



State of Wisconsin
1999 - 2000 LEGISLATURE

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RPN,PEN&JEO:all:hmh

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 221**

May 13, 1999 - Offered by JOINT COMMITTEE ON FINANCE.

1 **AN ACT** *to repeal* 346.65 (6) (a) 2.; *to renumber* 343.305 (10m), 940.09 (1d) and
2 940.25 (1d); *to renumber and amend* 346.65 (6) (a) 1.; *to amend* 20.435 (6)
3 (hx), 125.07 (4) (bs), 125.07 (4) (c), 125.07 (4) (e) 2. (intro.), 340.01 (46m) (b),
4 342.12 (4) (a), 342.12 (4) (c) 1. (intro.), 343.10 (5) (a) 3., 343.30 (6) (b), 346.65 (6)
5 (a) 2m., 346.65 (6) (c), 346.65 (6) (d), 346.655 (1), 346.655 (2) (a), 346.655 (2) (b),
6 346.95 (2), 938.344 (2) (intro.), 938.344 (2) (c), 938.344 (2b) and 938.344 (2d) (c);
7 **to create** 20.395 (5) (ek), 51.30 (4) (b) 25., 85.55, 110.10, 303.065 (2m), 303.08
8 (1) (cg), 303.08 (1) (cm), 303.08 (10m), 340.01 (46m) (c), 343.305 (10m) (a),
9 346.65 (6) (a) 1d., 346.93 (2g), 940.09 (1d) (a) and 940.25 (1d) (a) of the statutes;
10 and **to affect** 1997 Wisconsin Act 84, section 2, 1997 Wisconsin Act 84, section
11 3, 1997 Wisconsin Act 84, section 4, 1997 Wisconsin Act 84, section 5, 1997
12 Wisconsin Act 84, section 30, 1997 Wisconsin Act 84, section 31, 1997 Wisconsin
13 Act 84, section 160, 1997 Wisconsin Act 84, section 161 and 1997 Wisconsin Act

1 84, section 162; **relating to:** operating a motor vehicle while under the
2 influence of an intoxicant or drugs, or both; installation of an ignition interlock
3 device in cases involving intoxicated operation of a motor vehicle; seizure of
4 motor vehicles for offenses related to driving while under the influence of an
5 intoxicant; the prohibited alcohol concentration related to operating a motor
6 vehicle while under the influence of an intoxicant; restrictions on prisoner
7 release from jail or prison; creating a safe-ride grant program; creating an
8 ignition interlock device program; certain alcohol beverage offenses committed
9 by persons under the legal drinking age; granting rule-making authority;
10 making an appropriation; and providing penalties.

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

11 **SECTION 1.** 20.395 (5) (ek) of the statutes is created to read:

12 20.395 (5) (ek) *Safe-ride grant program; state funds.* From the general fund,
13 all moneys transferred from the appropriation account under s. 20.435 (6) (hx) for the
14 purpose of awarding grants under s. 85.55.

15 **SECTION 2.** 20.435 (6) (hx) of the statutes is amended to read:

16 20.435 (6) (hx) *Services related to drivers, receipts.* The amounts in the
17 schedule for services related to drivers. All moneys received by the state treasurer
18 from the driver improvement surcharge on court fines and forfeitures authorized
19 under s. 346.655 shall be credited to this appropriation. The secretary of
20 administration shall annually transfer to the appropriation account under s. 20.395
21 (5) (di) ~~31.29%~~ 30.12% of all moneys credited to this appropriation. The secretary of
22 administration shall annually transfer to the appropriation account under s. 20.395
23 (5) (ek) 3.76% of all moneys credited to this appropriation. The moneys remaining

1 may be transferred to sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5)
2 (ci) and 20.455 (5) (h) by the secretary of administration after consultation with the
3 secretaries of health and family services and transportation, the superintendent of
4 public instruction, the attorney general and the president of the university of
5 Wisconsin system.

6 **SECTION 3.** 51.30 (4) (b) 25. of the statutes is created to read:

7 51.30 (4) (b) 25. To the department of corrections or to a sheriff, to determine
8 if a person incarcerated is complying with the assessment or the driver safety plan
9 ordered under s. 343.30 (1q) (c).

