



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-4085/1  
EVM:kjf&amn

## 2019 SENATE BILL 384

August 29, 2019 - Introduced by Senators WANGGAARD, DARLING, JACQUE, L. TAYLOR and SMITH, cosponsored by Representatives OTT, BOWEN, MURPHY and SUBECK. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT to repeal** 343.301 (1m), 343.31 (3m) and 347.50 (1t); **to renumber** 343.13  
2           (3); **to renumber and amend** 343.301 (2m) (a) and 347.413; **to consolidate,**  
3     **renumber and amend** 343.301 (1g) (am) (intro.) and 1.; **to amend** 303.08  
4           (10r), 343.10 (1) (b), 343.10 (2) (a) 1., 343.10 (2) (f), 343.10 (5) (a) 1., 343.10 (5)  
5           (a) 3., 343.10 (5) (b), 343.10 (7) (cm), 343.10 (7) (e), 343.30 (1q) (b) 2., 343.30 (1q)  
6           (b) 3., 343.30 (1q) (b) 4., 343.301 (1g) (am) 2., 343.301 (3) (a), 343.305 (10) (b) 2.,  
7           343.305 (10) (b) 3., 343.305 (10) (b) 4., 343.305 (10) (em), 343.31 (3) (bm) 2.,  
8           343.31 (3) (bm) 3., 343.31 (3) (bm) 4., 343.43 (1) (d), 347.50 (1) and 347.50 (1s);  
9           and **to create** 343.10 (1) (am), 343.13 (3) (b), 343.301 (2m) (a) 2., 343.301 (2t),  
10          343.301 (6) and 343.302 (4) of the statutes; **relating to:** operating privilege of  
11          persons who have committed certain offenses related to drunken driving,  
12          occupational licenses, ignition interlock devices, and providing a penalty.

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### ***Analysis by the Legislative Reference Bureau***

This bill provides for a restricted occupational operating license limiting the holder to operating only vehicles that are equipped with an ignition interlock device

**SENATE BILL 384**

(IID) and makes various related changes to statutes governing operating privilege revocations for certain offenses related to operating a vehicle while intoxicated (OWI offense).

Under current law, if a person commits a first OWI offense in which his or her blood alcohol concentration was 0.15 or greater or a second or subsequent OWI offense or improperly refuses to take a test for intoxication, a court must order one of the following: 1) that the person's operating privilege be restricted to operating vehicles that are equipped with an IID and that each of the person's motor vehicles be equipped with an IID; or 2) that the person participate in a 24-7 sobriety program.

Under this bill, in the situation described above, with limited exceptions, a court must order that the person's operating privilege be restricted to operating motor vehicles that are equipped with an IID, but need not order that a person's motor vehicles be equipped with an IID.

Under current law, a court must revoke the driving privileges of persons convicted of certain OWI offenses for periods ranging from not less than six months for a first OWI offense to not less than two years for a third or subsequent OWI offense. Persons whose operating privilege is suspended under these provisions are eligible for occupational licenses with a waiting period of 15 to 45 days. Under current law, with certain exceptions and limitations, a person may apply for an occupational license if the person's operating privilege is revoked or suspended and the person is engaged in an occupation making it essential that he or she operate a motor vehicle.

Under this bill, a person is eligible for a restricted occupational license after 15 days have elapsed from the day of suspension or revocation.

Current law prohibits a person from circumventing the operation of an IID installed under a court order, failing to have an IID installed as ordered by a court, and violating certain court orders restricting a person's operating privilege. Violation of any of these prohibitions is punishable by a forfeiture of not less than \$10 nor more than \$200 and extension of the period of IID restriction.

This bill increases the penalty for these violations to, for a first offense, a fine of not less than \$150 nor more than \$600 and imprisonment for not more than six months or both and, for a second or subsequent offense, a fine of not less than \$300 nor more than \$1,000 or imprisonment for not more than six months or both. This bill also provides that a person who violates the IID restriction of an IID restricted license is subject to the penalties, as modified in this bill.

