



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2401/1
EVM:wlj

2023 ASSEMBLY BILL 167

April 10, 2023 - Introduced by Representatives MURPHY, TUSLER, DONOVAN and ROZAR, cosponsored by Senator JACQUE. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to repeal* 165.957 (4) (b) 2m., 343.10 (5) (a) 2. and 3., 343.10 (7) (cm),
2 343.301 (1g) (am), 343.301 (1m), 343.305 (8) (d), 343.32 (1m) (b) 1., 2. and 3. and
3 961.50 (1) (a), (b) and (c); **to renumber and amend** 343.10 (2) (e), 343.10 (2)
4 (f), 343.10 (5) (a) 1., 343.301 (1g) (a), 343.305 (8) (am), 343.32 (1m) (b) (intro.),
5 347.50 (1s), 351.07 (1) and 961.50 (1) (intro.); **to amend** 110.10 (4m), 165.957
6 (3) (a), 165.957 (4) (a) 2., 165.957 (4) (b) 1., 165.957 (4) (b) 2., 303.08 (10r), 340.01
7 (46m) (c), 343.10 (1) (a), 343.10 (2) (a) (intro.), 343.10 (5) (b), 343.165 (5), 343.21
8 (1) (k), 343.28 (1), 343.30 (1q) (b) 2., 343.30 (1q) (b) 3., 343.30 (1q) (b) 4., 343.30
9 (1q) (h), 343.301 (title), 343.301 (3), 343.301 (4), 343.301 (5), 343.305 (8) (a),
10 343.305 (9) (a) (intro.), 343.305 (10) (b) 2., 343.305 (10) (b) 3., 343.305 (10) (b)
11 4., 343.305 (10) (em), 343.305 (10m), 343.31 (1m) (b), 343.31 (1m) (c), 343.31 (3)
12 (bm) 2., 343.31 (3) (bm) 3., 343.31 (3) (bm) 4., 343.31 (3m) (a), 343.31 (3m) (b),
13 347.413 (1), 347.413 (3), 347.50 (1t), 351.07 (title), 351.07 (1g), 351.07 (2),
14 940.09 (1d) and 940.25 (1d); **to repeal and recreate** 343.301 (2m); and **to**

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1 **create** 343.01 (2) (bg), 343.03 (3) (br), 343.10 (1) (c), 343.105, 343.105 (1) (d),
2 343.105 (1) (e) 2., 343.305 (8) (am) 2. and 3., 343.305 (9) (a) 7. and 8. and 351.07
3 (1) (b) of the statutes; **relating to:** motor vehicle operators licenses restricting
4 operators to the use of motor vehicles equipped with ignition interlock devices
5 and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill creates an ignition interlock restricted driver's license (IIRL).

Under current law, no person may drive or operate a motor vehicle while under the influence of an intoxicant or drug, with a prohibited alcohol concentration, or with a measurable amount of a controlled substance in his or her blood (OWI). A person who does so is subject to penalties that increase, in terms of forfeitures or fines assessed, periods of imprisonment imposed, and periods of time during which the person's privilege to operate a motor vehicle is suspended or revoked, with each subsequent offense. Current law allows most OWI offenders, after a waiting period that increases with each subsequent OWI offense, to apply for an occupational license that allows the person to operate a motor vehicle for certain limited activities and within certain limited geographic boundaries.

Under current law, a law enforcement officer who arrests a person for an OWI offense may request that the person take a chemical test to determine the amount of alcohol in his or her blood or breath. Under certain other limited circumstances, the officer may request the person to take the test before he or she is arrested. If the person refuses to take the test, the officer takes possession of the person's driver's license and issues the person a notice that the Department of Transportation will revoke the person's driving privilege for a minimum of one year and a maximum of three years, depending on how many prior OWI offenses the person has committed. Under current law, refusing to take a chemical test is counted as an OWI offense. If the person takes the test and the test indicates that the person has committed an OWI, the officer takes possession of the person's driver's license and DOT administratively suspends the person's operating privilege for six months.

A person whose operating privilege is administratively suspended or revoked may, within 10 days, submit a written request for DOT to review his or her administrative suspension or revocation. A person whose operating privilege is administratively suspended for failing a chemical test may apply for an occupational license immediately. A person whose operating privilege is administratively revoked for refusing a test may apply for an occupational license after 30 days for a first OWI offense, after 90 days after a second OWI offense, and after 120 days after a third or subsequent OWI offense. However, if the person has committed two or more OWI offenses within five years, current law requires him or her to wait 12 months before he or she may apply for an occupational license. Current law also requires DOT to

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administratively suspend or revoke a person's operating privilege when it receives notification that a person has been convicted of committing certain OWI-related offenses in this state or in another state or on tribal land. The periods of suspension or revocation and the waiting periods for each offense vary but generally increase with the seriousness of the offense and the number of prior OWI offenses the person has committed.

In addition to the administrative suspension for failing a test and the administrative revocation for refusing a test, 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 who commits a first OWI offense may apply for an occupational license immediately, and a person with prior OWI offenses may apply after 45 days, unless he or she has committed two or more OWI offenses within five years, in which case the person must wait 12 months before he or she may apply for an occupational license.

Under current law, a court must order a person's motor vehicle operating privilege be restricted to operating vehicles that are equipped with an ignition interlock device (IID) when a person is convicted of a second or subsequent OWI offense or a first OWI offense while his or her alcohol concentration is 0.15 or greater, refuses to take a test for intoxication, or injures or kills a person while operating a vehicle while intoxicated.

Under current law, the operating privilege restriction stays in place for not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation. A person who violates a court order to install an IID by failing to install, removing, disconnecting, or otherwise tampering with the IID may be fined not less than \$150 nor more than \$600, imprisoned for not more than six months, or both, for the first offense and may be fined not less than \$300 nor more than \$1,000, or imprisoned for not more than six months, or both, for a second or subsequent offense.

This bill creates a license called an ignition interlock restricted license. Under the bill, an IIRL permits a person to operate a motor vehicle only if the motor vehicle is equipped with an IID. An IIRL does not impose any geographic limitations, and the person may operate the vehicle for any purpose.

Under the bill, a person who commits a first OWI offense while his or her alcohol concentration is below 0.15 (first offender) and a person who either fails a chemical test or refuses a test has the option of applying for an occupational license or an IIRL. A first offender may be eligible for an IIRL at any time, but if he or she opts for an occupational license, he or she is not eligible to receive that license until 45 days have passed from the time of the conviction.

A person who fails a chemical test and whose operating privilege is administratively suspended may be eligible for an IIRL immediately, if he or she waives his or her right to an administrative hearing on the propriety of the test, and may be eligible for an occupational license 45 days after his or her arrest. If the

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person requests an administrative hearing and he or she does not prevail at the hearing, he or she may be eligible for an IIRL 15 days after the hearing.

Under the bill, a person whose operating privilege is administratively revoked for improperly refusing a test may be eligible for an IIRL after 30 days and, depending on whether the person has prior OWI convictions or offenses, may be eligible for an occupational license after a waiting period ranging from 45 days for a first offender to 120 days for a person with more than three OWI convictions or offenses.

