



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2375/1
PJH:kjf

2015 SENATE BILL 222

July 31, 2015 - Introduced by Senators WANGGAARD, COWLES, CARPENTER, LEMAHIEU and HARRIS DODD, cosponsored by Representatives HEATON, JACQUE, SANFELIPPO, SUBECK, SINICKI, KITCHENS, ROHRKASTE, HORLACHER, KRUG, RIPP, EDMING, BALLWEG, QUINN, MACCO, SPIROS, KAHL and KULP. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to repeal* 343.10 (5) (a) 2. and 3., 343.10 (7) (cm), 343.301 (1m), 343.305
2 (8) (d), 343.32 (1m) (b) 1., 2. and 3. and 961.50 (1) (a), (b) and (c); *to renumber*
3 343.10 (5) (a) 1.; *to renumber and amend* 343.10 (2) (e), 343.10 (2) (f), 343.305
4 (8) (am), 343.32 (1m) (b) (intro.), 347.50 (1s), 351.07 (1) and 961.50 (1) (intro.);
5 *to amend* 110.10 (4m), 303.08 (10r), 340.01 (46m) (c), 343.10 (1) (a), 343.10 (2)
6 (a) (intro.), 343.10 (5) (b), 343.165 (5), 343.21 (1) (k), 343.28 (1), 343.30 (1q) (b)
7 2., 343.30 (1q) (b) 3., 343.30 (1q) (b) 4., 343.30 (1q) (h), 343.301 (title), 343.301
8 (1g) (intro.), 343.301 (1g) (b) 2., 343.301 (2m), 343.301 (3), 343.301 (4), 343.301
9 (5), 343.305 (8) (a), 343.305 (9) (a) (intro.), 343.305 (10) (b) 2., 343.305 (10) (b)
10 3., 343.305 (10) (b) 4., 343.305 (10) (em), 343.305 (10m), 343.31 (3) (bm) 2.,
11 343.31 (3) (bm) 3., 343.31 (3) (bm) 4., 343.31 (3m) (a), 343.31 (3m) (b), 347.413
12 (1), 347.413 (3), 347.50 (1t), 351.07 (title), 351.07 (1g), 940.09 (1d) and 940.25
13 (1d); and *to create* 343.01 (2) (bg), 343.03 (3) (br), 343.10 (1) (c), 343.105,
14 343.105 (1) (d), 343.105 (1) (e) 2., 343.305 (8) (am) 2. and 3., 343.305 (9) (a) 7.

SENATE BILL 222

1 and 8. and 351.07 (1) (b) of the statutes; **relating to:** requiring or allowing
2 persons who have committed certain offenses related to drunken driving to
3 acquire an ignition interlock device in order to operate certain motor vehicles
4 and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

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 the person to 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 (DOT) 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.

Under current law, a person whose operating privilege is administratively suspended or revoked may, within ten 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 the 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 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

SENATE BILL 222

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 is required to 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 (IIRL). 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 who 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 eligible for an occupational license 45 days after his or her arrest. If the 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,

SENATE BILL 222

depending on whether the person has prior OWI convictions or offenses, 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 only operate a vehicle 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 an 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 may be 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.

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
5 specified by the department under s. 343.301 (3) (b) or ordered by the court under s.
6 343.301 (3) (b), 2013 stats., if applicable.

7 **SECTION 2.** 303.08 (10r) of the statutes is amended to read:

SENATE BILL 222

1 303.08 **(10r)** The sheriff may not permit a prisoner who is subject to an order
2 under s. 343.301 (1g) 2013 stats., to leave the jail under sub. (1) unless, within 2
3 weeks after the court issues the order, the person submits proof to the sheriff that
4 an ignition interlock device has been installed in each motor vehicle to which the
5 order applies. If the prisoner's operating privilege is restricted pursuant to s.
6 343.301 (1g) and the person intends to operate a motor vehicle, the sheriff may not
7 permit the person to leave the jail under sub. (1) unless the person submits proof to
8 the sheriff that an ignition interlock device has been installed in each motor vehicle
9 the person operates.

