



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 8
[2009 Senate Bill 36]

Driver License Suspensions

2009 Wisconsin Act 8 amends the law relating to motor vehicle operating privilege suspensions for controlled substance violations.

Federal law conditions the transfer of certain federal funding on whether a state mandates a driver's license suspension when a person is convicted of a drug violation. Prior to the enactment of Wisconsin Act 8, Wisconsin law provided that a person found guilty of the illegal use of controlled substances would be subject to a mandatory suspension of the person's driver's license for not less than six months nor more than five years. However, federal law also allows a state to opt out of the suspension requirement, while retaining federal funding, if the Legislature and Governor indicate that intent to the federal government.

Wisconsin Act 8 removes the requirement that a person who is convicted of a drug violation will be subject to a mandatory suspension of his or her driver's license. The decision to suspend will be left to the discretion of a court. [See also 2009 Senate Joint Resolution 6, opposing the federal mandate described above.]

Effective Date: The Act took effect on April 15, 2009.

Prepared by: Ronald Sklansky, Senior Staff Attorney

June 2, 2009

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.