

1993 Assembly Bill 544

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1993 WISCONSIN ACT 315

AN ACT *to renumber and amend* 343.305 (4) (c) 2 and 3; *to consolidate, renumber and amend* 343.305 (4) (c) (intro.) and 1; *to amend* 343.305 (4) (b), 343.305 (8) (b) 2. b., 343.305 (9) (a) 2 and 5. b. and 343.305 (9) (am) 2 and 5. b.; and *to create* 343.305 (4m) (intro.) and 343.305 (4m) (c) of the statutes, **relating to:** information provided to an individual at the time when a request is made for a chemical test to determine the presence of alcohol, controlled substances or other drugs.

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

SECTION 1d. 343.305 (4) (b) of the statutes is amended to read:

343.305 (4) (b) If testing is refused, a motor vehicle owned by the person may be immobilized, seized and forfeited or equipped with an ignition interlock device if the person has 2 or more prior suspensions, revocations or convictions within a 5-year period that would be counted under s. 343.307 (1), and the person's operating privilege will be revoked under this section ~~and, if the person was driving or operating or on duty time with respect to a commercial motor vehicle, the person will be issued an out-of-service order for the 24 hours following the refusal;~~

SECTION 1m. 343.305 (4) (c) (intro.) and 1 of the statutes are consolidated, renumbered 343.305 (4) (c) and amended to read:

343.305 (4) (c) If one or more tests are taken and the results of any test indicate that the person: ~~1. Has~~ has a prohibited alcohol concentration and was driving or operating a motor vehicle, the person will be subject to penalties, the person's operating privilege will be suspended under this section and a motor vehicle owned by the person may be immobilized, seized and forfeited or equipped with an ignition interlock device if the person has 2 or more prior convictions, suspensions or revoca-

tions within a 5-year period that would be counted under s. 343.307 (1); and

SECTION 2. 343.305 (4) (c) 2. and 3. of the statutes are renumbered 343.305 (4m) (a) and (b) and amended to read:

343.305 (4m) (a) ~~Has~~ That, if one or more tests are taken and the results of any test indicate that the person has an alcohol concentration of 0.04 or more and was driving or operating a commercial motor vehicle, the person will, upon conviction of such offense, be subject to penalties and disqualified from operating a commercial motor vehicle; ~~and.~~

(b) ~~Has~~ That, if one or more tests are taken and the results of any test indicate that the person has any measured alcohol concentration above 0.0 and was driving or operating or on duty time with respect to a commercial motor vehicle, the person will be subject to penalties and issuance of an out-of-service order for the 24 hours following the ~~refusal; and~~ test.

SECTION 3. 343.305 (4m) (intro.) of the statutes is created to read:

343.305 (4m) INFORMATION RELATED TO COMMERCIAL MOTOR VEHICLES. (intro.) If the person has possession of a commercial motor vehicle license or if the incident giving rise to the request for a sample under sub. (3) (a) or (am) is related to the driving, operating or being on duty time with respect to a commercial motor vehicle, at the time when a sample is requested under sub. (3) (a) or

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(am), the law enforcement officer shall orally inform the person of all of the following, in addition to the information provided under sub. (4):

SECTION 3m. 343.305 (4m) (c) of the statutes is created to read:

343.305 **(4m)** (c) That, if testing is refused and the person was driving or operating or on duty time with respect to a commercial motor vehicle, the person will be issued an out-of-service order for the 24 hours following the refusal.

SECTION 4. 343.305 (8) (b) 2. b. of the statutes is amended to read:

343.305 **(8)** (b) 2. b. Whether the person was informed of the options regarding tests under this section

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as required under sub. (4) or under subs. (4) and (4m).

SECTION 5. 343.305 (9) (a) 2. and 5. b. of the statutes are amended to read:

343.305 **(9) (a) 2.** **That the officer complied with sub. (4) or both subs. (4) and (4m).**

5. b. Whether the officer complied with sub. (4) or both subs. (4) and (4m).

SECTION 6. 343.305 (9) (am) 2 and 5. b. of the statutes are amended to read:

343.305 **(9)** (am) 2. That the officer complied with sub. (4) or both subs. (4) and (4m).

5. b. Whether the officer complied with sub. (4) or both subs. (4) and (4m).