10 **SECTION 4.** 85.55 of the statutes is created to read:

11 **85.55 Safe-ride grant program.** The department may award grants to any
12 county or municipality to cover the costs of transporting persons suspected of having
13 a prohibited alcohol concentration, as defined in s. 340.01 (46m), from any premises
14 licensed under ch. 125 to sell alcohol beverages to their places of residence. The
15 amount of a grant under this section may not exceed 50% of the costs necessary to
16 provide the service. The liability of a provider of a safe-ride program to persons
17 transported under the program is limited to the amounts required for an automobile
18 liability policy under s. 344.15 (1). Grants awarded under this section shall be paid
19 from the appropriation under s. 20.395 (5) (ek).

20 **SECTION 5.** 110.10 of the statutes is created to read:

21 **110.10 Ignition interlock device program.** The department shall
22 promulgate rules providing for the implementation of a statewide ignition interlock
23 device program. The rules shall include provisions regarding all of following:

24 (1) The selection of persons to install, service and remove ignition interlock
25 devices from motor vehicles.

1 (2) The periodic review of the fees charged to the owner of a vehicle for the
2 installation, service and removal of an ignition interlock device.

3 (3) Requiring ignition interlock device providers operating in this state to
4 establish pilot programs involving the voluntary use of ignition interlock devices.

5 (4) Requiring ignition interlock device providers operating in this state to
6 provide the department and law enforcement agencies designated by the department
7 with installation, service, tampering and failure reports in a timely manner.

8 **SECTION 6.** 125.07 (4) (bs) of the statutes is amended to read:

9 125.07 (4) (bs) Any person violating par. (a) is subject to the following penalties
10 shall be penalized as follows:

11 1. For a first violation, the person's operating privilege shall be suspended
12 under s. 343.30 (6) (b) 1. In addition, the person is subject to a forfeiture of not less
13 than \$250 nor more than \$500, suspension of the person's operating privilege as
14 provided under s. 343.30 (6) (b) 1., participation in a supervised work program or
15 other community service work under par. (cg) or any combination of these penalties.

16 2. For a violation committed within 12 months of a previous violation, the
17 person's operating privilege shall be suspended under s. 343.30 (6) (b) 2. In addition,
18 the person is subject to either a forfeiture of not less than \$300 nor more than \$500,
19 suspension of the person's operating privilege as provided under s. 343.30 (6) (b) 2.,
20 participation in a supervised work program or other community service work under
21 par. (cg) or any combination of these penalties.

22 3. For a violation committed within 12 months of 2 previous violations, the
23 person's operating privilege shall be suspended under s. 343.30 (6) (b) 3. In addition,
24 the person is subject to either a forfeiture of not less than \$500 nor more than \$750,
25 revocation of the person's operating privilege under s. 343.30 (6) (b) 3., participation

1 in a supervised work program or other community service work under par. (cg) or any
2 combination of these penalties.

3 4. For a violation committed within 12 months of 3 or more previous violations,
4 the person's operating privilege shall be suspended under s. 343.30 (6) (b) 3. In
5 addition, the person is subject to either a forfeiture of not less than \$750 nor more
6 than \$1,000, ~~revocation of the person's operating privilege under s. 343.30 (6) (b) 3.,~~
7 participation in a supervised work program or other community service work under
8 par. (cg) or any combination of these penalties.

9 **SECTION 7.** 125.07 (4) (c) of the statutes is amended to read:

10 125.07 (4) (c) Any person violating par. (b) ~~is subject to the following penalties~~
11 shall be penalized as follows:

12 1. For a first violation, the person's operating privilege shall be suspended
13 under s. 343.30 (6) (b) 1. In addition, the person is subject to a forfeiture of not less
14 than \$100 nor more than \$200, ~~suspension of the person's operating privilege as~~
15 ~~provided under s. 343.30 (6) (b) 1.,~~ participation in a supervised work program or
16 other community service work under par. (cg) or any combination of these penalties.

17 2. For a violation committed within 12 months of a previous violation, the
18 person's operating privilege shall be suspended under s. 343.30 (6) (b) 2. In addition,
19 the person is subject to either a forfeiture of not less than \$200 nor more than \$300,
20 ~~suspension of the person's operating privilege as provided under s. 343.30 (6) (b) 2.,~~
21 participation in a supervised work program or other community service work under
22 par. (cg) or any combination of these penalties.