Under the bill, except for a first offender, anyone who is convicted of or found to have committed an OWI offense is not eligible for an occupational license but may operate a vehicle only under an IIRL. If a person who was eligible for either an occupational license or an IIRL before he or she was convicted of the offense had opted for an IIRL, the person gets credit for the number of days he or she was licensed under the IIRL. Under the bill, the IIRL is in effect for at least one year and remains in effect until any applicable license revocation or operating privilege restriction for the OWI expires.

Under the bill, in order to obtain an IIRL, the person must demonstrate to DOT that any applicable waiting period has passed, that the person has equipped one or more of his or her vehicles with a functioning IID that is approved by DOT, that the person has complied or is complying with any court-ordered assessment and driver safety plan, and that he or she has paid the required fee to DOT.

Under the bill, a person who operates a vehicle that is not equipped with an IID, in violation of his or her restricted operating privilege, may be fined not less than \$500 nor more than \$1,200, or imprisoned for not more than six months, or both, for the first offense. For a second or subsequent conviction, the person may be fined not less than \$600 nor more than \$2,000, or imprisoned for not more than six months, or both. In addition, the person's operating privilege is restricted for an additional six months for each violation.

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.

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:

1 **SECTION 1.** 110.10 (4m) of the statutes is amended to read:
2 110.10 (**4m**) Requiring ignition interlock device providers operating in this
3 state to accept, as payment in full for equipping a motor vehicle with an ignition
4 interlock device and for maintaining the ignition interlock device, the amount

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1 specified by the department under s. 343.301 (3) (b) or ordered by the court under s.
2 343.301 (3) (b), 2021 stats., if applicable.

3 **SECTION 2.** 165.957 (3) (a) of the statutes is amended to read:

4 165.957 (3) (a) A standard for frequent testing for the use of alcohol or a
5 controlled substance that is an alternative to the testing described in sub. (4) (b) 1.
6 ~~This paragraph does not apply to testing required pursuant to an order under s.~~
7 ~~343.301 (1g) (am) 2. that a court imposes on a person who meets the criteria under~~
8 ~~s. 343.301 (1g) (a) 2. b.~~

9 **SECTION 3.** 165.957 (4) (a) 2. of the statutes is amended to read:

10 165.957 (4) (a) 2. The person agrees to totally abstain from using alcohol or a
11 controlled substance while he or she is released on bond, on release under s. 969.01
12 (1), on probation, participating in a deferred prosecution agreement, or on parole or
13 extended supervision and agrees to participate in the program even though his or her
14 participation is not ordered by a judge or by the department of corrections as a
15 condition of bond, release pursuant to s. 969.01 (1), probation or deferred
16 prosecution, or release to parole or to extended supervision. ~~This subdivision does~~
17 ~~not apply to any person who meets the criteria under s. 343.301 (1g) (a) 2. b. and who~~
18 ~~is subject to an order under s. 343.301 (1g) (am) 2.~~

19 **SECTION 4.** 165.957 (4) (b) 1. of the statutes is amended to read:

20 165.957 (4) (b) 1. Except as provided in subd. 2. ~~or 2m.~~, the program requires
21 participants to be tested for the use of alcohol at least twice daily, at approximately
22 12-hour intervals, or for the use of a controlled substance as frequently as
23 practicable.

24 **SECTION 5.** 165.957 (4) (b) 2. of the statutes is amended to read:

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1 165.957 (4) (b) 2. If the standard for frequent testing described in subd. 1.
2 creates an unreasonable hardship for the county administering the program, the
3 program may utilize the standard established by the department of justice under
4 sub. (3) (a). ~~This subdivision does not apply to any person who meets the criteria~~
5 ~~under s. 343.301 (1g) (a) 2. b. and who is subject to an order under s. 343.301 (1g) (am)~~
6 ~~2.~~

7 **SECTION 6.** 165.957 (4) (b) 2m. of the statutes is repealed.

8 **SECTION 7.** 303.08 (10r) of the statutes is amended to read:

9 303.08 (10r) The sheriff may not permit a prisoner whose operating privilege
10 for the operation of “Class D” vehicles is restricted to operating vehicles that are
11 equipped with an ignition interlock device under s. 343.301 (1g), 2021 stats., to leave
12 the jail under sub. (1) unless, within 2 weeks after the court issues an order under
13 s. 343.301 (1g) (am) 1., 2021 stats., or the person’s operating privilege is restricted
14 under s. 343.301 (1g) (am) 2., 2021 stats., the person submits proof to the sheriff that
15 an ignition interlock device has been installed in each motor vehicle to which the
16 order applies. If the prisoner’s operating privilege is restricted pursuant to s.
17 343.301 (1g) and the person intends to operate a motor vehicle, the sheriff may not
18 permit the person to leave the jail under sub. (1) unless the person submits proof to
19 the sheriff that an ignition interlock device has been installed in each motor vehicle
20 the person operates.

21 **SECTION 8.** 340.01 (46m) (c) of the statutes is amended to read:

22 340.01 (46m) (c) If the person is subject to an order under s. 343.301, 2021
23 stats., if the person’s operating privilege is restricted pursuant to s. 343.301 (1g), or
24 if the person has 3 or more prior convictions, suspensions or revocations, as counted
25 under s. 343.307 (1), an alcohol concentration of more than 0.02.

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1 **SECTION 9.** 343.01 (2) (bg) of the statutes is created to read:

2 343.01 **(2)** (bg) “Ignition interlock restricted license” means an operator’s
3 license, issued in accordance with s. 343.105, that permits the holder to operate only
4 motor vehicles that are equipped with a functioning ignition interlock device that is
5 approved by the department.

6 **SECTION 10.** 343.03 (3) (br) of the statutes is created to read:

7 343.03 **(3)** (br) *Ignition interlock restricted license.* A license issued under s.
8 343.105 authorizing only the operation of motor vehicles that are equipped with a
9 functioning ignition interlock device that is approved by the department shall be
10 labeled “Ignition Interlock Restricted License.” An ignition interlock restricted
11 license may be subject to restrictions in addition to those provided in s. 343.105.

12 **SECTION 11.** 343.10 (1) (a) of the statutes is amended to read:

13 343.10 **(1)** (a) ~~If~~ Except as provided in par. (c), if a person’s license or operating
14 privilege is revoked or suspended under this chapter or s. 767.73, 938.34 (14q),
15 943.21 (3m), or 961.50 and if the person is engaged in an occupation, including
16 homemaking or full-time or part-time study, or a trade making it essential that he
17 or she operate a motor vehicle, the person, after payment of the fee provided in sub.
18 (6), may file an application with the department setting forth in detail the need for
19 operating a motor vehicle. No person may file more than one application with respect
20 to each revocation or suspension of the person’s license or operating privilege under
21 this chapter or s. 767.73, 938.34 (14q), 943.21 (3m), or 961.50, except that this
22 limitation does not apply to an application to amend an occupational license
23 restriction.

24 **SECTION 12.** 343.10 (1) (c) of the statutes is created to read:

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1 343.10 (1) (c) 1. Except as provided in subd. 2., a person whose license is
2 suspended or revoked for an offense counted under s. 343.307 (1) is not eligible for
3 an occupational license under this section but may apply for an ignition interlock
4 restricted license under s. 343.105.

