

1985 Senate Bill 34

Date of enactment: **November 19, 1985**
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1985 Wisconsin Act 80

AN ACT to amend 343.30 (1q) (b) 1, 343.305 (9) (b) 1, 343.307, 343.31 (title), 343.31 (2) and (3) (a) and (b) and 346.65 (2) (b) and (c) of the statutes, relating to operating a motor vehicle while under the influence of an intoxicant.

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

SECTION 1. 343.30 (1q) (b) 1 of the statutes is amended to read:

343.30 (1q) (b) 1. The court shall suspend or revoke the person's operating privilege under this paragraph according to the number of previous improper refusals under s. 343.305 (8) or convictions under s. 346.63 (1), or a local ordinance in conformity therewith, or s.

346.63 (2) or 940.25, or s. 940.09 where the offense involved the use of a vehicle. Refusals and convictions arising out of the same incident shall be counted as one. If a person has a conviction for any offense under a local ordinance in or a state statute of another state which is in conformity with s. 346.63 (1) (a) or (b) or both, that conviction shall count as a prior conviction under this subdivision.

SECTION 2. 343.305 (9) (b) 1 of the statutes is amended to read:

343.305 (9) (b) 1. The court shall revoke the person's operating privilege under this paragraph according to the number of previous improper refusals under sub. (8) or convictions under s. 346.63 (1) or a local ordinance in conformity therewith, or s. 346.63 (2) or 940.25, or s. 940.09 where the offense involved the use of a vehicle. Refusals and convictions arising out of the same incident shall be counted as one. If a person has a conviction for any offense under a local ordinance in or a state statute of another state which is in conformity with s. 346.63 (1) (a) or (b) or both, that conviction shall count as a prior conviction under this subdivision.

SECTION 3. 343.307 of the statutes is amended to read:

343.307 Prior convictions to be counted. For purposes of counting the number of refusals, revocations and convictions under s. 343.30 (1q), 343.305 (8) or (9) or 346.65 (2) on and after July 1, 1978, convictions for violations under s. 346.63 (1), or a local ordinance in conformity therewith or a local ordinance in or a state statute of another state in conformity therewith, or s. 346.63 (2) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, prior to and after the treatment of any of those sections by chapter 193, laws of 1977, shall be counted and given the effect specified under s. 343.30 (1q), 343.305 (8) or (9) or 346.65 (2) on and after July 1, 1978. If the same elements of the offense must be proved under a local ordinance or state statute of another state as under s. 346.63 (1) (a) or (b) or both, the local ordinance or state statute of the other state shall be considered to be in conformity with s. 346.63 (1) (a) or (b) or both for purposes of ss. 343.30 (1q) (b) 1, 343.305 (9) (b) 1 and 346.65 (2) (b) and (c).

SECTION 3g. 343.31 (title) of the statutes is amended to read:

343.31 (title) Mandatory revocation or suspension of licenses after certain convictions.

SECTION 3m. 343.31 (2) and (3) (a) and (b) of the statutes are amended to read:

343.31 (2) The department shall revoke or suspend, respectively, the operating privilege of any resident of this state upon receiving notice of the conviction of such person in another jurisdiction for an offense

therein which, if committed in this state, would have been cause for ~~mandatory~~ revocation or suspension under this section or under s. 343.30 (1q). Upon receiving similar notice with respect to a nonresident, the department shall revoke or suspend, respectively, the privilege of ~~such~~ the nonresident to operate a motor vehicle in this state.

(3) (a) Except as otherwise provided in this subsection, all revocations or suspensions under this section shall be for a period of one year.

(b) If the ~~revocation~~ suspension results from a first conviction of operation of a motor vehicle while under the influence of an intoxicant or controlled substance or a combination thereof, under the influence of any other drug to a degree which renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving and the conviction occurs in another jurisdiction, the period of ~~revocation~~ suspension shall be 90 days.

SECTION 4. 346.65 (2) (b) and (c) of the statutes are amended to read:

346.65 (2) (b) Shall be fined not less than \$300 nor more than \$1,000 and imprisoned not less than 5 days nor more than 6 months if the total of revocations under s. 343.305 and convictions under s. 346.63 (1) or a local ordinance in conformity therewith, or s. 346.63 (2) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, equals 2 in a 5-year period, except that revocations or convictions arising out of the same incident or occurrence shall be counted as one. The 5-year period shall be measured from the dates of the refusals or violations which resulted in the revocation or convictions. If a person has a conviction for any offense under a local ordinance in or a state statute of another state which is in conformity with s. 346.63 (1) (a) or (b) or both, that conviction shall count as a prior conviction under this paragraph.

(c) Shall be fined not less than \$600 nor more than \$2,000 and imprisoned for not less than 30 days nor more than one year in the county jail if the total of revocations under s. 343.305 and convictions under s. 346.63 (1) or a local ordinance in conformity therewith, or s. 346.63 (2) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, equals 3 or more in a 5-year period, except that revocations or convictions arising out of the same incident or occurrence shall be counted as one. The 5-year period shall be measured from the dates of the refusals or violations which resulted in the revocation or convictions. If a person has a conviction for any offense under a local ordinance in or a state statute of another state which is in conformity with s. 346.63 (1) (a) or (b) or both, that conviction shall count as a prior conviction under this paragraph.