23 3. For a violation committed within 12 months of 2 previous violations, the
24 person's operating privilege shall be suspended under s. 343.30 (6) (b) 3. In addition,
25 the person is subject to either a forfeiture of not less than \$300 nor more than \$500,

1 ~~revocation of the person's operating privilege under s. 343.30 (6) (b) 3.,~~ participation
2 in a supervised work program or other community service work under par. (cg) or any
3 combination of these penalties.

4 4. For a violation committed within 12 months of 3 or more previous violations,
5 the person's operating privilege shall be suspended under s. 343.30 (6) (b) 3. In
6 addition, the person is subject to either a forfeiture of not less than \$500 nor more
7 than \$1,000, ~~revocation of the person's operating privilege under s. 343.30 (6) (b) 3.,~~
8 participation in a supervised work program or other community service work under
9 par. (cg) or any combination of these penalties.

10 **SECTION 8.** 125.07 (4) (e) 2. (intro.) of the statutes is amended to read:

11 125.07 (4) (e) 2. (intro.) After ordering a penalty under par. (bs) or (c), the court,
12 with the agreement of the defendant, may enter an additional order staying the
13 execution of the penalty order and suspending or modifying the penalty imposed,
14 except that the court may not stay, suspend or modify the suspension of a person's
15 operating privilege required under par. (bs) or (c). The order under this subdivision
16 shall require the defendant to do any of the following:

17 **SECTION 9.** 303.065 (2m) of the statutes is created to read:

18 303.065 (2m) The department may not grant work release privileges to a
19 prisoner who is imprisoned for a violation of s. 346.63 (1), (2), (5) or (6) and who fails
20 to obtain the assessment or to comply with the driver safety plan ordered under s.
21 343.30 (1q) (c) related to the violation for which he or she was imprisoned. This
22 subsection does not apply if the prisoner does not have sufficient funds to make any
23 payments necessary to obtain the assessment or to comply with the driver safety
24 plan.

25 **SECTION 10.** 303.08 (1) (cg) of the statutes is created to read:

1 303.08 (1) (cg) Attendance at an assessment ordered by a court under s. 343.30
2 (1q) (c);

3 **SECTION 11.** 303.08 (1) (cm) of the statutes is created to read:

4 303.08 (1) (cm) Attendance at a treatment program required by a driver safety
5 plan under s. 343.30 (1q) (c);

6 **SECTION 12.** 303.08 (10m) of the statutes is created to read:

7 303.08 (10m) The sheriff may not permit a prisoner who is imprisoned for a
8 violation of s. 346.63 (1), (2), (5) or (6) to leave the jail under sub. (1) if the prisoner
9 fails to obtain the assessment or to comply with the driver safety plan ordered under
10 s. 343.30 (1q) (c). This subsection does not apply if the prisoner does not have
11 sufficient funds to make any payments necessary to obtain the assessment or to
12 comply with the driver safety plan.

13 **SECTION 13.** 340.01 (46m) (b) of the statutes is amended to read:

14 340.01 (46m) (b) If the person has 2 ~~or more~~ prior convictions, suspensions or
15 revocations, as counted under s. 343.307 (1), an alcohol concentration of 0.08 or more.

16 **SECTION 14.** 340.01 (46m) (c) of the statutes is created to read:

17 340.01 (46m) (c) If the person has 3 or more prior convictions, suspensions or
18 revocations, as counted under s. 343.307 (1), an alcohol concentration of more than
19 0.02.

20 **SECTION 15.** 342.12 (4) (a) of the statutes is amended to read:

21 342.12 (4) (a) The district attorney shall notify the department when he or she
22 files a criminal complaint against a person who has been arrested for violating s.
23 346.63 (1) or (2), 940.09 (1) or 940.25 ~~and who has 2 or more prior convictions,~~
24 ~~suspensions or revocations, as counted under s. 343.307 (1).~~ Except as provided
25 under par. (c), the department may not issue a certificate of title transferring

1 ownership of any motor vehicle owned by the person upon receipt of a notice under
2 this subsection until the court assigned to hear the criminal complaint issues an
3 order permitting the department to issue a certificate of title.