10 **SECTION 3.** 340.01 (46m) (c) of the statutes is amended to read:

11 340.01 **(46m)** (c) If the person is subject to an order under s. 343.301, 2013
12 stats., or if the person's operating privilege is restricted pursuant to s. 343.301 (1g),
13 or if the person has 3 or more prior convictions, suspensions or revocations, as
14 counted under s. 343.307 (1), an alcohol concentration of more than 0.02.

15 **SECTION 4.** 343.01 (2) (bg) of the statutes is created to read:

16 343.01 **(2)** (bg) "Ignition interlock restricted license" means an operator's
17 license, issued in accordance with s. 343.105, that permits the holder to operate only
18 motor vehicles that are equipped with a functioning ignition interlock device that is
19 approved by the department.

20 **SECTION 5.** 343.03 (3) (br) of the statutes is created to read:

21 343.03 **(3)** (br) *Ignition interlock restricted license.* A license issued under s.
22 343.105 authorizing only the operation of motor vehicles that are equipped with a
23 functioning ignition interlock device that is approved by the department shall be
24 labeled "Ignition Interlock Restricted License." An ignition interlock restricted

SENATE BILL 222**SECTION 5**

1 license may be subject to restrictions in addition to those provided in s. 343.105,
2 including the attachment of a special restrictions card as provided in s. 343.17 (4).

3 **SECTION 6.** 343.10 (1) (a) of the statutes is amended to read:

4 343.10 (1) (a) If Except as provided in par. (c), if a person's license or operating
5 privilege is revoked or suspended under this chapter or s. 767.73, 938.34 (14q),
6 943.21 (3m), or 961.50 and if the person is engaged in an occupation, including
7 homemaking or full-time or part-time study, or a trade making it essential that he
8 or she operate a motor vehicle, the person, after payment of the fee provided in sub.
9 (6), may file an application with the department setting forth in detail the need for
10 operating a motor vehicle. No person may file more than one application with respect
11 to each revocation or suspension of the person's license or operating privilege under
12 this chapter or s. 767.73, 938.34 (14q), 943.21 (3m), or 961.50, except that this
13 limitation does not apply to an application to amend an occupational license
14 restriction.

15 **SECTION 7.** 343.10 (1) (c) of the statutes is created to read:

16 343.10 (1) (c) 1. Except as provided in subd. 2., a person whose license is
17 suspended or revoked for an offense counted under s. 343.307 (1) is not eligible for
18 an occupational license under this section, but may apply for an ignition interlock
19 restricted license under s. 343.105.

20 2. A person whose operating privilege is revoked for a first violation of s. 346.63
21 (1) or a local ordinance in conformity with that section and who had an alcohol
22 concentration below 0.15 at the time of the offense, a person whose operating
23 privilege is suspended under s. 343.305 (7), and a person who receives a notice of
24 intent to revoke under s. 343.305 (9) may be eligible for an occupational license under
25 this section or an ignition interlock restricted license under s. 343.105. No person

SENATE BILL 222

1 may apply for or hold a license under this section and a license under s. 343.105 at
2 the same time. Waiting periods for a license under this section are as follows:

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

6 b. 1. A person whose operating privilege is revoked for an improper refusal
7 under s. 343.305 (9) may be eligible for an occupational license under this section
8 after 45 days have elapsed from the date he or she received a notice of intent to
9 revoke, except as provided in subd. 2. or 3.

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

14 3. If the number of convictions, suspensions, and revocations counted under s.
15 343.307 (2) equals 3 or more, the person may be eligible for an occupational license
16 under this section after 120 days have elapsed from the date he or she received a
17 notice of intent to revoke.

