is suspended (OWS) or revoked (OAR) or the person is disqualified from operating a commercial motor vehicle (OWD). A court may suspend a person's operating privilege for any period not exceeding six months upon the person's conviction for OAR, OWS, or OWD. However, a court must revoke a person's operating privilege, for a period of six months or less, upon the person's conviction for OAR, OWS, or OWD if the person has been convicted of three or more prior violations of OAR, OWS, or OWD within the preceding five—year period. In addition, the Department of Transportation (DOT) must administratively revoke a person's operating privilege, for a period of six months unless the court has ordered a revocation for a lesser period, upon receiving a record of conviction showing that the person has been convicted of OAR, OWS, or OWD if the person has been convicted of three or more prior violations of OAR, OWS, or OWD within the preceding five—year period.

This bill makes court–ordered operating privilege revocation for a fourth offense OAR, OWS, or OWD permissive rather than mandatory and eliminates the requirement that DOT administratively revoke a person's operating privilege for a fourth offense OAR, OWS, or OWD.

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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:

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

343.30 **(1g)** (b) A court shall may revoke a person's operating privilege upon the person's conviction for violating s. 343.44 (1) (a), (b), or (d) or a local ordinance in conformity therewith if the person has been convicted of 3 or more prior violations of s. 343.44 (1) (a), (b), or (d), or similar violations under s. 343.44 (1), 1997 stats., or a local ordinance in conformity therewith, within the 5–year period preceding the violation. The Any revocation under this paragraph shall be for a period of 6 months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.

**SECTION 2.** 343.31 (1) (hm) of the statutes is repealed.

### **SECTION 3. Initial applicability.**

(1) This act first applies to violations committed on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for purposes of sentencing a person.

### **SECTION 4. Effective date.**

(1) This act takes effect on the first day of the 3rd month beginning after publication.

18 (END)