4 **SECTION 16.** 342.12 (4) (c) 1. (intro.) of the statutes is amended to read:

5 342.12 (4) (c) 1. (intro.) The department shall issue a certificate of title
6 transferring ownership of a motor vehicle that was owned by a person who has
7 received a notice of intent to revoke the person's operating privilege under s. 343.305
8 (9) (a) or has been arrested for violating s. 346.63 (1) or (2), 940.09 (1) or 940.25 and
9 who has ~~2 or more prior convictions, suspensions or revocations, as counted under~~
10 ~~s. 343.307 (1)~~, if all of the following conditions are met:

11 **SECTION 17.** 343.10 (5) (a) 3. of the statutes is amended to read:

12 343.10 (5) (a) 3. ~~If the applicant has 2 or more prior convictions, suspensions~~
13 ~~or revocations, as counted under s. 343.307 (1), the~~ The occupational license of the
14 applicant shall restrict the applicant's operation under the occupational license to
15 vehicles that are equipped with a functioning ignition interlock device if the court
16 has ordered under s. 346.65 (6) (a) ~~1. 1d. or 1g.~~ that a motor vehicle owned by the
17 person be equipped with an ignition interlock device. A person to whom a restriction
18 under this subdivision applies violates that restriction if he or she requests or
19 permits another to blow into an ignition interlock device or to start a motor vehicle
20 equipped with an ignition interlock device for the purpose of providing the person an
21 operable motor vehicle without the necessity of first submitting a sample of his or her
22 breath to analysis by the ignition interlock device. If the occupational license
23 restricts the applicant's operation to a vehicle that is equipped with an ignition
24 interlock device, the applicant shall be liable for the reasonable costs of equipping
25 the vehicle with the ignition interlock device.

1 **SECTION 18.** 343.30 (6) (b) of the statutes is amended to read:

2 343.30 **(6)** (b) If Whenever a court imposes suspension ~~or revocation~~ of a
3 person's operating privilege under s. 125.07 (4) (bs) or (c) or 938.344 (2), (2b) or (2d),
4 the suspension ~~or revocation~~ imposed shall be one of the following:

5 1. For a first violation, suspension for ~~30 to 90 days~~ not less than 6 months nor
6 more than one year.

7 2. For a violation committed within 12 months of a previous violation,
8 suspension for not ~~more~~ less than one year nor more than 18 months.

9 3. For a violation committed within 12 months of 2 or more previous violations,
10 ~~revocation~~ suspension for not ~~more~~ less than 2 years nor more than 5 years.

11 **SECTION 19.** 343.305 (10m) of the statutes is renumbered 343.305 (10m) (b).

12 **SECTION 20.** 343.305 (10m) (a) of the statutes is created to read:

13 343.305 **(10m)** (a) If the person's operating privilege is revoked under sub. (10),
14 the procedure under s. 346.65 (6) shall be followed regarding the equipping of a motor
15 vehicle owned by the person with an ignition interlock device.

16 **SECTION 21.** 346.65 (6) (a) 1. of the statutes is renumbered 346.65 (6) (a) 1g. and
17 amended to read:

18 346.65 **(6)** (a) 1g. Except as provided in this paragraph, the court may order a
19 law enforcement officer to seize a motor vehicle, or, if the motor vehicle is not ordered
20 seized, shall order a law enforcement officer to equip the motor vehicle with an
21 ignition interlock device or immobilize any motor vehicle owned by the person whose
22 operating privilege is revoked under s. 343.305 (10) or who committed a violation of
23 s. 346.63 (1) (a), (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25 (1) (a), (b),
24 (c) or (d) if the person whose operating privilege is revoked under s. 343.305 (10) or
25 who is convicted of the violation has 2 or more prior suspensions, revocations or

1 convictions that would be counted under s. 343.307 (1). The court shall not order a
2 motor vehicle equipped with an ignition interlock device or immobilized if that would
3 result in undue hardship or extreme inconvenience or would endanger the health
4 and safety of a person.

