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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2009 Assembly Bill 17**

**Assembly Amendment 1, as  
Amended by Assembly  
Amendment 1**

*Memo published: May 26, 2009*

*Contact: Don Salm, Senior Staff Attorney (266-8540)*

Assembly Amendment 1, as amended by Assembly Amendment 1, to 2009 Assembly Bill 17 (ignition interlock), makes the following changes to the bill:

1. Revises the bill's provisions as to which motor vehicles an ignition interlock device (IID) order applies. Under the bill, an IID order applies to "each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration." Under the amendment, an IID order applies to "each motor vehicle kept at the person's household and operated by the person." Further, the amendment provides that if equipping each motor vehicle kept at the violator's household and operated by the violator with an IID would cause an undue financial hardship, the court may order that one or more such vehicles not be equipped with an IID.
2. Clarifies that a first offense refusal of a test for OWI subjects the person to the proposal's IID requirements.
3. Clarifies that first offense tampering with an IID is a crime by replacing the pertinent reference in the bill from "may be required to forfeit" to "may be fined."
4. Revises the per day cost of maintaining an IID that an indigent offender must pay from \$1 per day per vehicle to one-half the cost per day per vehicle of maintaining the device.
5. Clarifies that the court imposes and collects the \$50 interlock surcharge. Provides that the county retains \$40 of each surcharge and the remaining \$10 is paid to the Department of Transportation (DOT). Requires DOT to credit amounts received from the interlock surcharge to a program revenue, rather than a segregated, fund (see Amendment 1 to Amendment 1) to administer the interlock device program. Further, expressly acknowledges the existing IID program under s. 110.10, Stats., in the appropriation language.
6. Deletes any reference to "enforcement" of the IID program by DOT. Under current DOT administrative rule, an IID service provider is required, each time an IID is serviced, to notify

the sheriff in the county where the customer resides of any tampering, circumvention, bypass, or violation resets. (Section Trans 313.10 (5) (c), Wis. Adm. Code.)

7. Expressly provides that OWI-related offenses occurring before the effective date of the proposal may be counted for determining the number of prior OWI-related offenses for purposes of the new IID provisions in the proposal.
8. Simplifies the cross-references to the IID requirements of s. 343.01 contained in statutory provisions relating to improper refusal, homicide by intoxicated use of a vehicle, and injury by intoxicated use of a vehicle.

### **Legislative History**

At an executive session on May 19, 2009, the Assembly Committee on Public Safety adopted Assembly Amendment 1, as amended by Assembly Amendment 1, both offered by Representative Staskunas, on votes of Ayes, 8; Noes, 0. The committee then recommended the bill for passage on a vote of Ayes, 8; Noes, 0.

DLS:jal