5 2. A person whose operating privilege is revoked for a first violation of s. 346.63
6 (1) or a local ordinance in conformity with that section and who had an alcohol
7 concentration below 0.15 at the time of the offense, a person whose operating
8 privilege is suspended under s. 343.305 (7), and a person who receives a notice of
9 intent to revoke under s. 343.305 (9) may be eligible for an occupational license under
10 this section or an ignition interlock restricted license under s. 343.105. No person
11 may apply for or hold a license under this section and a license under s. 343.105 at
12 the same time. Waiting periods for a license under this section are as follows:

13 a. A person whose operating privilege is suspended under s. 343.305 (7) may
14 be eligible for an occupational license under this section after 45 days have elapsed
15 from the date of his or her arrest.

16 b. A person whose operating privilege is revoked for an improper refusal under
17 s. 343.305 (9) may be eligible for an occupational license under this section after 45
18 days have elapsed from the date he or she received a notice of intent to revoke, except
19 as provided in subd. 3. or 4.

20 3. Except as provided in subd. 4., if the number of convictions, suspensions, and
21 revocations counted under s. 343.307 (2) equals 2, the person may be eligible for an
22 occupational license under this section after 90 days have elapsed from the date he
23 or she received a notice of intent to revoke.

24 4. If the number of convictions, suspensions, and revocations counted under s.
25 343.307 (2) equals 3 or more, the person may be eligible for an occupational license

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1 under this section after 120 days have elapsed from the date he or she received a
2 notice of intent to revoke.

3 **SECTION 13.** 343.10 (2) (a) (intro.) of the statutes is amended to read:

4 343.10 (2) (a) (intro.) Except as provided in pars. (b) to (f) ~~(dm)~~, and subject to
5 s. 343.165 (5), a person is eligible for an occupational license if the following
6 conditions are satisfied:

7 **SECTION 14.** 343.10 (2) (e) of the statutes is renumbered 343.105 (1) (e) 1. and
8 amended to read:

9 343.105 (1) (e) 1. If Except as provided in subd. 2., if the court orders a person
10 to submit to and comply with an assessment and driver safety plan and if the person
11 has 2 or more prior convictions, suspensions or revocations, as counted under s.
12 343.307 (1), no occupational license under this section may be granted until the
13 person has completed the assessment and is complying with the driver safety plan.

14 **SECTION 15.** 343.10 (2) (f) of the statutes is renumbered 343.105 (1) (f) and
15 amended to read:

16 343.105 (1) (f) ~~If the court orders under, pursuant to~~ s. 343.301 (1g) ~~that the,~~
17 ~~a person's operating privilege for the operation of "Class D" vehicles be~~ is restricted
18 to operating vehicles that are equipped with an ignition interlock device, no
19 occupational license may be granted under this section until the person pays the
20 surcharge under s. 343.301 (5) ~~and submits proof that an ignition interlock device~~
21 ~~has been installed in each motor vehicle to which the order under s. 343.301 applies.~~
22 ~~A person who is subject to an order under s. 343.301 (1g) (am) 2. need not submit proof~~
23 ~~that an ignition interlock device has been installed if he or she is participating in a~~
24 ~~program designated in the order, unless he or she is also subject to an order under~~
25 ~~s. 343.301 (1g) (am) 1.~~

ASSEMBLY BILL 167**SECTION 16**

1 **SECTION 16.** 343.10 (5) (a) 1. of the statutes is renumbered 343.10 (5) (a) and
2 amended to read:

3 343.10 (5) (a) In addition to any restrictions appearing on the former operator's
4 license of the applicant, the occupational license shall contain definite restrictions
5 as to hours of the day, not to exceed 12, hours per week, not to exceed 60, type of
6 occupation and areas or routes of travel which are permitted under the license. The
7 occupational license may permit travel to and from church during specified hours if
8 the travel does not exceed the restrictions as to hours of the day and hours per week
9 in this subdivision. The occupational license may permit travel necessary to comply
10 with a driver safety plan ordered under s. 343.30 (1q) or 343.305 if the travel does
11 not exceed the restrictions as to hours of the day and hours per week in this
12 subdivision paragraph. The occupational license may contain restrictions on the use
13 of alcohol and of controlled substances and controlled substance analogs in violation
14 of s. 961.41.

15 **SECTION 17.** 343.10 (5) (a) 2. and 3. of the statutes are repealed.

16 **SECTION 18.** 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 19.** 343.10 (7) (cm) of the statutes is repealed.

21 **SECTION 20.** 343.105 of the statutes is created to read:

22 **343.105 Ignition interlock restricted licenses. (1) APPLICATION FOR**
23 **IGNITION INTERLOCK RESTRICTED LICENSE.** (a) If a person's license or operating privilege
24 is administratively suspended under s. 343.305 or is revoked for an offense counted

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1 under s. 343.307 (1), the person may file an application with the department for a
2 license under this section at any time.

3 (b) The application under par. (a) shall be in a form established by the
4 department and shall include proof that at least one motor vehicle operated by the
5 person has been equipped with an ignition interlock device. The application shall
6 include proof of financial responsibility as specified in s. 343.38 (1) (c) covering the
7 vehicle or vehicles that the applicant requests authorization to operate.

8 (c) If the person meets the criteria set forth in par. (b), the person is eligible to
9 receive a license under this section as follows:

10 1. Pursuant to subd. 2. and except as provided in subds. 3. to 7., immediately
11 upon suspension or revocation of his or her operating privilege.

12 2. Immediately after the person receives notice of suspension of his or her
13 operating privilege under s. 343.305 (7) if he or she does not request an
14 administrative review under s. 343.305 (8).

15 3. Fifteen days after a notice to revoke is issued under s. 343.305 (9) if the
16 person does not request a hearing on the revocation.

17 4. Thirty days following the final determination that sustains a suspension
18 after an administrative review under s. 343.305 (8).

19 5. Thirty days following the final determination that imposes or sustains a
20 revocation under s. 343.305 (10) (b) 2.

21 6. Ninety days following the final determination that imposes or sustains a
22 revocation under s. 343.305 (10) (b) 3.

23 7. One hundred twenty days following the final determination that imposes or
24 sustains a revocation under s. 343.305 (10) (b) 4.

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1 **(1m)** PETITION FOR IGNITION INTERLOCK RESTRICTED LICENSE. (a) A person whose
2 application for a license under sub. (1) is denied in whole or in part may file a petition
3 with the clerk of the circuit court for the county in which the person resides for an
4 order authorizing the issuance of an ignition interlock restricted license to the
5 person. No person may file a petition under this paragraph unless he or she first pays
6 the fee specified in s. 814.61 (14) to the clerk of the circuit court. The person's petition
7 shall include a copy of the person's current operating record under s. 343.23 (2) and
8 the reasons why the person should be granted an ignition interlock restricted license.
9 The court shall consider the number and seriousness of prior traffic convictions in
10 determining whether to grant the petition and shall state, in writing, its reasons for
11 granting or denying the petition. No person may file more than one petition with
12 respect to a denial of an application for a license under sub. (1).