18 **SECTION 8.** 343.10 (2) (a) (intro.) of the statutes is amended to read:

19 343.10 (2) (a) (intro.) Except as provided in pars. (b) to (f) (~~dm~~), and subject to
20 s. 343.165 (5), a person is eligible for an occupational license if the following
21 conditions are satisfied:

22 **SECTION 9.** 343.10 (2) (e) of the statutes is renumbered 343.105 (1) (e) 1. and
23 amended to read:

24 343.105 (1) (e) 1. If Except as provided in subd. 2., if the court orders a person
25 to submit to and comply with an assessment and driver safety plan and if the person

SENATE BILL 222**SECTION 9**

1 has 2 or more prior convictions, suspensions or revocations, as counted under s.
2 343.307 (1), no occupational license under this section may be granted until the
3 person has completed the assessment and is complying with the driver safety plan.

4 **SECTION 10.** 343.10 (2) (f) of the statutes is renumbered 343.105 (1) (f) and
5 amended to read:

6 343.105 (1) (f) ~~If the court orders under, pursuant to~~ s. 343.301 (1g) that the,
7 a person's operating privilege for the operation of "Class D" motor vehicles be is
8 restricted to operating vehicles that are equipped with an ignition interlock device,
9 no occupational license may be granted under this section until the person pays the
10 surcharge under s. 343.301 (5) ~~and submits proof that an ignition interlock device~~
11 ~~has been installed in each motor vehicle to which the order under s. 343.301 applies.~~

12 **SECTION 11.** 343.10 (5) (a) 1. of the statutes is renumbered 343.10 (5) (a).

13 **SECTION 12.** 343.10 (5) (a) 2. and 3. of the statutes are repealed.

14 **SECTION 13.** 343.10 (5) (b) of the statutes is amended to read:

15 343.10 (5) (b) *Limitations.* Occupational licenses are subject to the limitations
16 specified in ss. 343.30 (1q) (b) and (h), ~~343.305 (8) (d) and (10) (b) and (em), 343.31~~
17 ~~(3m),~~ 343.32 (1m), 767.73 and 961.50.

18 **SECTION 14.** 343.10 (7) (cm) of the statutes is repealed.

19 **SECTION 15.** 343.105 of the statutes is created to read:

20 **343.105 Ignition interlock restricted licenses. (1) APPLICATION FOR**
21 **IGNITION INTERLOCK RESTRICTED LICENSE.** (a) If a person's license or operating privilege
22 is administratively suspended under s. 343.305 or is revoked for an offense counted
23 under s. 343.307 (1), the person may file an application with the department for a
24 license under this section at any time.

SENATE BILL 222

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

6 (c) The person is eligible to receive a license, if he or she meets the criteria set
7 forth in par. (b), under this section as follows:

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

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

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

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

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

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

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

23 **(1m)** PETITION FOR IGNITION INTERLOCK RESTRICTED LICENSE. (a) A person whose
24 application for a license under sub. (1) is denied in whole or in part may file a petition
25 with the clerk of the circuit court in the county in which the person resides for an

SENATE BILL 222**SECTION 15**

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

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

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

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

SENATE BILL 222

1 (a) The license shall allow a person to operate any motor vehicle that is
2 equipped with a functioning ignition interlock device approved by the department.

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

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

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

15 **(4) DEPARTMENT TO ISSUE IGNITION INTERLOCK RESTRICTED LICENSE.** (a) The
16 department shall issue an ignition interlock restricted license to a person as soon as
17 practicable upon receipt of an application and the proof required under sub. (1) (b)
18 and (2) (b) to the department.

19 (b) A license issued by the department under this section shall be in the form
20 of a license that includes a photograph described in s. 343.14 (3), unless the exception
21 under s. 343.14 (3m) applies, and any special restrictions cards under s. 343.17 (4).
22 The license shall clearly indicate that restrictions on a special restrictions card apply
23 and that the special restrictions card is part of the person's license. The ignition
24 interlock restricted license issued by the department shall contain the restrictions
25 required by sub. (2).

SENATE BILL 222**SECTION 15**

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

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

19 **SECTION 16.** 343.105 (1) (d) of the statutes is created to read:

20 343.105 (1) (d) A person whose operating privilege is suspended or revoked
21 under s. 343.30 (1q) (d) or 343.305 (10) (d) is not eligible for a license under this
22 section.

