



**ASSEMBLY AMENDMENT 1,
TO 1995 ASSEMBLY BILL 250**

February 21, 1996 – Offered by Representatives FOTTI and CULLEN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 6: before that line insert:

3 “**SECTION 1d.** 342.12 (4) (a) of the statutes is amended to read:

4 342.12 (4) (a) The district attorney shall notify the department when he or she
5 files a criminal complaint against a person who has been arrested for violating s.
6 346.63 (1) or (2), 940.09 (1) or 940.25 and who has ~~2 or more prior convictions,~~
7 ~~suspensions or revocations within a 10-year period, as counted under s. 343.307 (1).~~
8 The department may not issue a certificate of title transferring ownership of any
9 motor vehicle owned by the person upon receipt of a notice under this subsection until
10 the court assigned to hear the criminal complaint issues an order permitting the
11 department to issue a certificate of title.

12 **SECTION 1g.** 343.10 (5) (a) 3. of the statutes is amended to read:

13 343.10 (5) (a) 3. ~~If the petitioner has 2 or more prior convictions, suspensions~~
14 ~~or revocations, as counted under s. 343.307 (1), the~~ The order for issuance of an
15 occupational license to a person may restrict the person’s operation under the
16 occupational license to vehicles that are equipped with a functioning ignition

1 interlock device as provided under s. 346.65 (6). A person to whom a restriction under
2 this subdivision applies violates that restriction if he or she requests or permits
3 another to blow into an ignition interlock device or to start a motor vehicle equipped
4 with an ignition interlock device for the purpose of providing the person an operable
5 motor vehicle without the necessity of first submitting a sample of his or her breath
6 to analysis by the ignition interlock device.”.

7 **2.** Page 1, line 6: delete “SECTION 1” and substitute “SECTION 1m”.

8 **3.** Page 2, line 1: delete lines 1 to 5 and substitute:

9 “343.305 (4) (am) If testing is refused, a motor vehicle owned by the person may
10 be equipped with an ignition interlock device and the person’s operating privilege
11 will be revoked under this section;”.

12 **4.** Page 2, line 11: delete lines 11 to 13 and substitute: “son may be equipped
13 with an ignition interlock device;”.

14 **5.** Page 2, line 16: delete lines 16 to 20 and substitute:

15 “343.305 (10m) (a) If the person’s operating privilege is revoked under sub.
16 (10), the procedure under s. 346.65 (6) shall be followed regarding the equipping of
17 a motor vehicle owned by the person with an ignition interlock device.”.

18 **6.** Page 2, line 23: delete “paragraph” and substitute “subdivision”.

19 **7.** Page 3, line 2: delete lines 2 to 5 and substitute: “(b) or 940.25 (1) (a) or (b).
20 The court shall not order a motor vehicle equipped with an ignition interlock device
21 if that would result in undue hardship or extreme inconvenience or would endanger
22 the health or safety of a person.

23 **SECTION 6m.** 346.65 (6) (a) 2m. of the statutes is amended to read:

1 346.65 (6) (a) 2m. A person who owns a motor vehicle subject to seizure,
2 equipping with an ignition interlock device or immobilization under this paragraph
3 shall surrender to the clerk of circuit court the certificate of title issued under ch. 342
4 for every motor vehicle owned by the person. The person shall comply with this
5 subdivision within 5 working days after receiving notification of this requirement
6 from the district attorney. When a district attorney receives a copy of a notice of
7 intent to revoke the operating privilege under s. 343.305 (9) (a) of a person who has
8 ~~2 or more convictions, suspensions or revocations within a 5-year period, as counted~~
9 ~~under s. 343.307 (1),~~ or when a district attorney notifies the department of the filing
10 of a criminal complaint against a person under s. 342.12 (4) (a), the district attorney
11 shall notify the person of the requirement to surrender all certificates of title to the
12 clerk of circuit court. The notification shall include the time limits for that surrender,
13 the penalty for failure to comply with the requirement and the address of the clerk
14 of circuit court. The clerk of circuit court shall promptly return each certificate of title
15 surrendered to the clerk of circuit court under this subdivision after stamping the
16 certificate of title with the notation "Per section 346.65 (6) of the Wisconsin statutes,
17 ownership of this motor vehicle may not be transferred without prior court approval".
18 Any person failing to surrender a certificate of title as required under this
19 subdivision shall forfeit not more than \$500."

20 **8.** Page 3, line 8: delete lines 8 to 10 and substitute:

21 "940.09 (1d) (a) If a person commits an offense under sub. (1) (a) or (b), the
22 procedure under s. 346.65 (6) may be followed regarding the".

23 **9.** Page 3, line 14: delete lines 14 to 16 and substitute:

