



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2005 Assembly Bill 344**

**Assembly Substitute  
Amendment 2**

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**2005 Assembly Bill 344** relates to operating certain vehicles with a prohibited blood alcohol content and operating while intoxicated (OWI)-related records.

### *Assembly Substitute Amendment 2*

Under **current law**, the Department of Transportation (DOT) maintains a driving record for every person who possesses a driver's license. When DOT receives notice that a person was convicted of an offense relating to operating certain vehicles while intoxicated or operating certain vehicles with a prohibited blood alcohol concentration (OWI-related offense), that information is kept permanently in the person's driving record. Also under current law, when a person commits an OWI-related offense, the court is required to consider the number of previous OWI-related offenses committed by the person to determine the person's penalty.

**2003 Wisconsin Act 30** requires DOT to purge the record of a first violation from a driver's record if the person who committed the violation had a blood alcohol concentration between 0.08 and 0.1 at the time of the violation, if the person does not have a commercial driver's license, if the violation was not committed by a person operating a commercial motor vehicle, and if the person does not commit another alcohol-related driving offense during the 10-year period following the violation.

This **substitute amendment** eliminates the requirements that DOT retain or purge certain OWI-related records. Also, the **substitute amendment** forbids courts to count, for purposes of determining a penalty, any OWI-related offense that occurred before January 1, 1989 or within 10 years of another OWI-related offense, so long as the offense does not involve causing serious bodily injury or death to another person or the person has not committed a third OWI-related offense after being suspended, revoked, or convicted of two alcohol-related offenses within a 10-year period and that were committed on or after January 1, 1989.

**Legislative History**

On July 14, 2005, the Assembly Committee on Transportation recommended Assembly Substitute Amendment 2 for adoption by a vote of Ayes, 12; Noes, 0. The committee then recommended passage of the bill, as amended, by a vote of Ayes, 11; Noes, 3.

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