SENATE SUBSTITUTE AMENDMENT 1,

TO 2011 SENATE BILL 398

1 AN ACT *to amend* 343.305 (8) (b) 1. of the statutes; **relating to:** hearings

2   regarding administrative suspension of operating privilege.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3   SECTION 1. 343.305 (8) (b) 1. of the statutes is amended to read:

4   343.305 **(8)** (b) 1. Within 10 days after the notification under par. (a), or, if the

5   notification is by mail, within 13 days, excluding Saturdays, Sundays and holidays,

6   after the date of the mailing, the person may request, in writing, that the department

7   review the administrative suspension. The review procedure is not subject to ch. 227.

8   ~~The~~ Unless the hearing is by remote communication mechanism or record review, the

9   department shall hold the hearing on the matter in the county in which the offense

1   allegedly occurred or at the nearest office of the department if the offense allegedly

2   occurred in a county in which the department does not maintain an office. <u>The</u>

3   <u>department, upon request of the person, may conduct a hearing under this</u>

4   <u>paragraph by telephone, video conference, or other remote communication</u>

5   <u>mechanism or by review of only the record submitted by the arresting officer and</u>

6   <u>written arguments.</u>   The department shall hold a hearing regarding the

7   administrative suspension within 30 days after the date of notification under par. (a).

8   The person may present evidence and may be represented by counsel. The arresting

9   officer need not appear at the administrative hearing unless subpoenaed under s.

10   805.07 <u>and need not appear in person at a hearing conducted by remote</u>

11   <u>communication mechanism or record review</u>, but he or she must submit a copy of his

12   or her report and the results of the chemical test to the hearing examiner.

13   **SECTION 2. Initial applicability.**

14   (1) This act first applies to a hearing requested on the effective date of this

15   subsection.

16   **(END)**