5 **SECTION 22.** 346.65 (6) (a) 1d. of the statutes is created to read:

6 346.65 (6) (a) 1d. Except as provided in this subdivision, the court may order
7 a law enforcement officer to equip with an ignition interlock device a motor vehicle
8 owned by the person whose operating privilege is revoked under s. 343.305 (10) or
9 who committed a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a),
10 (b), (c) or (d) or 940.25 (1) (a), (b), (c) or (d). The court shall not order a motor vehicle
11 equipped with an ignition interlock device if that would result in undue hardship or
12 extreme inconvenience or would endanger the health or safety of a person.

13 **SECTION 23.** 346.65 (6) (a) 2. of the statutes is repealed.

14 **SECTION 24.** 346.65 (6) (a) 2m. of the statutes is amended to read:

15 346.65 (6) (a) 2m. A person who owns a motor vehicle subject to seizure,
16 equipping with an ignition interlock device or immobilization under this paragraph
17 shall surrender to the clerk of circuit court the certificate of title issued under ch. 342
18 for every motor vehicle owned by the person. The person shall comply with this
19 subdivision within 5 working days after receiving notification of this requirement
20 from the district attorney. When a district attorney receives a copy of a notice of
21 intent to revoke the operating privilege under s. 343.305 (9) (a) of a person who has
22 ~~2 or more convictions, suspensions or revocations, as counted under s. 343.307 (1),~~
23 or when a district attorney notifies the department of the filing of a criminal
24 complaint against a person under s. 342.12 (4) (a), the district attorney shall notify
25 the person of the requirement to surrender all certificates of title to the clerk of circuit

1 court. The notification shall include the time limits for that surrender, the penalty
2 for failure to comply with the requirement and the address of the clerk of circuit
3 court. The clerk of circuit court shall promptly return each certificate of title
4 surrendered to the clerk of circuit court under this subdivision after stamping the
5 certificate of title with the notation "Per section 346.65 (6) of the Wisconsin statutes,
6 ownership of this motor vehicle may not be transferred without prior court approval".
7 Any person failing to surrender a certificate of title as required under this
8 subdivision shall forfeit not more than \$500.

9 **SECTION 25.** 346.65 (6) (c) of the statutes is amended to read:

10 346.65 (6) (c) The district attorney of the county where the motor vehicle was
11 seized, or of the county where the owner's operating privilege was ordered revoked
12 under s. 343.305 (10) or where the owner committed the violation under s. 346.63 (1)
13 (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25 (1) (a), (b), (c) or (d),
14 shall commence an action to forfeit the motor vehicle within 30 days after the motor
15 vehicle is seized. The action shall name the owner of the motor vehicle and all
16 lienholders of record as parties. The forfeiture action shall be commenced by filing
17 a summons, complaint and affidavit of the law enforcement agency with the clerk of
18 circuit court. Upon service of an answer, the action shall be set for hearing within
19 60 days after the service of the answer. If no answer is served or no issue of law or
20 fact joined and the time for that service or joining of issues has expired, the court may
21 render a default judgment as provided in s. 806.02.

22 **SECTION 26.** 346.65 (6) (d) of the statutes is amended to read:

23 346.65 (6) (d) At the hearing set under par. (c), the state has the burden of
24 proving to a reasonable certainty by the greater weight of the credible evidence that
25 the motor vehicle is a motor vehicle owned by a person whose operating privilege was

1 ordered revoked under s. 343.305 (10) or who committed a violation of s. 346.63 (1)
2 (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25 (1) (a), (b), (c) or (d)
3 and, ~~if the seizure is under par. (a) 1.,~~ that the person had 2 or more prior convictions,
4 suspensions or revocations, as counted under s. 343.307 (1) ~~or, if the seizure is under~~
5 ~~par. (a) 2., 3 or more prior convictions, suspensions or revocations, as counted under~~
6 ~~s. 343.307 (1).~~ If the ~~,, (e) or (d) ,, (e) or (d)~~ state fails to meet the burden of proof
7 required under this paragraph, the motor vehicle shall be returned to the owner upon
8 the payment of storage costs.

9 **SECTION 27.** 346.655 (1) of the statutes is amended to read:

10 346.655 (1) ~~On or after July 1, 1988, if~~ If a court imposes a fine or a forfeiture
11 for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or
12 s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a
13 vehicle, it shall impose a driver improvement surcharge in an amount of ~~\$340~~ \$345
14 in addition to the fine or forfeiture, penalty assessment, jail assessment and crime
15 laboratories and drug law enforcement assessment.

