



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3563/1
EVM:kjf

2021 ASSEMBLY BILL 1142

March 10, 2022 - Introduced by Representatives HEBL, POPE, STUBBS and VRUWINK, cosponsored by Senator CARPENTER. Referred to Committee on Rules.

1 **AN ACT to repeal** 343.085 (2m) (b) 1. b.; **to renumber and amend** 343.085 (2m)
2 (d) and 343.085 (6) (a); **to amend** 343.085 (2m) (b) 2. and 343.31 (3) (a); and **to**
3 **create** 343.085 (2m) (b) 1m., 343.085 (2m) (d) 2., 343.085 (6) (a) 1., 343.085 (6)
4 (a) 2., 343.085 (6) (a) 3. and 343.31 (2y) of the statutes; **relating to:** restriction
5 violations by persons holding probationary motor vehicle operator's licenses
6 and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a probationary driver's license is, with certain exceptions, issued to all applicants who qualify for an original driver's license and remains in effect for two years from the date of the licensee's next birthday. During the first nine months following issuance of a probationary license, a probationary licensee who is under 18 years of age is subject, with limited exceptions, to certain restrictions on the operation of "Class D" vehicles (automobiles and most other motor vehicles), including restrictions related to persons who may be passengers in a motor vehicle operated by the licensee and hours during which the licensee may operate a motor vehicle. Currently, a person holding a probationary license who violates these operating restrictions must forfeit \$50 for a first offense and not less than \$50 nor more than \$100 for each subsequent offense.

Under this bill, a person holding a probationary license who violates the operating restrictions referenced above is subject to the following penalties:

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1. For a first offense, a \$150 forfeiture and 10 hours of community service.
2. For a second offense, a \$250 forfeiture, 10 hours of community service, and a three-month suspension of the person's operating privilege.
3. For a third or subsequent offense, a \$500 forfeiture, 20 hours of community service, and a six-month suspension of the person's operating privilege.

Also under current law, if a person holding a probationary license violates the operating restrictions referenced above, the Department of Transportation must extend the restrictions for an additional six-month period or until the licensee's 18th birthday, whichever occurs earlier. Under this bill, if DOT extends a restriction period, the restrictions apply to a licensee 18 years of age or older until the period of restriction expires.

For further information see the state 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:

1 **SECTION 1.** 343.085 (2m) (b) 1. b. of the statutes is repealed.

2 **SECTION 2.** 343.085 (2m) (b) 1m. of the statutes is created to read:

3 343.085 **(2m)** (b) 1m. If the licensee violates par. (a) while the licensee is subject
4 to the restrictions under par. (a), the department shall extend the restrictions by 6
5 months.

6 **SECTION 3.** 343.085 (2m) (b) 2. of the statutes is amended to read:

7 343.085 **(2m)** (b) 2. If the department extends a restriction period under subd.
8 1. or 1m., the department shall immediately provide notice of the extension by 1st
9 class mail to the person's last-known residence address.

10 **SECTION 4.** 343.085 (2m) (d) of the statutes is renumbered 343.085 (2m) (d) 1.
11 and amended to read:

12 343.085 **(2m)** (d) 1. The Except as provided in subd. 2., the restrictions under
13 this subsection apply until the period of restriction expires or until the licensee
14 reaches 18 years of age, whichever occurs first.

15 **SECTION 5.** 343.085 (2m) (d) 2. of the statutes is created to read:

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1 343.085 (2m) (d) 2. If the department extends a restriction period under par.
2 (b) 1m., the restrictions under par. (a) apply to a licensee 18 years of age or older until
3 the period of restriction expires.

4 **SECTION 6.** 343.085 (6) (a) of the statutes is renumbered 343.085 (6) (a) (intro.)
5 and amended to read:

6 343.085 (6) (a) (intro.) Notwithstanding s. 343.43 (1) (d) and (3m), any person
7 who violates sub. (2m) (a) shall be ~~required to forfeit \$50 for the first offense and not~~
8 ~~less than \$50 nor more than \$100 for each subsequent offense.~~ subject to the
9 following penalties:

10 **SECTION 7.** 343.085 (6) (a) 1. of the statutes is created to read:

11 343.085 (6) (a) 1. For the first offense, a forfeiture of \$150 and 10 hours of either
12 participation in a supervised work program under s. 938.34 (5g) or performance of
13 other community service work.

14 **SECTION 8.** 343.085 (6) (a) 2. of the statutes is created to read:

15 343.085 (6) (a) 2. For the 2nd offense, a forfeiture of \$250 and 10 hours of either
16 participation in a supervised work program under s. 938.34 (5g) or performance of
17 other community service work.

18 **SECTION 9.** 343.085 (6) (a) 3. of the statutes is created to read:

19 343.085 (6) (a) 3. For the 3rd or subsequent offense, a forfeiture of \$500 and 20
20 hours of either participation in a supervised work program under s. 938.34 (5g) or
21 performance of other community service work.

22 **SECTION 10.** 343.31 (2y) of the statutes is created to read:

23 343.31 (2y) The department shall suspend a person's operating privilege upon
24 receiving a record of conviction for a 2nd or subsequent violation of s. 343.085 (2m)
25 (a). A suspension under this subsection shall be 3 months for a 2nd violation of s.

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1 343.085 (2m) (a) and 6 months for a 3rd or subsequent violation of s. 343.085 (2m)
2 (a).

3 **SECTION 11.** 343.31 (3) (a) of the statutes is amended to read:

4 343.31 (3) (a) Except as otherwise provided in this subsection or sub. (1m),
5 (2m), (2s), (2t), ~~or (2x), or (2y)~~, all revocations or suspensions under this section shall
6 be for a period of one year.

7 **SECTION 12. Initial applicability.**

8 (1) This act first applies to violations committed on the effective date of this
9 subsection, but does not preclude the counting of other violations as prior violations
10 for purposes of sentencing a person.

11 (END)