

State of Misconsin 1999 - 2000 LEGISLATURE

1999 ASSEMBLY BILL 862

March 8, 2000 – Introduced by Representative BLACK. Referred to Committee on Transportation.

1 AN ACT to amend 343.45 (3); and to create 343.45 (3m) of the statutes; relating 2 to: permitting persons who have their operating privilege suspended or 3 revoked to operate a motor vehicle and providing penalties.

Analysis by the Legislative Reference Bureau

Present law prohibits a person from authorizing or permitting the operation of his or her motor vehicle by another person if that other person is not authorized to operate a motor vehicle. The present penalty for a violation is a forfeiture of not more than \$100. This bill creates two new penalties for that violation if the person authorizing or permitting the operation of his or her motor vehicle by another knew or should have known that the other person was not allowed to operate a motor vehicle because the other person had one or more prior violations of operating a motor vehicle while under the influence of an intoxicant or drugs or a combination of an intoxicant and drugs. For the first conviction within a five-year period, the penalty is a fine of not less than \$150 nor more than \$300 or imprisonment for not more than ten days or both. For a second or subsequent conviction within a five-year period, the penalty is a fine of not less than \$300 nor more than \$1,000 and imprisonment for not less than five days nor more than 30 days.

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

SECTION 1. 343.45 (3) of the statutes is amended to read:

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343.45 (3) Except as another penalty is provided by <u>under sub. (3m) or</u> s.
 343.245 (4) (b), any person violating this section may be required to forfeit not more
 than \$100.

4 **SECTION 2.** 343.45 (3m) of the statutes is created to read:

5 343.45 (**3m**) Any person who authorized or permitted another to operate a 6 motor vehicle in violation of sub. (2), who knew or should have known that the person 7 who was authorized or permitted to operate a motor vehicle had his or her operating 8 privilege suspended or revoked as the result of a conviction, suspension or revocation 9 that would be counted under s. 343.307 (2), is subject to the following penalties:

(a) For the first conviction within 5 years, a fine of not less than \$150 nor more
than \$300 or imprisonment for not more than 10 days or both.

(b) For a 2nd or subsequent conviction within 5 years, a fine of not less than
\$300 nor more than \$1,000 and imprisonment for not less than 5 days nor more than
30 days.

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SECTION 3. Initial applicability.

16 (1) This act first applies to offenses committed on the effective date of this
17 subsection, but does not preclude the counting of other violations as prior violations
18 for purposes of sentencing.

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(END)