

1991 Assembly Bill 147

Date of enactment: **November 14, 1991**
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1991 WISCONSIN ACT 64

AN ACT to amend 343.44 (2) (intro.), 343.44 (2) (a), 343.44 (2) (b) 1, 343.44 (2) (c) 1, 343.44 (2) (d) 1, 343.44 (2) (e) 1, 343.44 (2m) (a) to (c) and 343.44 (2r) of the statutes, **relating to:** penalties for operating a motor vehicle after license suspension or revocation.

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

SECTION 1. 343.44 (2) (intro.) of the statutes is amended to read:

343.44 (2) (intro.) Except as provided in sub. (2m), any person violating this section is subject to the following penalties:

SECTION 2. 343.44 (2) (a) of the statutes is amended to read:

343.44 (2) (a) For the first conviction under this section or a local ordinance in conformity with this section within ~~5 years~~ a 5-year period the person shall forfeit not less than \$150 nor more than \$600, except that, if the person's operating privilege was revoked under ch. 351 at the time of the offense, the penalty shall be a fine of not less than \$150 nor more than \$600.

SECTION 3. 343.44 (2) (b) 1. of the statutes is amended to read:

343.44 (2) (b) 1. Except as provided in subd. 2, for a 2nd conviction under this section or a local ordinance in conformity with this section within ~~5 years~~ a 5-year period, a person shall be fined not less than \$300 nor more than \$1,000 and shall be imprisoned for not less than 10 days nor more than 6 months.

SECTION 4. 343.44 (2) (c) 1. of the statutes is amended to read:

343.44 (2) (c) 1. Except as provided in subd. 2, for a 3rd conviction under this section or a local ordinance in conformity with this section within ~~5 years~~ a 5-year period, a person shall be fined not less than \$1,000 nor

more than \$2,000 and shall be imprisoned for not less than 30 days nor more than 9 months.

SECTION 5. 343.44 (2) (d) 1. of the statutes is amended to read:

343.44 (2) (d) 1. Except as provided in subd. 2, for a 4th conviction under this section or a local ordinance in conformity with this section within ~~5 years~~ a 5-year period, a person shall be fined not less than \$1,500 nor more than \$2,000 and shall be imprisoned for not less than 60 days nor more than one year in the county jail.

SECTION 6. 343.44 (2) (e) 1. of the statutes is amended to read:

343.44 (2) (e) 1. Except as provided in subd. 2, for a 5th or subsequent conviction under this section or a local ordinance in conformity with this section within ~~5 years~~ a 5-year period, a person shall be fined not less than \$2,000 nor more than \$2,500 and shall be imprisoned for not less than 6 months nor more than one year in the county jail.

SECTION 7. 343.44 (2m) (a) to (c) of the statutes are amended to read:

343.44 (2m) (a) For the first conviction under this section or a local ordinance in conformity therewith within ~~5 years~~ a 5-year period, be fined not less than \$300 nor more than \$1,000 and imprisoned for not less than 6 days nor more than 10 days.

(b) For a 2nd conviction under this section or a local ordinance in conformity therewith within ~~5 years~~ a 5-year period, be fined not less than \$1,000 nor more than \$2,000 and shall be imprisoned for not less than 30 days nor more than 9 months.

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(c) For a 3rd or subsequent conviction under this section or a local ordinance in conformity therewith within ~~5 years~~ a 5-year period, be fined not less than \$1,500 nor more than \$5,000 and shall be imprisoned for not less than 60 days nor more than one year in the county jail.

SECTION 8. 343.44 (2r) of the statutes is amended to read:

343.44 (2r) For purposes of determining prior convictions under this section, the 5-year period shall be

measured from the dates of the violations that resulted in the convictions and each conviction under sub. (2) or (2m) shall be counted. The vehicle operated at the time of the offense shall determine whether the penalties of sub. (2) or (2m) apply.

SECTION 9. Initial applicability. This act first applies to violations that occur on the effective date of this SECTION, but does not preclude the counting of other violations as prior violations for sentencing a person.