16 **SECTION 28.** 346.655 (2) (a) of the statutes is amended to read:

17 346.655 (2) (a) Except as provided in par. (b), the clerk of court shall collect and
18 transmit the amount under sub. (1) to the county treasurer as provided in s. 59.40
19 (2) (m). The county treasurer shall then make payment of ~~37.6%~~ 38.5% of the amount
20 to the state treasurer as provided in s. 59.25 (3) (f) 2.

21 **SECTION 29.** 346.655 (2) (b) of the statutes is amended to read:

22 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall
23 transmit the amount to the treasurer of the county, city, town or village, and that
24 treasurer shall make payment of ~~37.6%~~ 38.5% of the amount to the state treasurer

1 as provided in s. 66.12 (1) (b). The treasurer of the city, town or village shall transmit
2 the remaining ~~62.4%~~ 61.5% of the amount to the treasurer of the county.

3 **SECTION 30.** 346.93 (2g) of the statutes is created to read:

4 346.93 (2g) Any person violating this section may be required to forfeit not less
5 than \$20 nor more than \$400 and shall have his or her operating privilege:

6 (a) For a first violation, suspended under s. 343.30 (6) (b) 1.

7 (b) For a violation committed within 12 months of a previous violation,
8 suspended under s. 343.30 (6) (b) 2.

9 (c) For a violation committed within 12 months of 2 or more previous violations,
10 suspended under s. 343.30 (6) (b) 3.

11 **SECTION 31.** 346.95 (2) of the statutes is amended to read:

12 346.95 (2) Any person violating s. 346.89 (1), ~~346.93~~ or 346.94 (2), (4) or (7) may
13 be required to forfeit not less than \$20 nor more than \$400.

14 **SECTION 32.** 938.344 (2) (intro.) of the statutes is amended to read:

15 938.344 (2) (intro.) If a court finds a juvenile committed a violation under s.
16 ~~125.07 (4) (b) or~~ 125.09 (2), or a local ordinance that strictly conforms to ~~one of these~~
17 statutes that statute, the court shall order one or any combination of the following
18 penalties:

19 **SECTION 33.** 938.344 (2) (c) of the statutes is amended to read:

20 938.344 (2) (c) For a violation committed within 12 months of 2 or more
21 previous violations, a forfeiture of not more than \$500, ~~revocation~~ suspension of the
22 juvenile's operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's
23 participation in a supervised work program or other community service work under
24 s. 938.34 (5g).

25 **SECTION 34.** 938.344 (2b) of the statutes is amended to read:

1 938.344 **(2b)** If a court finds a juvenile committed a violation under s. 125.07
2 (4) (a) or (b), or a local ordinance which strictly conforms to s. 125.07 (4) (a) or (b), the
3 court shall order one or any combination of the following penalties:

4 (a) For a first violation, a forfeiture of not less than \$250 nor more than \$500,
5 ~~suspension of the juvenile's operating privilege as provided under s. 343.30 (6) (b) 1.~~
6 or the juvenile's participation in a supervised work program or other community
7 service work under s. 938.34 (5g). In addition to any penalty imposed under this
8 paragraph, the court shall suspend the juvenile's operating privilege as provided in
9 s. 343.30 (6) (b) 1.

10 (b) For a violation committed within 12 months of a previous violation, a
11 forfeiture of not less than \$300 nor more than \$500, ~~suspension of the juvenile's~~
12 ~~operating privilege as provided under s. 343.30 (6) (b) 2.~~ or the juvenile's
13 participation in a supervised work program or other community service work under
14 s. 938.34 (5g). In addition to any penalty imposed under this paragraph, the court
15 shall suspend the juvenile's operating privilege as provided in s. 343.30 (6) (b) 2.

16 (c) For a violation committed within 12 months of 2 or more previous violations,
17 a forfeiture of \$500, ~~revocation of the juvenile's operating privilege as provided under~~
18 ~~s. 343.30 (6) (b) 3.~~ or the juvenile's participation in a supervised work program or
19 other community service work under s. 938.34 (5g). In addition to any penalty
20 imposed under this paragraph, the court shall suspend the juvenile's operating
21 privilege as provided in s. 343.30 (6) (b) 3.

