



## 2009 SENATE BILL 34

February 3, 2009 - Introduced by Senators KEDZIE, OLSEN and COWLES, cosponsored by Representatives NASS, LOTHIAN, KERKMAN, STRACHOTA, A. OTT, TOWNSEND, NYGREN, SPANBAUER and HONADEL. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

- 1     **AN ACT to amend** 343.30 (1q) (b) 2., 343.305 (8) (d), 343.31 (3) (bm) 2. and 346.63  
2     (2m) of the statutes; **relating to:** eligibility for an occupational license.

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### *Analysis by the Legislative Reference Bureau*

Under current law, if a person's operating privilege is suspended or revoked, the person may apply for an occupational license, which restricts when and where the person is allowed to drive, such as to and from work. In most cases, the person is not eligible for an occupational license until 15 days after the date of the suspension or revocation. In some cases involving serious offenses, the person is not eligible for an occupational license until one year after the date of the suspension or revocation.

Currently, persons whose suspension or revocation is the result of any of the following are eligible for an occupational license immediately:

1. An administrative suspension after a chemical test indicates the presence of a restricted controlled substance or a prohibited alcohol concentration.
2. The first conviction of operating a motor vehicle while under the influence of a controlled substance or an intoxicant.
3. The conviction of operating a motor vehicle while having any alcohol in the person's blood if the person is under the legal drinking age.

This bill removes the immediate eligibility for those persons whose suspension or revocation is described in items 1. to 3., above, and delays their eligibility to receive an occupational license until 15 days after the date of the suspension or revocation.

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

**SENATE BILL 34****SECTION 1**

1           **SECTION 1.** 343.30 (1q) (b) 2. of the statutes is amended to read:

2           343.30 **(1q)** (b) 2. Except as provided in subd. 3., 4. or 4m., for the first  
3 conviction, the court shall revoke the person's operating privilege for not less than  
4 6 months nor more than 9 months. The person is eligible for an occupational license  
5 as provided under s. 343.10 ~~at any time.~~

6           **SECTION 2.** 343.305 (8) (d) of the statutes is amended to read:

7           343.305 **(8)** (d) A person who has his or her operating privilege  
8 administratively suspended under this subsection and sub. (7) (a) is eligible for an  
9 occupational license as provided under s. 343.10 ~~at any time.~~

10          **SECTION 3.** 343.31 (3) (bm) 2. of the statutes is amended to read:

11          343.31 **(3)** (bm) 2. Except as provided in subd. 3., 4. or 4m., for the first  
12 conviction, the department shall revoke the person's operating privilege for not less  
13 than 6 months nor more than 9 months. If an Indian tribal court in this state revokes  
14 the person's privilege to operate a motor vehicle on tribal lands for not less than 6  
15 months nor more than 9 months for the conviction specified in par. (bm) (intro.), the  
16 department shall impose the same period of revocation. The person is eligible for an  
17 occupational license as provided under s. 343.10 ~~at any time.~~

18          **SECTION 4.** 346.63 (2m) of the statutes is amended to read:

19          346.63 **(2m)** If a person has not attained the legal drinking age, as defined in  
20 s. 125.02 (8m), the person may not drive or operate a motor vehicle while he or she  
21 has an alcohol concentration of more than 0.0 but not more than 0.08. One penalty  
22 for violation of this subsection is suspension of a person's operating privilege under  
23 s. 343.30 (1p). The person is eligible for an occupational license as provided under  
24 s. 343.10 ~~at any time.~~ If a person arrested for a violation of this subsection refuses

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1 to take a test under s. 343.305, the refusal is a separate violation and the person is  
2 subject to revocation of the person's operating privilege under s. 343.305 (10) (em).

3 (END)