23 **SECTION 17.** 343.105 (1) (e) 2. of the statutes is created to read:

24 343.105 (1) (e) 2. If a person has installed a functioning ignition interlock
25 device that is approved by the department prior to his or her conviction and the court

SENATE BILL 222**SECTION 17**

1 orders a person to submit to and comply with an assessment and driver safety plan,
2 the person shall complete the assessment and comply with the driver safety plan
3 within 15 days after his or her conviction. If a person fails to comply with this
4 subdivision, his or her operating privileges are restricted under s. 343.301 (1g) for
5 6 months in addition to the time specified under s. 343.301 (2m).

6 **SECTION 18.** 343.165 (5) of the statutes is amended to read:

7 343.165 (5) The department may, by rule, require that applications for
8 reinstatement of operator's licenses or identification cards, issuance of occupational
9 licenses or ignition interlock restricted licenses, reissuance of operator's licenses, or
10 issuance of duplicate operator's licenses or identification cards, received by the
11 department after the date stated in the notice provided by the secretary of
12 transportation and published in the Wisconsin Administrative Register under s.
13 85.515 (2) (b), be processed in a manner consistent with the requirements established
14 under this section for applications for initial issuance or renewal of operator's
15 licenses and identification cards.

16 **SECTION 19.** 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 20.** 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

SENATE BILL 222**SECTION 20**

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 21.** 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 the person is not restricted, pursuant
15 to s. 343.301, to operating a motor vehicle that is equipped with an ignition interlock
16 device, the person is eligible for an occupational license under s. 343.10 at any time
17 45 days after the date of conviction. The person may apply for an ignition interlock
18 restricted license under s. 343.105 immediately upon receiving notice of revocation,
19 but he or she may not apply for both an occupational license and an ignition interlock
20 restricted license.

21 **SECTION 22.** 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

SENATE BILL 222

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 23.** 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 24.** 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

SENATE BILL 222**SECTION 24**

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

4 **SECTION 25.** 343.301 (title) of the statutes is amended to read:

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

7 **SECTION 26.** 343.301 (1g) (intro.) of the statutes is amended to read:

8 343.301 (1g) (intro.) A ~~court shall order a~~ person's operating privilege for the
9 operation of "Class D" vehicles ~~be is~~ restricted to operating vehicles that are equipped
10 with an a functioning ignition interlock device ~~and, except as provided in sub. (1m),~~
11 ~~shall order that each motor vehicle for which the person's name appears on the~~
12 ~~vehicle's certificate of title or registration be equipped with an ignition interlock~~
13 ~~device that is approved by the department~~ if either of the following applies:

14 **SECTION 27.** 343.301 (1g) (b) 2. of the statutes is amended to read:

15 343.301 (1g) (b) 2. The person has a total of one or more prior convictions,
16 suspensions, or revocations, ~~counting convictions under ss. 940.09 (1) and 940.25 in~~
17 ~~the person's lifetime and other convictions, suspensions, and revocations counted~~
18 under s. 343.307 (1).

19 **SECTION 28.** 343.301 (1m) of the statutes is repealed.

20 **SECTION 29.** 343.301 (2m) of the statutes is amended to read:

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

SENATE BILL 222**SECTION 29**

1 ~~revocation period permitted for the refusal or violation, beginning on the date the~~
2 ~~department issues any license granted under this chapter, except that if the~~
3 ~~maximum operating privilege revocation period is less than one year, the court shall~~
4 ~~restrict the person's operating privilege under~~ is restricted pursuant to sub. (1g) for
5 ~~one year. The department may not issue any license under this chapter that does not~~
6 ~~have the restriction specified in sub. (1g) until the person's operating privilege is~~
7 ~~restricted pursuant to this subsection for at least one year. If the person's operating~~
8 ~~privilege is restricted pursuant to a conviction, the court may order the installation~~
9 ~~of an ignition interlock device under sub. (1g) immediately upon issuing an order~~
10 ~~under sub. (1g) conviction.~~

11 **SECTION 30.** 343.301 (3) of the statutes is amended to read:

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

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

25 **SECTION 31.** 343.301 (4) of the statutes is amended to read:

