

NOTICE OF PROPOSED GUIDANCE DOCUMENT

Drunk Driving Law DSP12

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on Drunk Driving Law DSP12, Wis. Stat. ss. 346, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website:

<https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DSP12>

2. Mailing written comments to:

Division of State Patrol
Wisconsin Department of Transportation
9th Floor South
4822 Madison Yards Way
Madison, WI 53705-9100

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsin.dot.gov to allow for ongoing comment.

AGENCY CONTACT

DOTDSPGuidanceDocs@DOT.WI.GOV



State of Wisconsin Department of Transportation



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It is illegal in Wisconsin for a driver over the age of 21 to operate a motor vehicle:

- With a Blood/Breath Alcohol Concentration (BAC) of 0.08 or greater;
- While under the influence of an intoxicant;
- With a detectable amount of a restricted controlled substance in his or her blood; or
- While under the influence of a controlled substance or any other drug.

For drivers with three or more prior Operating While Intoxicated (OWI) convictions, the limit is lower: they cannot operate a motor vehicle if

their BAC is greater than 0.02

Drivers under 21 years of age are required by law to maintain "absolute sobriety," and, for them, driving with any amount of alcohol in their system is illegal.

Definitions

A driver is "under the influence" when his or her ability to operate a motor vehicle is impaired. A person's ability to operate a motor vehicle is impaired if he or she is less able to safely control the vehicle because of the consumption of alcohol or controlled substances. This means that if a police officer pulls you over and determines that you are impaired by alcohol and/or any other drug, you could be arrested and prosecuted, regardless of your BAC.

Penalties for operating a motor vehicle while intoxicated range from a forfeiture and license revocation for a first offense, to up to six years imprisonment, three year license revocation and possible seizure of vehicles for subsequent offenses. Additionally, more severe penalties apply if injury or death results.

But no matter what your legal status, it is always wise to avoid driving if you have been drinking.

A recent review of alcohol impairment studies by the National Highway Traffic Safety Administration (NHTSA) concluded that impairment of some driving-related skills begins with even the smallest amount of alcohol in your system.

For more information:

- [0.08 Law in Wisconsin](#)
- [Drunk driving law changes](#)
- [Alcohol crash facts](#)

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