Also under this bill, if an IID service provider removes or disconnects an IID from a motor vehicle, the service provider must inform DOT of the removal or disconnection no later than three days after the removal or disconnection.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

**SENATE BILL 384**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 303.08 (10r) of the statutes is amended to read:

2           303.08 **(10r)** The sheriff may not permit a prisoner whose operating privilege  
3           for the operation of “Class D” vehicles is restricted to operating vehicles that are  
4           equipped with an ignition interlock device who is subject to an ignition interlock  
5           device installation order under s. 343.301 (1g) to leave the jail under sub. (1) unless,  
6           within 2 weeks after the court issues an order under s. 343.301 (1g) (am) 1. or the  
7           person’s operating privilege is restricted under s. 343.301 (1g) (am) 2., the person  
8           submits proof to the sheriff that an ignition interlock device has been installed in  
9           each motor vehicle to which the order applies.

10           **SECTION 2.** 343.10 (1) (am) of the statutes is created to read:

11           343.10 **(1)** (am) Notwithstanding par. (a), if a person’s license or operating  
12           privilege is revoked or suspended under s. 343.30 (1q) (b), 343.305 (7) (a) or (10), or  
13           343.31 (2), the person, after payment of the fee provided in sub. (6), may file an  
14           application with the department for an occupational license restricting the  
15           applicant’s operation under the license to vehicles that are equipped with a  
16           functioning ignition interlock device.

17           **SECTION 3.** 343.10 (1) (b) of the statutes is amended to read:

18           343.10 **(1)** (b) The application shall be in a form established by the department  
19           and shall identify the specific motor vehicle that the applicant seeks authorization  
20           to operate, including the vehicle classification and any required endorsements. The  
21           For an application under par. (a), the application shall include an explanation of why

**SENATE BILL 384****SECTION 3**

1 operating the motor vehicle is essential to the person's livelihood and identify the  
2 person's occupation or trade. ~~The~~ For an application under par. (a), the application  
3 shall identify the applicant's employer, and include proof of financial responsibility  
4 as specified in s. 343.38 (1) (c) covering the vehicle or vehicles that the applicant  
5 requests authorization to operate. ~~The~~ For an application under par. (a), the  
6 application shall identify the ~~hours of operation and~~ routes of travel being requested  
7 by the applicant in accord with the restrictions of sub. (5). For an application under  
8 par. (am), the application shall provide proof that the applicant has access to a motor  
9 vehicle equipped with an ignition interlock device.

10 **SECTION 4.** 343.10 (2) (a) 1. of the statutes is amended to read:

11 343.10 (2) (a) 1. Except for a revocation or suspension that arose out of the same  
12 incident or occurrence for which the person's license or operating privilege is  
13 currently revoked or suspended, the person's license or operating privilege was not  
14 revoked or suspended previously under this chapter or ch. 344 or s. 943.21 (3m) or  
15 961.50 within the one-year period immediately preceding the present revocation or  
16 suspension, except as provided in s. 344.40. This subdivision does not apply to an  
17 application under sub. (1) (am).

18 **SECTION 5.** 343.10 (2) (f) of the statutes is amended to read:

19 343.10 (2) (f) If the court orders under s. 343.301 (1g) that the person's  
20 operating privilege for the operation of "Class D" vehicles be restricted to operating  
21 vehicles that are equipped with an ignition interlock device, no occupational license  
22 may be granted until the person pays the surcharge under s. 343.301 (5) ~~and~~. If the  
23 court orders the installation of an ignition interlock device under s. 343.301 (1g), no  
24 occupational license may be granted until the person submits proof that an ignition  
25 interlock device has been installed in each motor vehicle to which the order under

**SENATE BILL 384**

1 s. 343.301 applies. ~~A person who is subject to an order under s. 343.301 (1g) (am)~~  
2 ~~2. need not submit proof that an ignition interlock device has been installed if he or~~  
3 ~~she is participating in a program designated in the order, unless he or she is also~~  
4 ~~subject to an order under s. 343.301 (1g) (am) 1.~~