SENATE BILL 222**SECTION 31**

1 343.301 (4) ~~A~~ No person to whom an order whose operating privileges are
2 restricted under sub. (1g) ~~applies violates that order if he or she fails to have an~~
3 ~~ignition interlock device installed as ordered, removes or disconnects~~ or who is issued
4 prior to conviction, an ignition interlock restricted license, may operate a motor
5 vehicle that is not equipped with an ignition interlock device, remove or disconnect
6 an ignition interlock device, requests or permits from a motor vehicle he or she is
7 operating or intends to operate, request or permit another to blow into an ignition
8 interlock device, or to start a motor vehicle equipped with an ignition interlock device
9 for the purpose of providing the person an operable motor vehicle without the
10 necessity of first submitting a sample of his or her breath to analysis by the ignition
11 interlock device, or otherwise ~~tampers with or circumvents~~ tamper or circumvent the
12 operation of the ignition interlock device.

13 **SECTION 32.** 343.301 (5) of the statutes is amended to read:

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

19 **SECTION 33.** 343.305 (8) (a) of the statutes is amended to read:

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

SENATE BILL 222

1 immediately. This notice of administrative suspension serves as a 30-day temporary
2 license. An administrative suspension under sub. (7) (a) becomes effective at the
3 time the 30-day temporary license expires. The officer shall submit or mail a copy
4 of the notice to the department.

5 **SECTION 34.** 343.305 (8) (am) of the statutes is renumbered 343.305 (8) (am)
6 (intro.) and amended to read:

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

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

22 **SECTION 35.** 343.305 (8) (am) 2. and 3. of the statutes are created to read:

23 343.305 (8) (am) 2. A form that explains the procedure for applying for an
24 occupational license under s. 343.10 or an ignition interlock restricted license under
25 s. 343.105. The form shall clearly indicate that the person may apply for an ignition

SENATE BILL 222**SECTION 35**

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

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

9 **SECTION 36.** 343.305 (8) (d) of the statutes is repealed.

10 **SECTION 37.** 343.305 (9) (a) (intro.) of the statutes is amended to read:

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

SENATE BILL 222

1 initial appearance in person or by an attorney and shows cause therefor, the court
2 may order that the defendant be allowed to inspect documents, including lists of
3 names and addresses of witnesses, if available, and to test under s. 804.09, under
4 such conditions as the court prescribes, any devices used by the plaintiff to determine
5 whether a violation has been committed. The notice of intent to revoke the person's
6 operating privilege shall contain substantially all of the following information:

7 **SECTION 38.** 343.305 (9) (a) 7. and 8. of the statutes are created to read:

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

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

18 **SECTION 39.** 343.305 (10) (b) 2. of the statutes is amended to read:

19 343.305 (10) (b) 2. Except as provided in subd. 3., 4. or 4m., for the first
20 improper refusal, the court shall revoke the person's operating privilege for one year.
21 After the first 30 days of the revocation period, the person is may be eligible for an
22 occupational license under s. 343.10 ignition interlock restricted license under s.
23 343.105.

24 **SECTION 40.** 343.305 (10) (b) 3. of the statutes is amended to read:

SENATE BILL 222**SECTION 40**

1 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions
2 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
3 convictions, suspensions, and revocations counted under s. 343.307 (2) within a
4 10-year period, equals 2, the court shall revoke the person's operating privilege for
5 2 years. After the first 90 days of the revocation period ~~or, if the total number of~~
6 ~~convictions, suspensions, and revocations counted under this subdivision within any~~
7 ~~5-year period equals 2 or more, after one year of the revocation period has elapsed,~~
8 the person is may be eligible for an occupational license under s. 343.10 ignition
9 interlock restricted license under s. 343.105 if he or she has completed the
10 assessment and is complying with the driver safety plan.

