



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 113 [2011 Assembly Bill 80]	Operating Privileges
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Current law prohibits operating a motor vehicle on a highway during any period that the person's motor vehicle operating privilege is suspended (operating while suspended or OWS) or revoked (operating after revocation or OAR) or, with limited exceptions, if the person does not possess a valid operator's license (operating without a license or OWL).¹ In certain situations, current law also creates additional penalties for *knowingly* operating a motor vehicle during any period that the person's operating privilege is suspended, revoked, or if the person is operating without a license.

2011 Wisconsin Act 113 repeals all existing penalties for knowingly committing an OWS, OAR, or OWL violation and creates new penalties:

- For committing an OWS/OAR/OWL violation and causing great bodily harm to another, both of the following apply:
 - \$5,000 - \$7,500 forfeiture.
 - The driver's operating privileges must be revoked for a period of six months, unless the court orders a lesser period and places its reasons for ordering the lesser period of revocation on the record.
- For committing an OWS/OAR/OWL violation and causing the death of another, both of the following apply:

¹ A revocation or suspension has basically the same affect on the privilege to drive. The real differences between the two are that the penalties for OAR are generally greater than the penalties for OWS and that the requirements for reinstatement of a license after revocation are greater than the requirements for reinstatement after suspension.

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/>.

- \$7,500 - \$10,000 forfeiture.
- The driver's operating privileges must be revoked for a period of six months, unless the court orders a lesser period and places its reasons for ordering the lesser period of revocation on the record.
- For *knowingly* committing an OWS/OAR/OWL violation and causing great bodily harm to another, both of the following apply:
 - Class I Felony – a fine not to exceed \$10,000, or imprisonment not to exceed three years and six months, or both.
 - The driver's operating privileges must be revoked for a period of six months, unless the court orders a lesser period and places its reasons for ordering the lesser period of revocation on the record.
- For *knowingly* committing an OWS/OAR/OWL violation and causing the death of another, both of the following apply:
 - Class H Felony – a fine not to exceed \$10,000, or imprisonment not to exceed six years, or both.
 - The driver's operating privileges must be revoked for a period of six months, unless the court orders a lesser period and places its reasons for ordering the lesser period of revocation on the record.

Current law prohibits vehicle operators from driving on or across a railroad crossing in each of the following situations:

- While a traffic officer or railroad employee signals to stop.
- While any warning device signals to stop.
- While any train occupies or closely approaches the railroad crossing, if any crossbuck sign is maintained at the crossing.

Under current law, a court may revoke a person's operating privilege upon the person's first conviction for a violation of any of the previously mentioned railroad crossing prohibitions and must revoke the person's operating privilege upon the person's second, or any subsequent, conviction within a five-year period. The revocation must be for a period of six months.

The Act provides for the suspension of a person's operating privilege, rather than revocation of the person's operating privilege, for any of these violations.

Effective date: March 1, 2012

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February 22, 2012

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