5 **SECTION 6.** 343.10 (5) (a) 1. of the statutes is amended to read:

6 343.10 (5) (a) 1. In addition to any restrictions appearing on the former  
7 operator's license of the applicant, the occupational license shall contain definite  
8 restrictions as to hours of the day, not to exceed 12, hours per week, not to exceed 60,  
9 type of occupation and areas or routes of travel which are permitted under the  
10 license. The occupational license may permit travel to and from church during  
11 specified hours if the travel does not exceed the restrictions as to hours of the day and  
12 hours per week in this subdivision. The occupational license may permit travel  
13 necessary to comply with a driver safety plan ordered under s. 343.30 (1q) or 343.305  
14 if the travel does not exceed the restrictions as to hours of the day and hours per week  
15 in this subdivision. The occupational license may contain restrictions on the use of  
16 alcohol and of controlled substances and controlled substance analogs in violation of  
17 s. 961.41. This subdivision does not apply to an application under sub. (1) (am).

18 **SECTION 7.** 343.10 (5) (a) 3. of the statutes is amended to read:

19 343.10 (5) (a) 3. The occupational license of the applicant shall restrict the  
20 applicant's operation under the occupational license to vehicles that are equipped  
21 with a functioning ignition interlock device if the application is under sub. (1) (am),  
22 the court has ordered under s. 343.301 (1g) that the person's operating privilege for  
23 Class D vehicles be restricted to operating vehicles that are equipped with an  
24 ignition interlock device, or the court has ordered under s. 346.65 (6) (a) 1., 1999  
25 stats., that the motor vehicle owned by the person and used in the violation or

**SENATE BILL 384**

1 improper refusal be equipped with an ignition interlock device. A person to whom  
2 a restriction under this subdivision applies violates that restriction if he or she  
3 removes or disconnects an ignition interlock device, requests or permits another to  
4 blow into an ignition interlock device or to start a motor vehicle equipped with an  
5 ignition interlock device for the purpose of providing the person an operable motor  
6 vehicle without the necessity of first submitting a sample of his or her breath to  
7 analysis by the ignition interlock device, or otherwise tampers with or circumvents  
8 the operation of the ignition interlock device. Except as provided in s. 343.301 (3) (b),  
9 if the court orders the installation of an ignition interlock device under s. 343.301 (1g)  
10 and the occupational license restricts the applicant's operation to a vehicle that is  
11 equipped with an ignition interlock device, the applicant shall be liable for the  
12 reasonable costs of equipping the vehicle with the ignition interlock device. This  
13 subdivision does not apply to an applicant who is subject to an order under s. 343.301  
14 (1g) (am) 2. while the applicant is participating in a program designated in the order,  
15 unless he or she is also subject to an order under s. 343.301 (1g) (am) 1.

16 **SECTION 8.** 343.10 (5) (b) of the statutes is amended to read:

17 343.10 (5) (b) *Limitations.* Occupational licenses are subject to the limitations  
18 specified in ss. 343.30 (1q) (b) and (h), 343.305 (8) (d) and (10) (b) and (em), ~~343.31~~  
19 ~~(3m)~~, 343.32 (1m), 767.73, and 961.50.

20 **SECTION 9.** 343.10 (7) (cm) of the statutes is amended to read:

21 343.10 (7) (cm) If the ~~occupational license includes the restriction specified in~~  
22 ~~sub. (5) (a) 3.~~ court orders the installation of an ignition interlock device under s.  
23 343.301 (1g), the department shall not issue the occupational license until the  
24 applicant provides evidence satisfactory to the department that any motor vehicle

**SENATE BILL 384**

1 that the applicant will be permitted to operate subject to the order has been equipped  
2 with a functioning ignition interlock device.