13 (b) If the court grants the petition under par. (a), the court shall issue an order
14 authorizing the issuance of an ignition interlock restricted license to the person. The
15 order for issuance of an ignition interlock restricted license shall include definite
16 restrictions as provided in sub. (2). A copy of the order shall be forwarded to the
17 department. Upon receipt of the court order, the petitioner shall be considered an
18 applicant by the department for purposes of this section. The ignition interlock
19 restricted license issued by the department under this paragraph shall contain the
20 restrictions ordered by the court. If the court denies the petition under par. (a), the
21 clerk of the circuit court shall notify the department of the denial of the petition.

22 (c) The department shall not issue an ignition interlock restricted license to a
23 person upon receipt of an order from a court under this subsection if the person
24 appears by the records of the department to have filed more than one petition with
25 a court for a license under this subsection.

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1 **(2) ISSUANCE; LIMITATIONS.** If the person is eligible for a restricted license
2 pursuant to sub. (1), the department may issue a license under this section as follows:

3 (a) Except as provided under par. (b), the license shall allow a person to operate
4 any motor vehicle that is equipped with a functioning ignition interlock device
5 approved by the department.

6 (b) The license may not permit the operation of any motor vehicles for which
7 the applicant did not hold valid authorization at the time of the administrative
8 suspension or revocation of the person's license or operating privilege. This
9 paragraph does not preclude the department from issuing a license under this
10 section to a person whose operating privilege was revoked or suspended at the time
11 he or she committed the current offense if the person is otherwise eligible for a license
12 under this section.

13 (c) The license may contain any restrictions on the person's license that were
14 in effect at the time the person was arrested for the violation that resulted in the
15 suspension or revocation.

16 **(3) FEE.** No person may file an application for a license under sub. (1) unless
17 he or she first pays to the department the fees specified in s. 343.21 (1) (k) and (n).

18 **(4) DEPARTMENT TO ISSUE IGNITION INTERLOCK RESTRICTED LICENSE.** (a) The
19 department shall issue an ignition interlock restricted license to a person as soon as
20 practicable upon receipt of an application and the proof required under sub. (1) (b)
21 to the department.

22 (b) A license issued by the department under this section shall be in the form
23 of a license that includes a photograph described in s. 343.14 (3) unless the exception
24 under s. 343.14 (3m) applies. The license shall clearly indicate that restrictions on
25 a special restrictions card apply and that the special restrictions card is part of the

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1 person's license. The ignition interlock restricted license issued by the department
2 shall contain the limitations required by sub. (2).

3 (c) The expiration date of the ignition interlock restricted license is the date of
4 termination of the period of revocation or suspension as provided by law, except that
5 if the person's license expires pursuant to s. 343.20 (1m) on an earlier date, the
6 ignition interlock restricted license also expires on that date. The expiration date of
7 the ignition interlock restricted license may be extended to the date of termination
8 of the period of any subsequent revocation or suspension arising from the same
9 incident or occurrence. The license may be revoked, suspended, or canceled before
10 its expiration. An ignition interlock restricted license is not renewable when it
11 expires. If an ignition interlock restricted license expires and is not revoked,
12 suspended, or canceled, the licensee may obtain a new license upon that expiration
13 but only if he or she complies with the conditions specified in s. 343.38. Revocation,
14 suspension, or cancellation of an ignition interlock restricted license has the same
15 effect as revocation, suspension, or cancellation of any other license.

16 (5) NOTICE. The department shall inform a person whose operating privilege
17 is revoked or suspended under s. 343.305 of his or her right to either waive an
18 administrative review of the suspension or revocation and apply to the department
19 for issuance of an ignition interlock restricted license under this section or to apply,
20 after any applicable waiting period, for an occupational license under s. 343.10.

21 **SECTION 21.** 343.105 (1) (d) of the statutes is created to read:

22 343.105 (1) (d) A person whose operating privilege is suspended or revoked
23 under s. 343.30 (1q) (d) or 343.305 (10) (d) is not eligible for a license under this
24 section.

25 **SECTION 22.** 343.105 (1) (e) 2. of the statutes is created to read:

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1 343.105 (1) (e) 2. If a person has installed a functioning ignition interlock
2 device that is approved by the department prior to his or her conviction and the court
3 orders a person to submit to and comply with an assessment and driver safety plan,
4 the person shall complete the assessment and comply with the driver safety plan
5 within 15 days after his or her conviction. If a person fails to comply with this
6 subdivision, his or her operating privileges are restricted under s. 343.301 (1g) for
7 6 months in addition to the time specified under s. 343.301 (2m).

8 **SECTION 23.** 343.165 (5) of the statutes is amended to read:

9 343.165 (5) The department may, by rule, require that applications for
10 reinstatement of operator's licenses or identification cards, issuance of occupational
11 licenses or ignition interlock restricted licenses, reissuance of operator's licenses, or
12 issuance of duplicate operator's licenses or identification cards be processed in a
13 manner consistent with the requirements established under this section for
14 applications for initial issuance or renewal of operator's licenses and identification
15 cards.

16 **SECTION 24.** 343.21 (1) (k) of the statutes is amended to read:

17 343.21 (1) (k) For an occupational license, \$40 \$90, and for an ignition interlock
18 restricted license, \$90.

19 **SECTION 25.** 343.28 (1) of the statutes is amended to read:

20 343.28 (1) Whenever a person is convicted of a moving traffic violation under
21 chs. 341 to 349 or under a local ordinance enacted under ch. 349, the clerk of the court
22 in which the conviction occurred, or the justice, judge or magistrate of a court not
23 having a clerk, shall, as provided in s. 345.48, forward to the department the record
24 of such conviction. The record of conviction forwarded to the department shall state
25 whether the offender was involved in an accident at the time of the offense, whether

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1 the offender was operating a commercial motor vehicle at the time of the offense and,
2 if so, whether the offender was transporting hazardous materials requiring
3 placarding or any quantity of a material listed as a select agent or toxin under 42 CFR
4 73, or was operating a vehicle designed to carry, or actually carrying, 16 or more
5 passengers, including the driver. Whenever a person is convicted of an offense that
6 may be counted under s. 343.307 (2), the court shall include in the record of conviction
7 forwarded to the department the offender's alcohol concentration at the time of the
8 offense, if this information is known to the court. Whenever a person is convicted of
9 exceeding a posted speed limit, the record of conviction forwarded to the department
10 shall include the number of miles per hour in excess of the posted speed limit.

11 **SECTION 26.** 343.30 (1q) (b) 2. of the statutes is amended to read:

12 343.30 (1q) (b) 2. Except as provided in sub. (1r) or subd. 3., 4. or 4m., for the
13 first conviction, the court shall revoke the person's operating privilege for not less
14 than 6 months nor more than 9 months. The If, pursuant to s. 343.301, the person
15 is not restricted to operating a motor vehicle that is equipped with an ignition
16 interlock device, the person is eligible for an occupational license under s. 343.10 at
17 any time 45 days after the date of conviction. The person may apply for an ignition
18 interlock restricted license under s. 343.105 immediately upon receiving notice of
19 revocation, but he or she may not apply for both an occupational license and an
20 ignition interlock restricted license.

