



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBs0349/2  
PEN:cmh:ch

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 668**

March 2, 2000 – Offered by COMMITTEE ON TRANSPORTATION.

1     **AN ACT** *to repeal* 343.31 (1) (f); and *to amend* 343.30 (1g) (b), 343.31 (1) (hm),  
2           343.38 (1) (c) 2. d., 343.44 (2) (am), 343.44 (2) (b) and 343.44 (2r) of the statutes;  
3           **relating to:** counting prior offenses of, and penalties for, operating a motor  
4           vehicle with an operating privilege that is suspended or revoked, or of operating  
5           a commercial motor vehicle while disqualified or ordered out of service.

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

6           **SECTION 1.** 343.30 (1g) (b) of the statutes, as affected by 1997 Wisconsin Act 84,  
7           is amended to read:

8           343.30 (**1g**) (b) A court shall revoke a person's operating privilege upon the  
9           person's conviction for violating s. 343.44 (1) (a), (b) or (d) or a local ordinance in  
10          conformity therewith if the person has been convicted of 3 or more prior violations  
11          of s. 343.44 (1) (a), (b) or (d), or similar violations under s. 343.44 (1), 1997 stats., or

1 a local ordinance in conformity therewith, within the 5–year period preceding the  
2 violation. The revocation shall be for a period of 6 months, unless the court orders  
3 a period of revocation of less than 6 months and places its reasons for ordering the  
4 lesser period of revocation on the record.

5 **SECTION 2.** 343.31 (1) (f) of the statutes is repealed.

6 **SECTION 3.** 343.31 (1) (hm) of the statutes, as created by 1997 Wisconsin Act  
7 84, is amended to read:

8 343.31 (1) (hm) A violation of s. 343.44 (1) (a), (b) or (d), or a local ordinance in  
9 conformity therewith, if the person has been convicted of 3 or more prior violations  
10 of s. 343.44 (1) (a), (b) or (d), or similar violations under s. 343.44 (1), 1997 stats., or  
11 a local ordinance in conformity therewith within the 5–year period preceding the  
12 violation. Revocation under this paragraph shall be for a period of 6 months unless  
13 a lesser period of revocation is ordered under s. 343.30 (1g) (b).

14 **SECTION 4.** 343.38 (1) (c) 2. d. of the statutes, as created by 1997 Wisconsin Act  
15 84, is amended to read:

16 343.38 (1) (c) 2. d. Reinstatement of an operating privilege revoked under s.  
17 343.31 (1) (b) or (2) if, within the 5–year period preceding the violation, the person  
18 has not been convicted of a prior offense that may be counted under s. 343.307 (2) and  
19 if, within the 10–year period preceding the violation, the person has not been  
20 convicted of 2 or more prior offenses that may be counted under s. 343.307 (2).

21 **SECTION 5.** 343.44 (2) (am) of the statutes, as affected by 1997 Wisconsin Act  
22 84 and 1999 Wisconsin Act 9, is amended to read:

23 343.44 (2) (am) Any person who violates sub. (1) (b) before May 1, 2002, may  
24 be required to forfeit not more than \$600, except that, if the person has been  
25 convicted of a previous violation ~~described in~~ of sub. (1) (b), or of operating a motor

1 vehicle in violation of s. 343.44 (1), 1997 stats., with an operating privilege that is  
2 revoked, within the preceding 5-year period, the penalty under par. (b) shall apply.

3 **SECTION 6.** 343.44 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 84,  
4 is amended to read:

5 343.44 (2) (b) Except as provided in par. (am), any person who violates sub. (1)  
6 (b), (c) or (d) shall be fined not more than \$2,500 or imprisoned for not more than one  
7 year in the county jail or both. In imposing a sentence under this paragraph, or a  
8 local ordinance in conformity with this paragraph, the court shall review the record  
9 and consider the following:

10 **SECTION 7.** 343.44 (2r) of the statutes, as affected by 1997 Wisconsin Act 84, is  
11 amended to read:

12 343.44 (2r) PRIOR CONVICTIONS. For purposes of determining prior convictions  
13 under this section, the 5-year period shall be measured from the dates of the  
14 violations that resulted in the convictions and each conviction under sub. (2) shall  
15 be counted. Convictions of s. 343.44 (1), 1997 stats., other than for operating a  
16 commercial motor vehicle while ordered out-of-service shall be counted under this  
17 section as prior convictions.

18 **SECTION 8. Initial applicability.**

19 (1) The treatment of section 343.44 (2) (b) of the statutes first applies to motor  
20 vehicles operated on the effective date of this subsection.

21 **SECTION 9. Effective date.**

22 (1) This act takes effect on May 1, 2001, or on the date stated in the notice  
23 published by the secretary of transportation in the Wisconsin Administrative  
24 Register under section 85.515 of the statutes, whichever is earlier.

25 (END)