3 **SECTION 10.** 343.10 (7) (e) of the statutes is amended to read:

4 343.10 (7) (e) The occupational license issued by the department shall contain  
5 the restrictions required by sub. (5). ~~The occupational license authorizes the licensee~~  
6 ~~to operate a motor vehicle only when that operation is an essential part of the~~  
7 ~~licensee's occupation or trade.~~ If the department determines that the applicant is  
8 eligible under sub. (2), the department may impose such conditions and limitations  
9 upon the authorization to operate motor vehicles as in the secretary's judgment are  
10 necessary in the interest of public safety and welfare, including reexamination of the  
11 person's qualifications to operate a motor vehicle or a particular type thereof. The  
12 department may limit such authorization to include, without limitation, the  
13 operation of particular vehicles, particular kinds of operation and particular traffic  
14 conditions.

15 **SECTION 11.** 343.13 (3) of the statutes is renumbered 343.13 (3) (a).

16 **SECTION 12.** 343.13 (3) (b) of the statutes is created to read:

17 343.13 (3) (b) If a person is convicted of violating s. 343.302 (1), the department  
18 shall include on the person's license a restriction of the person's operating privilege  
19 to operating vehicles equipped with an ignition interlock device for 6 months. A  
20 restriction under this paragraph is consecutive to any existing restriction period  
21 under this paragraph or par. (a).

22 **SECTION 13.** 343.30 (1q) (b) 2. of the statutes is amended to read:

23 343.30 (1q) (b) 2. Except as provided in sub. (1r) or subd. 3., 4. or 4m., for the  
24 first conviction, the court shall revoke the person's operating privilege for not less  
25 than 6 months nor more than 9 months. ~~The person is eligible for an occupational~~

**SENATE BILL 384****SECTION 13**

1 ~~license under s. 343.10 at any time. There is no minimum waiting period before~~  
2 ~~issuance of an occupational license under s. 343.10 to a person whose operating~~  
3 ~~privilege is revoked under this subdivision.~~

4 **SECTION 14.** 343.30 (1q) (b) 3. of the statutes is amended to read:

5 343.30 (1q) (b) 3. Except as provided in sub. (1r) or subd. 4m., if the number  
6 of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total  
7 number of other convictions, suspensions, and revocations counted under s. 343.307  
8 (1) within a 10-year period, equals 2, the court shall revoke the person's operating  
9 privilege for not less than one year nor more than 18 months. ~~After the first 45 days~~  
10 ~~of the revocation period has elapsed, the person is eligible for an occupational license~~  
11 ~~under s. 343.10 if he or she has completed the assessment and is complying with the~~  
12 ~~driver safety plan ordered under par. (c).~~

13 **SECTION 15.** 343.30 (1q) (b) 4. of the statutes is amended to read:

14 343.30 (1q) (b) 4. Except as provided in sub. (1r) or subd. 4m., if the number  
15 of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total  
16 number of other convictions, suspensions, and revocations counted under s. 343.307  
17 (1), equals 3 or more, the court shall revoke the person's operating privilege for not  
18 less than 2 years nor more than 3 years. ~~After the first 45 days of the revocation~~  
19 ~~period has elapsed, the person is eligible for an occupational license under s. 343.10~~  
20 ~~if he or she has completed the assessment and is complying with the driver safety~~  
21 ~~plan ordered under par. (c).~~

22 **SECTION 16.** 343.301 (1g) (am) (intro.) and 1. of the statutes are consolidated,  
23 renumbered 343.301 (1g) (am) 1. and amended to read:

24 343.301 (1g) (am) 1. ~~A~~ Except as provided in this subdivision, a court shall  
25 ~~order one or more of the following:~~ 1. That ~~that~~ the person's operating privilege for



**SENATE BILL 384**

1 the operation of “Class D” vehicles be restricted to operating vehicles that are  
2 equipped with an ignition interlock device and, ~~except as provided in sub. (1m), shall~~  
3 may order that each any motor vehicle for which the person’s name appears on the  
4 vehicle’s certificate of title or registration be equipped with an ignition interlock  
5 device. A court that has issued an order under subd. 2. and that is a court for a county  
6 designated under s. 165.957 (2) may issue an order under this subdivision.