21 **SECTION 27.** 343.30 (1q) (b) 3. of the statutes is amended to read:

22 343.30 (1q) (b) 3. Except as provided in sub. (1r) or subd. 4m., if the number
23 of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total
24 number of other convictions, suspensions, and revocations counted under s. 343.307
25 (1) within a 10-year period, equals 2, the court shall revoke the person's operating

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1 privilege for not less than one year nor more than 18 months. ~~After the first 45 days~~
2 ~~of the revocation period has elapsed, the person is eligible for an occupational license~~
3 ~~under s. 343.10 if he or she has completed the assessment and is complying with the~~
4 ~~driver safety plan ordered under par. (e).~~ The person may apply for an ignition
5 interlock restricted license under s. 343.105 immediately upon receiving notice of
6 revocation.

7 **SECTION 28.** 343.30 (1q) (b) 4. of the statutes is amended to read:

8 343.30 (1q) (b) 4. Except as provided in sub. (1r) or subd. 4m., if the number
9 of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total
10 number of other convictions, suspensions, and revocations counted under s. 343.307
11 (1), equals 3 or more, the court shall revoke the person's operating privilege for not
12 less than 2 years nor more than 3 years. ~~After the first 45 days of the revocation~~
13 ~~period has elapsed, the person is eligible for an occupational license under s. 343.10~~
14 ~~if he or she has completed the assessment and is complying with the driver safety~~
15 ~~plan ordered under par. (e).~~ The person may apply for an ignition interlock restricted
16 license under s. 343.105 immediately upon receiving notice of revocation.

17 **SECTION 29.** 343.30 (1q) (h) of the statutes is amended to read:

18 343.30 (1q) (h) The court or department shall provide that the period of
19 suspension or revocation imposed under this subsection shall be reduced by any
20 period of suspension or revocation previously served under s. 343.305 if the
21 suspension or revocation under s. 343.305 and the conviction for violation of s. 346.63
22 (1) or (2m) or a local ordinance in conformity therewith arise out of the same incident
23 or occurrence. The court or department shall order that the period of suspension or
24 revocation imposed under this subsection run concurrently with any period of time
25 remaining on a suspension or revocation imposed under s. 343.305 arising out of the

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1 same incident or occurrence. The court or department may modify an ~~occupational~~
2 ignition interlock restricted license authorized under s. 343.305 (8) (d) in accordance
3 with this subsection.

4 **SECTION 30.** 343.301 (title) of the statutes is amended to read:

5 **343.301** (title) ~~Installation of ignition~~ **Ignition interlock device**
6 **required.**

7 **SECTION 31.** 343.301 (1g) (a) of the statutes is renumbered 343.301 (1g), and
8 343.301 (1g) (intro.) and (b) 2., as renumbered, are amended to read:

9 343.301 **(1g)** (intro.) A court ~~shall enter an order under par. (am)~~ person's
10 operating privilege is restricted to operating vehicles that are equipped with a
11 functioning ignition interlock device that is approved by the department if either of
12 the following applies:

13 (b) 2. The person has a total of one or more prior convictions, suspensions, or
14 revocations, ~~counting convictions under ss. 940.09 (1) and 940.25 in the person's~~
15 ~~lifetime and other convictions, suspensions, and revocations counted under s.~~
16 343.307 (1).

17 **SECTION 32.** 343.301 (1g) (am) of the statutes is repealed.

18 **SECTION 33.** 343.301 (1m) of the statutes is repealed.

19 **SECTION 34.** 343.301 (2m) of the statutes is repealed and recreated to read:

20 343.301 **(2m)** Beginning on the date a person's operating privilege is revoked
21 pursuant to s. 343.30, 343.305 (10), or 343.31, for a violation counted under s. 343.307
22 (1), the person's operating privilege is restricted pursuant to sub. (1g). The person's
23 operating privilege is restricted for a period of not less than one year nor more than
24 the maximum operating privilege revocation period permitted for the refusal or
25 violation, except that if the maximum operating privilege revocation period is less

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1 than one year, the person's operating privilege is restricted pursuant to sub. (1g) for
2 one year. The department may not issue any license to the person under this chapter
3 that does not have the restriction specified in sub. (1g) until the person's operating
4 privilege is restricted pursuant to this subsection for the entire period of the
5 restriction under sub. (1g), including any extension under s. 347.50 (1t). If the
6 person's operating privilege is restricted pursuant to a conviction and the person has
7 not installed an ignition interlock device prior to his or her conviction, the court may
8 order the installation of an ignition interlock device immediately upon conviction.

9 **SECTION 35.** 343.301 (3) of the statutes is amended to read:

10 343.301 (3) (a) Except as provided in par. (b), ~~if the court enters an order under~~
11 ~~sub. (1g), the person shall be~~ whose operating privilege is restricted pursuant to sub.
12 (1g) is liable for the reasonable cost of equipping and maintaining any ignition
13 interlock device installed on his or her motor vehicle.

14 (b) ~~If the court finds that the person who is subject to an order under~~ whose
15 operating privilege is restricted pursuant to sub. (1g) submits proof to the court that
16 he or she has a household income that is at or below 150 percent of the nonfarm
17 federal poverty line for the continental United States, as defined in 42 USC 9902 (2),
18 the court shall ~~limit the~~ give the person a notice to provide to the person's ignition
19 interlock device provider indicating that the person's liability under par. (a) is limited
20 to one-half of the provider's customary cost of equipping each one motor vehicle with
21 an ignition interlock device and one-half of the provider's customary cost per day per
22 ~~vehicle~~ of maintaining the ignition interlock device.

23 **SECTION 36.** 343.301 (4) of the statutes is amended to read:

24 343.301 (4) ~~A~~ No person to whom an order whose operating privilege is
25 restricted under sub. (1g) ~~applies~~ ~~violates that order if he or she fails to have an~~

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1 ~~ignition interlock device installed as ordered, removes or disconnects or who is issued~~
2 ~~prior to conviction an ignition interlock restricted license may operate a motor~~
3 ~~vehicle that is not equipped with an ignition interlock device, remove or disconnect~~
4 ~~an ignition interlock device, requests or permits from a motor vehicle he or she is~~
5 ~~operating or intends to operate, request or permit another to blow into an ignition~~
6 ~~interlock device, or to start a motor vehicle equipped with an ignition interlock device~~
7 ~~for the purpose of providing the person an operable motor vehicle without the~~
8 ~~necessity of first submitting a sample of his or her breath to analysis by the ignition~~
9 ~~interlock device, or otherwise tampers with or circumvents tamper or circumvent the~~
10 ~~operation of the ignition interlock device.~~

11 **SECTION 37.** 343.301 (5) of the statutes is amended to read:

12 343.301 (5) ~~If the court enters an order~~ A person whose operating privilege is
13 restricted under sub. (1g), ~~the court shall impose and the person shall pay to the clerk~~
14 ~~of court, at the time his or her operating privilege is revoked for an offense counted~~
15 under s. 343.307 (1), an ignition interlock surcharge of \$50 to the clerk of court. The
16 clerk of court shall transmit the amount to the county treasurer.