22 **SECTION 35.** 938.344 (2d) (c) of the statutes is amended to read:

23 938.344 **(2d)** (c) For a violation committed within 12 months of 2 or more
24 previous violations, a forfeiture of \$500, ~~revocation~~ suspension of the juvenile's
25 operating privilege as provided under s. 343.30 (6) (b) 3. or the juvenile's

1 participation in a supervised work program or other community service work under
2 s. 938.34 (5g).

3 **SECTION 36.** 940.09 (1d) of the statutes is renumbered 940.09 (1d) (b).

4 **SECTION 37.** 940.09 (1d) (a) of the statutes is created to read:

5 940.09 (1d) (a) If a person commits an offense under sub. (1) (a), (b), (c) or (d),
6 the procedure under s. 346.65 (6) may be followed regarding the equipping of a motor
7 vehicle owned by the person with an ignition interlock device.

8 **SECTION 38.** 940.25 (1d) of the statutes is renumbered 940.25 (1d) (b).

9 **SECTION 39.** 940.25 (1d) (a) of the statutes is created to read:

10 940.25 (1d) (a) If a person commits an offense under sub. (1) (a), (b), (c) or (d),
11 the procedure under s. 346.65 may be followed regarding the equipping of a motor
12 vehicle owned by the person with an ignition interlock device.

13 **SECTION 40.** 1997 Wisconsin Act 84, section 2 is repealed.

14 **SECTION 41.** 1997 Wisconsin Act 84, section 3 is repealed.

15 **SECTION 42.** 1997 Wisconsin Act 84, section 4 is repealed.

16 **SECTION 43.** 1997 Wisconsin Act 84, section 5 is repealed.

17 **SECTION 44.** 1997 Wisconsin Act 84, section 30 is repealed.

18 **SECTION 45.** 1997 Wisconsin Act 84, section 31 is repealed.

19 **SECTION 46.** 1997 Wisconsin Act 84, section 160 is repealed.

20 **SECTION 47.** 1997 Wisconsin Act 84, section 161 is repealed.

21 **SECTION 48.** 1997 Wisconsin Act 84, section 162 is repealed.

22 **SECTION 49. Initial applicability.**

23 (1) MANDATORY OPERATING PRIVILEGE SUSPENSIONS. The treatment of sections
24 125.07 (4) (bs), (c) and (e) 2. (intro.), 343.30 (6) (b), 346.93 (2g), 346.95 (2) and 938.344
25 (2) (intro.) and (c), (2b) and (2d) (c) of the statutes first applies to violations committed

1 on the effective date of this subsection, but does not preclude the counting of other
2 violations as prior violations for sentencing a person or for suspending or revoking
3 a person's operating privilege.

4 (2) INTOXICATED DRIVER PROGRAMS. The treatment of sections 85.55, 340.01
5 (46m) (b) and (c), 342.12 (4) (a) and (c) 1. (intro.), 343.10 (5) (a) 3., 343.305 (10m) (a),
6 346.65 (6) (a) 1., 1d., 2. and 2m., (c) and (d), 940.09 (1d) (a) and 940.25 (1d) (a) of the
7 statutes and the renumbering of sections 343.305 (10m), 940.09 (1d) and 940.25 (1d)
8 of the statutes first apply to violations committed or refusals occurring on the
9 effective date of this subsection, but does not preclude the counting of other
10 convictions, suspensions or revocations as prior convictions, suspensions or
11 revocations for purposes of administrative action by the department of
12 transportation, sentencing by a court, revocation or suspension of operating
13 privileges or determining the prohibited alcohol concentration.

14 (3) INTOXICATED DRIVER IMPROVEMENT SURCHARGE. The treatment of sections
15 20.395 (5) (ek), 20.435 (6) (hx) and 346.655 (1) and (2) (a) and (b) of the statutes first
16 applies to intoxicated driver improvement surcharges imposed for violations
17 committed on the effective date of this subsection.

18 **SECTION 50. Effective date.**

19 (1) This act takes effect on the first day of the 4th month beginning after
20 publication.

21 (END)