7 **SECTION 17.** 343.301 (1g) (am) 2. of the statutes is amended to read:

8 343.301 (1g) (am) 2. That A court may order that the person participate in a  
9 program described in s. 165.957 or that meets the definition of a 24-7 sobriety  
10 program under 23 USC 405 (d) (7) (A) and regulations adopted thereunder. If the  
11 court enters an order under this subdivision, when the person completes or otherwise  
12 does not participate in the program, the court shall order that the person’s operating  
13 privilege for the operation of “Class D” vehicles be restricted to operating vehicles  
14 that are equipped with an ignition interlock device, shall specify the duration of the  
15 order, shall, except as provided in sub. (1m), may order that each any motor vehicle  
16 for which the person’s name appears on the vehicle’s certificate of title or registration  
17 be equipped with an ignition interlock device, and shall notify the department of such  
18 order.

19 **SECTION 18.** 343.301 (1m) of the statutes is repealed.

20 **SECTION 19.** 343.301 (2m) (a) of the statutes is renumbered 343.301 (2m) (a)

21 1. and amended to read:

22 343.301 (2m) (a) 1. If the court enters an order under sub. (1g) (am) 1. with  
23 respect to a person to whom the department has issued an operator’s license or who  
24 is a resident of the state, the restriction of the person’s operating privilege under the  
25 order under sub. (1g) (am) 1. shall begin on the date the order under sub. (1g) (am)

**SENATE BILL 384****SECTION 19**

1 1. is issued and extend for a period of not less than one year after the date the  
2 department issues any license granted under this chapter nor more than the  
3 maximum operating privilege revocation period permitted for the refusal or violation  
4 after the date the department issues any license granted under this chapter except  
5 that if the maximum operating privilege revocation period is less than one year, the  
6 restriction of the person's operating privilege under sub. (1g) (am) 1. shall extend for  
7 a period of one year after the department issues any license granted under this  
8 chapter.

9 3. If the court enters an ignition interlock device installation order under sub.  
10 (1g) (am) 1., the court may specify the date by which an ignition interlock device  
11 under sub. (1g) (am) 1. shall be installed.

12 **SECTION 20.** 343.301 (2m) (a) 2. of the statutes is created to read:

13 343.301 (2m) (a) 2. If the court enters an order under sub. (1g) (am) 1. with  
14 respect to a person to whom the department has not issued an operator's license and  
15 who is not a resident of the state, the restriction of the person's operating privilege  
16 under the order under sub. (1g) (am) 1. shall begin on the date the order under sub.  
17 (1g) (am) 1. is issued and extend for a period of not less than one year after the earliest  
18 of the following, nor more than the maximum operating privilege revocation period  
19 permitted for the refusal or violation after the earliest of the following, except that  
20 if the maximum operating privilege revocation period is less than one year, the  
21 restriction of the person's operating privilege under sub. (1g) (am) 1. shall extend for  
22 a period of one year after the earliest of the following:

23 a. The date that the person provides proof to the department that the person's  
24 state of residence has reinstated the person's operating privilege from suspension,

**SENATE BILL 384**

1 revocation, cancellation, or disqualification imposed by that state with respect to the  
2 result of the report of the conviction to that state.

3 b. The date that the department reinstates the person's operating privilege in  
4 this state.

5 **SECTION 21.** 343.301 (2t) of the statutes is created to read:

6 343.301 (2t) Notwithstanding sub. (2m), the court shall give credit toward the  
7 period of operating privilege restriction for each day that a person holds a license  
8 restricting the person's operation under the license to vehicles that are equipped  
9 with a functioning ignition interlock device following a suspension or revocation for  
10 the conduct from which the order under sub. (1g) (am) 1. arises. If more than one  
11 period of restriction has been imposed on the person, credit under this subsection  
12 may only be given for one period of restriction.

13 **SECTION 22.** 343.301 (3) (a) of the statutes is amended to read:

14 343.301 (3) (a) Except as provided in par. (b), if the court enters an ignition  
15 interlock device installation order under sub. (1g), the person shall be liable for the  
16 reasonable cost of equipping and maintaining any ignition interlock device installed  
17 on his or her motor vehicle.