17 **SECTION 38.** 343.305 (8) (a) of the statutes is amended to read:

18 343.305 (8) (a) The law enforcement officer shall notify the person of the
19 administrative suspension under sub. (7) (a). The notice shall advise the person that
20 his or her operating privilege will be administratively suspended and that he or she
21 has the right to obtain administrative and judicial review under this subsection, but
22 that if he or she does not request an administrative or judicial review, he or she may
23 be eligible to receive an ignition interlock restricted license under s. 343.105
24 immediately. This notice of administrative suspension serves as a 30-day temporary
25 license. An administrative suspension under sub. (7) (a) becomes effective at the

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1 time the 30-day temporary license expires. The officer shall submit or mail a copy
2 of the notice to the department.

3 **SECTION 39.** 343.305 (8) (am) of the statutes is renumbered 343.305 (8) (am)
4 (intro.) and amended to read:

5 343.305 (8) (am) (intro.) The department shall prepare and approve
6 information forms and applications for distribution under this paragraph. Upon
7 issuing a notice of suspension to a person under par. (a), a law enforcement officer
8 shall provide the person with ~~a separate~~ the following forms in addition to the notice
9 of administrative suspension:

10 1. A form for the person to use to request the administrative review under this
11 subsection. The form shall clearly indicate how to request an administrative review
12 and shall clearly notify the person that this form must be submitted within 10 days
13 from the notice date indicated on the form or the person's hearing rights will be
14 deemed waived. The form shall, in no less than 16-point boldface type, be titled:
15 IMPORTANT NOTICE — RESPOND WITHIN TEN (10) DAYS. The form shall
16 clearly indicate that if the person requests a review and the suspension is sustained,
17 he or she is not eligible to receive an occupational license under s. 343.10 until 45
18 days, or an ignition interlock restricted license under s. 343.105 until 15 days, after
19 the final determination sustaining the suspension occurs.

20 **SECTION 40.** 343.305 (8) (am) 2. and 3. of the statutes are created to read:

21 343.305 (8) (am) 2. A form that explains the procedure for applying for an
22 occupational license under s. 343.10 or an ignition interlock restricted license under
23 s. 343.105. The form shall clearly indicate that the person may apply for an ignition
24 interlock restricted license at any time and that the person may be eligible to receive
25 the ignition interlock restricted license immediately after he or she receives notice

ASSEMBLY BILL 167**SECTION 40**

1 that his or her operating privilege has been suspended under sub. (7) if he or she does
2 not request an administrative review of the suspension. The form shall provide
3 information on how and where to have an ignition interlock device that is approved
4 by the department installed. The form shall clearly indicate that the person may be
5 eligible for an occupational license under s. 343.10 45 days after his or her arrest.

6 3. An application form for an ignition interlock restricted license.

7 **SECTION 41.** 343.305 (8) (d) of the statutes is repealed.

8 **SECTION 42.** 343.305 (9) (a) (intro.) of the statutes is amended to read:

9 343.305 (9) (a) (intro.) If a person refuses to take a test under sub. (3) (a), the
10 law enforcement officer shall immediately prepare a notice of intent to revoke, by
11 court order under sub. (10), the person's operating privilege. If the person was
12 driving or operating a commercial motor vehicle, the officer shall issue an
13 out-of-service order to the person for the 24 hours after the refusal and notify the
14 department in the manner prescribed by the department. The officer shall issue a
15 copy of the notice of intent to revoke the privilege and an application form for an
16 ignition interlock restricted license to the person and submit or mail a copy to the
17 circuit court for the county in which the arrest under sub. (3) (a) was made or to the
18 municipal court in the municipality in which the arrest was made if the arrest was
19 for a violation of a municipal ordinance under sub. (3) (a) and the municipality has
20 a municipal court. The officer shall also mail a copy of the notice of intent to revoke
21 to the attorney for that municipality or to the district attorney for that county, as
22 appropriate, and to the department. Neither party is entitled to pretrial discovery
23 in any refusal hearing, except that, if the defendant moves within 30 days after the
24 initial appearance in person or by an attorney and shows cause therefor, the court
25 may order that the defendant be allowed to inspect documents, including lists of

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1 names and addresses of witnesses, if available, and to test under s. 804.09, under
2 such conditions as the court prescribes, any devices used by the plaintiff to determine
3 whether a violation has been committed. The notice of intent to revoke the person's
4 operating privilege shall contain substantially all of the following information:

5 **SECTION 43.** 343.305 (9) (a) 7. and 8. of the statutes are created to read:

6 343.305 (9) (a) 7. That if the person does not request a hearing on the
7 revocation, the person may apply for an ignition interlock restricted license under
8 s. 343.105 at any time and may be eligible to receive the ignition interlock restricted
9 license 30 days after he or she receives the notice of revocation, or an occupational
10 license under s. 343.10 after a waiting period from 45 to 120 days. The form shall
11 clearly state that if the person does request a hearing on the revocation, the person
12 is not eligible to receive an ignition interlock restricted license until 30 to 120 days
13 after a final determination under sub. (10) that the revocation is sustained.

14 8. An explanation of the procedure for applying for an ignition interlock
15 restricted license under s. 343.105.

16 **SECTION 44.** 343.305 (10) (b) 2. of the statutes is amended to read:

17 343.305 (10) (b) 2. Except as provided in subd. 3., 4. or 4m., for the first
18 improper refusal, the court shall revoke the person's operating privilege for one year.
19 After the first 30 days of the revocation period, the person is may be eligible for an
20 ~~occupational license under s. 343.10~~ ignition interlock restricted license under s.
21 343.105.

22 **SECTION 45.** 343.305 (10) (b) 3. of the statutes is amended to read:

23 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions
24 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
25 convictions, suspensions, and revocations counted under s. 343.307 (2) within a

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1 10-year period, equals 2, the court shall revoke the person's operating privilege for
2 2 years. After the first 90 days of the revocation period ~~or, if the total number of~~
3 ~~convictions, suspensions, and revocations counted under this subdivision within any~~
4 ~~5-year period equals 2 or more, after one year of the revocation period has elapsed,~~
5 the person is may be eligible for an occupational license under s. 343.10 ignition
6 interlock restricted license under s. 343.105 if he or she has completed the
7 assessment and is complying with the driver safety plan.

8 **SECTION 46.** 343.305 (10) (b) 4. of the statutes is amended to read:

9 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions
10 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
11 convictions, suspensions, and revocations counted under s. 343.307 (2), equals 3 or
12 more, the court shall revoke the person's operating privilege for 3 years. After the
13 first 120 days of the revocation period ~~or, if the total number of convictions,~~
14 ~~suspensions, and revocations counted under this subdivision within any 5-year~~
15 ~~period equals 2 or more, after one year of the revocation period has elapsed, the~~
16 person is may be eligible for an occupational license under s. 343.10 ignition interlock
17 restricted license under s. 343.105 if he or she has completed the assessment and is
18 complying with the driver safety plan.

