



2025 ASSEMBLY BILL 258

May 19, 2025 - Introduced by Representatives SPIROS, KAUFERT, ANDRACA, BROOKS, DITTRICH, GOEBEN, GUNDRUM, KNODL, MAXEY, MURPHY, MURSAU, O'CONNOR, PENTERMAN, PIWOWARCZYK, SNYDER and SUBECK, cosponsored by Senators WANGGAARD, PFAFF, FEYEN, HUTTON, LARSON and TOMCZYK. Referred to Committee on Judiciary.

1 **AN ACT** *to amend* 343.30 (1q) (b) 3., 343.30 (1q) (b) 4. and 343.305 (10) (b) 2.; *to*
2 **create** 343.301 (6) of the statutes; **relating to:** license eligibility and
3 restriction extensions relating to ignition interlock devices.

Analysis by the Legislative Reference Bureau

Under current law, if a person is convicted of a second or subsequent offense related to operating a motor vehicle while under the influence of an intoxicant or other drug, with a prohibited alcohol concentration, or with a measurable amount of a controlled substance in their blood (OWI offense), a court must order the person's operating privilege restricted to operating vehicles that are equipped with an ignition interlock device (IID). The restriction begins on the date of the IID order and lasts for at least one year, but no longer than the maximum operating privilege revocation period authorized for the refusal or violation.

Under the bill, the restriction of a person's operating privilege under an IID order must be extended by 180 days for each occurrence of any of the following events detected by an IID: 1) three or more violations within a 60-day period, 2) tampering with or attempting to circumvent the IID, or 3) removing the IID authorization.

Under current law, a person whose operating privilege is administratively revoked for a first offense of refusing a test may apply for an occupational license after 30 days. The bill eliminates the 30-day waiting period and provides that a

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person may apply for an occupational license upon installation of an IID on any motor vehicle that the person operates.

Under current law, when a person is convicted of an OWI offense, the convicting court orders the person's operating privilege be revoked. The length of time for a court-ordered revocation increases with each subsequent OWI offense, as does the waiting period before the person may apply for an occupational license. In general, a person with prior OWI offenses may apply after 45 days. The bill eliminates the 45-day waiting period and provides that a person may apply for an occupational license upon installation of an IID on each motor vehicle that the person operates.

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

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

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

SECTION 2. 343.30 (1q) (b) 4. of the statutes is amended to read:

343.30 (1q) (b) 4. Except as provided in sub. (1r) or subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions, suspensions, and revocations counted under s. 343.307 (1), equals 3 or more, the court shall revoke the person's operating privilege for not less than 2 years nor more than 3 years. ~~After the first 45 days of the revocation~~

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1 ~~period has elapsed, the~~ The person is eligible for an occupational license under s.
2 343.10 if he or she has completed the assessment ~~and~~, is complying with the driver
3 safety plan ordered under par. (c), and has installed an ignition interlock device on
4 any motor vehicle that the person operates.

5 **SECTION 3.** 343.301 (6) of the statutes is created to read:

6 343.301 (6) (a) In this section, “violation” means a breath sample that is
7 above the alcohol setpoint of 0.02 grams of alcohol per 210 liters of breath or failure
8 to provide a passing breath sample within the 5-minute retest window. “Violation”
9 does not include a detectable breath sample that passes a test immediately
10 following a failed test or in response to a bypass or circumvention attempt.

11 (b) Notwithstanding sub. (2m) (a) and (b), and subject to par. (c), the
12 restriction of a person’s operating privilege under an order under sub. (1g) (am) 1.
13 shall be extended by 180 days for each occurrence of any of the following events
14 detected by an ignition interlock device:

- 15 1. Three or more violations within a 60-day period.
- 16 2. Tampering with or attempting to circumvent the ignition interlock device.
- 17 3. Removing the ignition interlock device without authorization.

18 (c) The department may determine that a person did not commit a violation
19 upon receipt of verified documentation or other information satisfactory to the
20 department that is any of the following:

21 1. Documentation or information, provided by the person within 15 days of the
22 notice of the violation, explaining why the person contends the violation was not
23 committed.

24 2. Documentation or information, provided by the person’s ignition interlock

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1 device provider, indicating that a reported violation resulted from a malfunction of
2 the ignition interlock device for which the person was not responsible.

3 (d) The department shall develop an electronic process by which an approved
4 ignition interlock device provider may identify the start date of the restriction of a
5 person's operating privilege under sub. (2m) and to provide to the department real-
6 time notice of usage and violations and a final compliance report.

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

8 343.305 **(10)** (b) 2. Except as provided in subd. 3., 4., or 4m., for the first
9 improper refusal, the court shall revoke the person's operating privilege for one
10 year. ~~After the first 30 days of the revocation period~~ Upon installation of an ignition
11 interlock device on any motor vehicle that the person operates, the person is eligible
12 for an occupational license under s. 343.10.

13 **(END)**