18 **SECTION 23.** 343.301 (6) of the statutes is created to read:

19 343.301 (6) If a service provider of ignition interlock systems on motor vehicles  
20 removes or disconnects an ignition interlock device from a motor vehicle, the service  
21 provider shall inform the department of the removal or disconnection no later than  
22 3 working days after the removal or disconnection of the device.

23 **SECTION 24.** 343.302 (4) of the statutes is created to read:

24 343.302 (4) Any person violating sub. (1) may be fined not less than \$150 nor  
25 more than \$600, or may be imprisoned for not more than 6 months, or both for the

**SENATE BILL 384**

1 first offense. For a 2nd or subsequent conviction within 5 years, the person may be  
2 fined not less than \$300 nor more than \$1,000, or imprisoned for not more than 6  
3 months, or both.

4 **SECTION 25.** 343.305 (10) (b) 2. of the statutes is amended to read:

5 343.305 (10) (b) 2. Except as provided in subd. 3., 4. or 4m., for the first  
6 improper refusal, the court shall revoke the person's operating privilege for one year.  
7 ~~After the first 30 days of the revocation period, the person is eligible for an~~  
8 ~~occupational license under s. 343.10.~~

9 **SECTION 26.** 343.305 (10) (b) 3. of the statutes is amended to read:

10 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions  
11 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other  
12 convictions, suspensions, and revocations counted under s. 343.307 (2) within a  
13 10-year period, equals 2, the court shall revoke the person's operating privilege for  
14 2 years. ~~After the first 90 days of the revocation period or, if the total number of~~  
15 ~~convictions, suspensions, and revocations counted under this subdivision within any~~  
16 ~~5-year period equals 2 or more, after one year of the revocation period has elapsed,~~  
17 ~~the person is eligible for an occupational license under s. 343.10 if he or she has~~  
18 ~~completed the assessment and is complying with the driver safety plan.~~

19 **SECTION 27.** 343.305 (10) (b) 4. of the statutes is amended to read:

20 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions  
21 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other  
22 convictions, suspensions, and revocations counted under s. 343.307 (2), equals 3 or  
23 more, the court shall revoke the person's operating privilege for 3 years. ~~After the~~  
24 ~~first 120 days of the revocation period or, if the total number of convictions,~~  
25 ~~suspensions, and revocations counted under this subdivision within any 5-year~~

**SENATE BILL 384**

1 ~~period equals 2 or more, after one year of the revocation period has elapsed, the~~  
2 ~~person is eligible for an occupational license under s. 343.10 if he or she has~~  
3 ~~completed the assessment and is complying with the driver safety plan.~~

4 **SECTION 28.** 343.305 (10) (em) of the statutes is amended to read:

5 343.305 **(10)** (em) One penalty for improperly refusing to submit to a test for  
6 intoxication regarding a person arrested for a violation of s. 346.63 (2m) or (7) or a  
7 local ordinance in conformity therewith is revocation of the person's operating  
8 privilege for 6 months. If there was a minor passenger under 16 years of age in the  
9 motor vehicle at the time of the incident that gave rise to the improper refusal, the  
10 revocation period is 12 months. ~~After the first 15 days of the revocation period, the~~  
11 ~~person is eligible for an occupational license under s. 343.10.~~ Any such improper  
12 refusal or revocation for the refusal does not count as a prior refusal or a prior  
13 revocation under this section or ss. 343.30 (1q), 343.307 and 346.65 (2). The person  
14 shall not be required to submit to and comply with any assessment or driver safety  
15 plan under pars. (c) and (d).

16 **SECTION 29.** 343.31 (3) (bm) 2. of the statutes is amended to read:

17 343.31 **(3)** (bm) 2. Except as provided in subd. 3., 4. or 4m., for the first  
18 conviction, the department shall revoke the person's operating privilege for not less  
19 than 6 months nor more than 9 months. If an Indian tribal court in this state revokes  
20 the person's privilege to operate a motor vehicle on tribal lands for not less than 6  
21 months nor more than 9 months for the conviction specified in par. (bm) (intro.), the  
22 department shall impose the same period of revocation. The A person who is eligible  
23 for an occupational license under s. 343.10 (1) (a) is eligible for the occupational  
24 license at any time.