19 **SECTION 47.** 343.305 (10) (em) of the statutes is amended to read:

20 343.305 (10) (em) One penalty for improperly refusing to submit to a test for
21 intoxication regarding a person arrested for a violation of s. 346.63 (2m) or (7) or a
22 local ordinance in conformity therewith is revocation of the person's operating
23 privilege for 6 months. If there was a minor passenger under 16 years of age in the
24 motor vehicle at the time of the incident that gave rise to the improper refusal, the
25 revocation period is 12 months. ~~After~~ The person may apply for an ignition interlock

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1 restricted license at any time and may be eligible to receive the ignition interlock
2 restricted license after the first 15 days of the revocation period, ~~the person is eligible~~
3 ~~for an occupational license under s. 343.10.~~ Any such improper refusal or revocation
4 for the refusal does not count as a prior refusal or a prior revocation under this section
5 or ss. 343.30 (1q), 343.307 and 346.65 (2). The person shall not be required to submit
6 to and comply with any assessment or driver safety plan under pars. (c) and (d).

7 **SECTION 48.** 343.305 (10m) of the statutes is amended to read:

8 343.305 (10m) REFUSALS; IGNITION INTERLOCK OF A MOTOR VEHICLE. The
9 ~~requirements and procedures for installation of an ignition interlock device~~
10 operating privilege restrictions under s. 343.301 apply when an operating privilege
11 is revoked under sub. (10).

12 **SECTION 49.** 343.31 (1m) (b) of the statutes is amended to read:

13 343.31 (1m) (b) Upon receiving a record of conviction under s. 940.09 (1) or
14 940.25 or conviction, suspension, or revocation counted under s. 343.307 (1) that
15 together with other records of the department show that the number of convictions
16 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
17 convictions, suspensions, and revocations counted under s. 343.307 (1), equals 4 or
18 more, the department shall revoke the person's operating privilege permanently.
19 This paragraph does not apply if the most recent conviction, suspension, or
20 revocation counted under this paragraph occurred more than 15 years after the next
21 preceding conviction, suspension, or revocation counted under this paragraph. The
22 person is not eligible for an occupational license under s. 343.10, and the person is
23 not eligible for an ignition interlock restricted license under s. 343.105. After 10
24 years of the revocation period have elapsed, the person may apply for reinstatement
25 under s. 343.38.

ASSEMBLY BILL 167**SECTION 50**

1 **SECTION 50.** 343.31 (1m) (c) of the statutes is amended to read:

2 343.31 **(1m)** (c) Upon receiving a record of conviction under s. 940.09 (1) or
3 940.25 or conviction, suspension, or revocation counted under s. 343.307 (1) that
4 together with other records of the department show that the number of convictions
5 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
6 convictions, suspensions, and revocations counted under s. 343.307 (1) within a
7 25-year period, equals 2 or more, and that the person has 2 or more qualifying
8 convictions, the department shall revoke the person's operating privilege
9 permanently. The person is not eligible for an occupational license under s. 343.10,
10 and the person is not eligible for an ignition interlock restricted license under s.
11 343.105. After 10 years of the revocation period have elapsed, the person may apply
12 for reinstatement under s. 343.38.

13 **SECTION 51.** 343.31 (3) (bm) 2. of the statutes is amended to read:

14 343.31 **(3)** (bm) 2. Except as provided in subd. 3., 4. or 4m., for the first
15 conviction, the department shall revoke the person's operating privilege for not less
16 than 6 months nor more than 9 months. If an Indian tribal court in this state revokes
17 the person's privilege to operate a motor vehicle on tribal lands for not less than 6
18 months nor more than 9 months for the conviction specified in par. (bm) (intro.), the
19 department shall impose the same period of revocation. The person is ~~eligible for an~~
20 ~~occupational license under s. 343.10~~ may apply for an ignition interlock restricted
21 license under s. 343.105 at any time.

22 **SECTION 52.** 343.31 (3) (bm) 3. of the statutes is amended to read:

23 343.31 **(3)** (bm) 3. Except as provided in subd. 4m., if the number of convictions
24 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of
25 suspensions, revocations, and other convictions counted under s. 343.307 (1) within

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1 a 10-year period, equals 2, the department shall revoke the person's operating
2 privilege for not less than one year nor more than 18 months. If an Indian tribal court
3 in this state revokes the person's privilege to operate a motor vehicle on tribal lands
4 for not less than one year nor more than 18 months for the conviction specified in par.
5 (bm) (intro.), the department shall impose the same period of revocation. ~~After the~~
6 ~~first 60 days of the revocation period or, if the total number of convictions,~~
7 ~~suspensions, and revocations counted under this subdivision within any 5-year~~
8 ~~period equals 2 or more, after one year of the revocation period has elapsed, the~~
9 ~~person is eligible for an occupational license under s. 343.10. The person may apply~~
10 ~~for an ignition interlock restricted license under s. 343.105 at any time.~~

11 **SECTION 53.** 343.31 (3) (bm) 4. of the statutes is amended to read:

12 343.31 (3) (bm) 4. Except as provided in subd. 4m., if the number of convictions
13 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
14 suspensions, revocations and convictions counted under s. 343.307 (1), equals 3 or
15 more, the department shall revoke the person's operating privilege for not less than
16 2 years nor more than 3 years. If an Indian tribal court in this state revokes the
17 person's privilege to operate a motor vehicle on tribal lands for not less than 2 years
18 nor more than 3 years for the conviction specified in par. (bm) (intro.), the department
19 shall impose the same period of revocation. ~~After one year of the revocation period~~
20 ~~has elapsed, the person is eligible for an occupational license under s. 343.10. The~~
21 ~~person may apply for an ignition interlock restricted license under s. 343.105 at any~~
22 ~~time.~~

23 **SECTION 54.** 343.31 (3m) (a) of the statutes is amended to read:

24 343.31 (3m) (a) Any person who has his or her operating privilege revoked
25 under sub. (3) (c) or (f) ~~is eligible for an occupational license under s. 343.10 after the~~

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1 first 120 days of the revocation period, except that if the total number of convictions,
2 suspensions, or revocations for any offense that is counted under s. 343.307 (1) within
3 any 5-year period equals 2 or more, the person is eligible for an occupational license
4 under s. 343.10 after one year of the revocation period has elapsed may apply for an
5 ignition interlock restricted license under s. 343.105 at any time.

6 **SECTION 55.** 343.31 (3m) (b) of the statutes is amended to read:

7 343.31 (3m) (b) Any person who has his or her operating privilege revoked
8 under sub. (3) (e) is eligible for an occupational license under s. 343.10 after the first
9 60 days of the revocation period, except that if the total number of convictions,
10 suspensions, or revocations for any offense that is counted under s. 343.307 (1) within
11 any 5-year period equals 2 or more, the person is eligible for an occupational license
12 under s. 343.10 after one year of the revocation period has elapsed may apply for an
13 ignition interlock restricted license under s. 343.105 at any time.

14 **SECTION 56.** 343.32 (1m) (b) (intro.) of the statutes is renumbered 343.32 (1m)

15 (b) and amended to read:

16 343.32 (1m) (b) The secretary may suspend a person's operating privilege for
17 not less than 6 months nor more than 5 years whenever notice has been received of
18 the conviction of such person under federal law or the law of a federally recognized
19 American Indian tribe or band in this state or the law of another jurisdiction for any
20 offense therein which, if the person had committed the offense in this state and been
21 convicted of the offense under the laws of this state, would have permitted
22 suspension of such person's operating privilege under s. 961.50. The person is
23 eligible for an occupational license under s. 343.10 as follows: may apply for an
24 ignition interlock restricted license under s. 343.105 at any time.

