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## 1997 ASSEMBLY BILL 325

April 28, 1997 – Introduced by Representatives Foti, M. Lehman, Urban, Carpenter, Schafer, Kreibich, Ott, Staskunas, Bock, Powers, Ladwig, Kaufert, Gunderson, Otte, Hanson, Notestein, La Fave, Vrakas, Olsen, Kelso, Wasserman, Morris-Tatum and Robson, cosponsored by Senators Farrow, Rosenzweig, Huelsman and Weeden. Referred to Committee on Highways and Transportation.

AN ACT to amend 340.01 (46m) (b); and to create 340.01 (46m) (c) of the statutes;

**relating to:** operating a motor vehicle while under the influence of an intoxicant or drugs or both.

## Analysis by the Legislative Reference Bureau

Under current law, a person who has one or no prior convictions, suspensions or revocations for operating a motor vehicle while under the influence of an intoxicant or drugs or both is prohibited from operating a motor vehicle if the alcohol concentration in the person's blood is 0.1 or more.

Current law prohibits a person who has 2 or more of those convictions, suspensions or revocations from operating a motor vehicle if the alcohol concentration in the person's blood is 0.08 or more.

This bill prohibits a person who has 3 or more of those convictions, suspensions or revocations from operating a motor vehicle if the person has any measured alcohol concentration in his or her blood.

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

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

**Section 1.** 340.01 (46m) (b) of the statutes is amended to read:

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340.01 <b>(46m)</b> (b) If the person has 2 or more prior convictions, suspensions or
revocations, as counted under s. 343.307 (1), an alcohol concentration of 0.08 or more.
<b>Section 2.</b> 340.01 (46m) (c) of the statutes is created to read:
340.01 (46m) (c) If the person has 3 or more prior convictions, suspensions or
revocations, as counted under s. 343.307 (1), an alcohol concentration of more than
0.0.
Section 3. Initial applicability.

(1) This act first applies to offenses committed or refusals occurring on the effective date of this subsection, but does not preclude the counting of other convictions, suspensions or revocations as prior convictions, suspensions or revocations for purposes of determining the prohibited alcohol concentration.

12 (END)