25 **SECTION 30.** 343.31 (3) (bm) 3. of the statutes is amended to read:

**SENATE BILL 384**

1           343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of convictions  
2 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of  
3 suspensions, revocations, and other convictions counted under s. 343.307 (1) within  
4 a 10-year period, equals 2, the department shall revoke the person's operating  
5 privilege for not less than one year nor more than 18 months. If an Indian tribal court  
6 in this state revokes the person's privilege to operate a motor vehicle on tribal lands  
7 for not less than one year nor more than 18 months for the conviction specified in par.  
8 (bm) (intro.), the department shall impose the same period of revocation. ~~After the~~  
9 ~~first 60 days of the revocation period or, if the total number of convictions,~~  
10 ~~suspensions, and revocations counted under this subdivision within any 5-year~~  
11 ~~period equals 2 or more, after one year of the revocation period has elapsed, the~~  
12 ~~person is eligible for an occupational license under s. 343.10.~~

13           **SECTION 31.** 343.31 (3) (bm) 4. of the statutes is amended to read:

14           343.31 (3) (bm) 4. Except as provided in subd. 4m., if the number of convictions  
15 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other  
16 suspensions, revocations and convictions counted under s. 343.307 (1), equals 3 or  
17 more, the department shall revoke the person's operating privilege for not less than  
18 2 years nor more than 3 years. If an Indian tribal court in this state revokes the  
19 person's privilege to operate a motor vehicle on tribal lands for not less than 2 years  
20 nor more than 3 years for the conviction specified in par. (bm) (intro.), the department  
21 shall impose the same period of revocation. ~~After one year of the revocation period~~  
22 ~~has elapsed, the person is eligible for an occupational license under s. 343.10.~~

23           **SECTION 32.** 343.31 (3m) of the statutes is repealed.

24           **SECTION 33.** 343.43 (1) (d) of the statutes is amended to read:

**SENATE BILL 384**

1           343.43 (1) (d) Violate any of the restrictions placed on that person's license or  
2           operating privilege by or pursuant to law; or

3           **SECTION 34.** 347.413 of the statutes is renumbered 343.302, and 343.302 (1),  
4           as renumbered, is amended to read:

5           343.302 (1) No person may remove, disconnect, tamper with, or otherwise  
6           circumvent the operation of an ignition interlock device installed in response to the  
7           court order under s. 346.65 (6), 1999 stats., or s. 343.301 (1), 2007 stats., or s. 343.301  
8           (1g), or fail to have the ignition interlock device installed as ordered by the court, ~~or~~  
9           violate a court order under s. 343.301 (1g) restricting the person's operating  
10          privilege, or violate an ignition interlock device restriction under s. 343.10 (5) (a) 3.

11          This subsection does not apply to the removal of an ignition interlock device upon the  
12          expiration of the order requiring the motor vehicle to be so equipped or to necessary  
13          repairs to a malfunctioning ignition interlock device by a person authorized by the  
14          department.

15          **SECTION 35.** 347.50 (1) of the statutes is amended to read:

16          347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.385 (5), ~~s.~~  
17          ~~347.413 (1) or s.~~ 347.415 (1m), (2), and (3) to (5) ~~or s.,~~ 347.417 (1) ~~or s.,~~ 347.475 ~~or s.,~~  
18          347.48 (2m) or (4), or s. 347.489, may be required to forfeit not less than \$10 nor more  
19          than \$200.

20          **SECTION 36.** 347.50 (1s) of the statutes is amended to read:

21          347.50 (1s) Any person violating s. ~~347.413 (1) or~~ 347.417 (1) may be fined not  
22          less than \$150 nor more than \$600, or may be imprisoned for not more than 6 months,  
23          or both for the first offense. For a 2nd or subsequent conviction within 5 years, the  
24          person may be fined not less than \$300 nor more than \$1,000, or imprisoned for not  
25          more than 6 months, or both.