25 **SECTION 57.** 343.32 (1m) (b) 1., 2. and 3. of the statutes are repealed.

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1 **SECTION 58.** 347.413 (1) of the statutes is amended to read:

2 347.413 (1) No person may remove, disconnect, tamper with, or otherwise
3 circumvent the operation of an ignition interlock device installed in response to the
4 court order under s. 346.65 (6), 1999 stats., or s. 343.301 (1), 2007 stats., or s. 343.301
5 (1g), ~~or 2021 stats.~~, fail to have the ignition interlock device installed as ordered by
6 the court, ~~or violate a court order under s. 343.301 (1g), 2021 stats.~~, restricting the
7 person's operating privilege, or operate a motor vehicle not equipped with an ignition
8 interlock device, in violation of s. 343.301 (4). This subsection does not apply to the
9 removal of an ignition interlock device upon the expiration of the order requiring the
10 motor vehicle to be so equipped or to necessary repairs to a malfunctioning ignition
11 interlock device by a person authorized by the department.

12 **SECTION 59.** 347.413 (3) of the statutes is amended to read:

13 347.413 (3) The department shall design a warning label which shall be affixed
14 to each ignition interlock device upon installation. The label shall provide notice of
15 the penalties for tampering with or circumventing the operation of the ignition
16 interlock device under sub. (1) and s. ~~343.10 (5) (a) 3.~~ 343.105.

17 **SECTION 60.** 347.50 (1s) of the statutes is renumbered 347.50 (1s) (a) and
18 amended to read:

19 347.50 (1s) (a) Any person violating s. 347.413 (1) ~~or may be fined not less than~~
20 \$500 nor more than \$1,200, or imprisoned for not more than 6 months, or both, for
21 the first offense. For a 2nd or subsequent conviction, the person may be fined not less
22 than \$600 nor more than \$2,000, or imprisoned for not more than 6 months, or both.

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

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1 not less than \$300 nor more than \$1,000, or imprisoned for not more than 6 months,
2 or both.

3 **SECTION 61.** 347.50 (1t) of the statutes is amended to read:

4 347.50 (1t) In addition to the ~~penalty penalties~~ under sub. (1s), if a person who
5 is ~~subject to an order whose operating privilege is restricted~~ under s. 343.301 violates
6 s. 347.413, the court ~~shall extend the order restricting~~ restriction of the person's
7 operating privilege under s. 343.301 (1g) ~~or (2m)~~ is extended for 6 months for each
8 violation.

9 **SECTION 62.** 351.07 (title) of the statutes is amended to read:

10 **351.07 (title) Occupational license and ignition interlock restricted**
11 **license; conviction after issuance.**

12 **SECTION 63.** 351.07 (1) of the statutes is renumbered 351.07 (1) (a) and
13 amended to read:

14 351.07 (1) (a) Petition and order for occupational license. ~~A~~ Except as provided
15 in par. (b), a person whose operating privilege has been revoked under this chapter
16 as a habitual traffic offender may, after 2 years of the period of revocation have
17 elapsed, petition a judge of the circuit court for the county in which the person resides
18 for an order authorizing the issuance of an occupational license allowing the
19 operation of vehicles other than commercial motor vehicles. The person's petition
20 shall include a compelling reason why the person should be granted an occupational
21 license and additional reasons why the judge should believe that the person's
22 previous conduct as a traffic offender will not be repeated. The judge shall state his
23 or her reasons for granting or denying the petition on the record. If the judge grants
24 the petition, the judge shall issue an order authorizing the issuance of an
25 occupational license, limited to the operation of vehicles other than commercial

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1 motor vehicles, to the person under s. 343.10. The clerk of the court shall file a copy
2 of the order with the department, which shall become a part of the records of the
3 department. Upon receipt of the court order, the petitioner shall be considered an
4 applicant by the department for purposes of s. 343.10. This paragraph does not apply
5 to a person whose operating privilege has been revoked as a habitual offender for a
6 violation counted under s. 343.307 (1).

7 **SECTION 64.** 351.07 (1) (b) of the statutes is created to read:

8 351.07 (1) (b) *Petition and order for ignition interlock restricted license.* A
9 person whose operating privilege has been revoked as a habitual offender for a
10 violation counted under s. 343.307 (1) may, on or after the effective date of the
11 revocation, petition a judge or the circuit court for the county in which the person
12 resides for an order authorizing the issuance of an ignition interlock restricted
13 license, in accordance with s. 343.301 (1g), allowing the person to operate a motor
14 vehicle that is equipped with a functioning ignition interlock device that is approved
15 by the department.

16 **SECTION 65.** 351.07 (1g) of the statutes is amended to read:

17 351.07 (1g) No person may file a petition for an occupational license under sub.
18 (1) (a) or an ignition interlock restricted license under sub. (1) (b) unless he or she
19 first pays a fee of \$40 to the clerk of the circuit court. The clerk of the circuit court
20 shall give the person a receipt and forward the fee to the county treasurer. That
21 treasurer shall pay 50 percent of the fee to the secretary of administration under s.
22 59.25 (3) (m) and retain the balance for the use of the county.

23 **SECTION 66.** 351.07 (2) of the statutes is amended to read:

24 351.07 (2) Upon conviction of a person who is issued an occupational license
25 as provided by sub. (1) (a) of 2 offenses under s. 351.02 (1) (b) committed within one

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1 year following issuance of the occupational license or of one offense under s. 351.02
2 (1) (a) or 4 offenses under s. 351.02 (1) (b) committed within 3 years following
3 issuance of the occupational license, the secretary shall proceed under s. 351.025.

4 **SECTION 67.** 940.09 (1d) of the statutes is amended to read:

5 940.09 (1d) A person who violates sub. (1) is subject to the requirements and
6 procedures for installation of an ignition interlock device operating privilege
7 restrictions under s. 343.301.

8 **SECTION 68.** 940.25 (1d) of the statutes is amended to read:

9 940.25 (1d) A person who violates sub. (1) is subject to the requirements and
10 procedures for installation of an ignition interlock device operating privilege
11 restrictions under s. 343.301.

12 **SECTION 69.** 961.50 (1) (intro.) of the statutes is renumbered 961.50 (1) and
13 amended to read:

14 961.50 (1) If a person is convicted of any violation of this chapter, the court may,
15 in addition to any other penalties that may apply to the crime, suspend the person's
16 operating privilege, as defined in s. 340.01 (40), for not less than 6 months nor more
17 than 5 years. If a court suspends a person's operating privilege under this
18 subsection, the court may take possession of any suspended license. If the court
19 takes possession of a license, it shall destroy the license. The court shall forward to
20 the department of transportation the record of conviction and notice of the
21 suspension. The person is eligible for an occupational license under s. 343.10 as
22 follows: may apply for an ignition interlock restricted license under s. 343.105 at any
23 time.

24 **SECTION 70.** 961.50 (1) (a), (b) and (c) of the statutes are repealed.

25 **SECTION 71. Initial applicability.**

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1 (1) This act first applies to violations committed on the effective date of this
2 subsection, but does not preclude the counting of other violations as prior violations
3 for purposes of administrative action by the department of transportation or
4 sentencing by a court.

5

(END)