



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0370/1
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**ASSEMBLY AMENDMENT 1,
TO 2009 ASSEMBLY BILL 17**

May 15, 2009 – Offered by Representative STASKUNAS.

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

2 **1.** Page 3, line 2: delete “All” and substitute “From the general fund, all”.

3 **2.** Page 3, line 3: after “received” insert “by the department”.

4 **3.** Page 3, line 3: delete “and”.

5 **4.** Page 3, line 4: delete “enforcing”.

6 **5.** Page 3, line 4: delete “s.” and substitute “ss. 110.10 and”.

7 **6.** Page 3, line 4: after that line insert:

8 “SECTION 1m. 25.40 (1) (a) 17. of the statutes is created to read:

9 25.40 (1) (a) 17. Moneys collected under s. 343.301 (5) that are deposited into
10 the general fund and credited to the appropriation under s. 20.395 (5) (hs).”

11 **7.** Page 4, line 13: delete “(1)” and substitute “(1d)”.

12 **8.** Page 4, line 24: delete “(1) (a) 1. or 2.” and substitute “(1) (a) 1. or 2. (1d)”.

1 **9.** Page 5, line 18: delete the material beginning on that line and ending with
page 6, line 17, and substitute:

2 “**SECTION 11m.** 343.301 (1) (a) of the statutes is repealed.”.

3 **10.** Page 6, line 21: delete “(1)” and substitute “(1d)”.

4 **11.** Page 7, line 4: delete “device under sub. (1)” and substitute “device under
sub. (1d)”.

5 **12.** Page 7, line 4: delete “order under sub. (1)” and substitute “order under
sub. (1d)”.

6 **13.** Page 7, line 8: on lines 8 and 12, delete “(1)” and substitute “(1d)”.

7 **14.** Page 7, line 19: after that line insert:

8 “**SECTION 11r.** 343.301 (1d) of the statutes is created to read:

9 343.301 (1d) A court shall order that a person’s operating privilege for the
10 operation of “Class D” vehicles be restricted to operating vehicles that are equipped
11 with an ignition interlock device and, except as provided in sub. (1m), shall order that
12 each motor vehicle kept at the person’s household and operated by the person be
13 equipped with an ignition interlock device if either of the following applies:

14 (a) The person improperly refused to take a test under s. 343.305.

15 (b) The person violated s. 346.63 (1) or (2), 940.09 (1), or 940.25 and either of
16 the following applies:

17 1. The person had an alcohol concentration of 0.15 or more at the time of the
18 offense.

19 2. The person has a total of one or more prior convictions, suspensions, or
20 revocations, counting convictions under ss. 940.09 (1) and 940.25 in the person’s

1 lifetime and other convictions, suspensions, and revocations counted under s.
2 343.307 (1).

3 **SECTION 15m.** 343.301 (1m) of the statutes is created to read:

4 343.301 (1m) If equipping each motor vehicle with an ignition interlock device
5 under sub. (1d) would cause an undue financial hardship, the court may order that
6 one or more vehicles described in sub. (1d) not be equipped with an ignition interlock
7 device.”.

8 **15.** Page 7, line 23: delete “(1)” and substitute “(1d)”.

9 **16.** Page 8, line 2: delete “\$1” and substitute “one-half of the cost”.

10 **17.** Page 8, line 2: delete “in which an” and substitute “of maintaining the”.

11 **18.** Page 8, line 2: delete “is installed”.

12 **19.** Page 8, line 3: delete lines 3 to 6 and substitute:

13 “**SECTION 18m.** 343.301 (5) of the statutes is created to read:

14 343.301 (5) If the court enters an order under sub. (1d), the court shall impose
15 and the person shall pay to the court an interlock surcharge of \$50. The court shall
16 transmit the surcharge to the county treasurer for the county in which the order is
17 entered. The county treasurer shall retain \$40 of each surcharge and make payment
18 of the remaining \$10 to the department. The department shall credit the moneys it
19 receives under this subsection to the appropriate account under s. 20.395 (5) (hs).”.

20 **20.** Page 8, line 7: delete the material beginning on that line and ending with
on page 9, line 7, and substitute:

21 “**SECTION 20m.** 343.305 (10m) of the statutes is repealed and recreated to read:

1 343.305 (10m) REFUSALS; IGNITION INTERLOCK OF A MOTOR VEHICLE. The
2 requirements and procedures under s. 343.301 apply when an operating privilege is
3 revoked under sub. (10).”.

4 **21.** Page 9, line 13: delete “(1)” and substitute “~~(1)~~ (1d)”.

5 **22.** Page 10, line 7: delete “required” and substitute “required”.

6 **23.** Page 10, line 8: delete “to forfeit” and substitute “~~to forfeit~~ fined”.

7 **24.** Page 10, line 15: delete “(1)” and substitute “(1d)”.

8 **25.** Page 10, line 16: delete the material beginning on that line and ending
with page 12, line 3, and substitute:

9 “**SECTION 28m.** 940.09 (1d) of the statutes is repealed and recreated to read:

10 940.09 (1d) The requirements and procedures under s. 343.301 apply when a
11 person violates sub. (1).

12 **SECTION 31m.** 940.25 (1d) of the statutes is repealed and recreated to read:

13 940.25 (1d) The requirements and procedures under s. 343.301 apply when a
14 person violates sub. (1).”.

15 **26.** Page 12, line 6: after “subsection” insert “, but does not preclude the
counting of other convictions, suspensions, or revocations as prior convictions,
suspensions, or revocations for purposes of administrative action by the department
of transportation, sentencing by a court, or revocation or suspension of motor vehicle
operating privileges.”.