11 **SECTION 41.** 343.305 (10) (b) 4. of the statutes is amended to read:

12 343.305 (10) (b) 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 convictions, suspensions, and revocations counted under s. 343.307 (2), equals 3 or
15 more, the court shall revoke the person's operating privilege for 3 years. After the
16 first 120 days of the revocation period ~~or, if the total number of convictions,~~
17 ~~suspensions, and revocations counted under this subdivision within any 5-year~~
18 ~~period equals 2 or more, after one year of the revocation period has elapsed, the~~
19 person is may be eligible for an occupational license under s. 343.10 ignition interlock
20 restricted license under s. 343.105 if he or she has completed the assessment and is
21 complying with the driver safety plan.

22 **SECTION 42.** 343.305 (10) (em) of the statutes is amended to read:

23 343.305 (10) (em) One penalty for improperly refusing to submit to a test for
24 intoxication regarding a person arrested for a violation of s. 346.63 (2m) or (7) or a
25 local ordinance in conformity therewith is revocation of the person's operating

SENATE BILL 222

1 privilege for 6 months. If there was a minor passenger under 16 years of age in the
2 motor vehicle at the time of the incident that gave rise to the improper refusal, the
3 revocation period is 12 months. ~~After~~ The person may apply for an ignition interlock
4 restricted license at any time and may be eligible to receive the ignition interlock
5 restricted license after the first 15 days of the revocation period, ~~the person is eligible~~
6 ~~for an occupational license under s. 343.10.~~ Any such improper refusal or revocation
7 for the refusal does not count as a prior refusal or a prior revocation under this section
8 or ss. 343.30 (1q), 343.307 and 346.65 (2). The person shall not be required to submit
9 to and comply with any assessment or driver safety plan under pars. (c) and (d).

10 **SECTION 43.** 343.305 (10m) of the statutes is amended to read:

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

15 **SECTION 44.** 343.31 (3) (bm) 2. of the statutes is amended to read:

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

24 **SECTION 45.** 343.31 (3) (bm) 3. of the statutes is amended to read:

SENATE BILL 222**SECTION 45**

1 343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of convictions
2 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of
3 suspensions, revocations, and other convictions counted under s. 343.307 (1) within
4 a 10-year period, equals 2, the department shall revoke the person's operating
5 privilege for not less than one year nor more than 18 months. If an Indian tribal court
6 in this state revokes the person's privilege to operate a motor vehicle on tribal lands
7 for not less than one year nor more than 18 months for the conviction specified in par.
8 (bm) (intro.), the department shall impose the same period of revocation. ~~After the~~
9 ~~first 60 days of the revocation period or, if the total number of convictions,~~
10 ~~suspensions, and revocations counted under this subdivision within any 5-year~~
11 ~~period equals 2 or more, after one year of the revocation period has elapsed, the~~
12 ~~person is eligible for an occupational license under s. 343.10. The person may apply~~
13 ~~for an ignition interlock restricted license under s. 343.105 at any time.~~

14 **SECTION 46.** 343.31 (3) (bm) 4. of the statutes is amended to read:

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

SENATE BILL 222

1 **SECTION 47.** 343.31 (3m) (a) of the statutes is amended to read:

2 343.31 **(3m)** (a) Any person who has his or her operating privilege revoked
3 under sub. (3) (c) or (f) ~~is eligible for an occupational license under s. 343.10 after the~~
4 ~~first 120 days of the revocation period, except that if the total number of convictions,~~
5 ~~suspensions, or revocations for any offense that is counted under s. 343.307 (1) within~~
6 ~~any 5-year period equals 2 or more, the person is eligible for an occupational license~~
7 ~~under s. 343.10 after one year of the revocation period has elapsed~~ may apply for an
8 ignition interlock restricted license under s. 343.105 at any time.

9 **SECTION 48.** 343.31 (3m) (b) of the statutes is amended to read:

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

17 **SECTION 49.** 343.32 (1m) (b) (intro.) of the statutes is renumbered 343.32 (1m)
18 (b) and amended to read:

19 343.32 **(1m)** (b) The secretary may suspend a person's operating privilege for
20 not less than 6 months nor more than 5 years whenever notice has been received of
21 the conviction of such person under federal law or the law of a federally recognized
22 American Indian tribe or band in this state or the law of another jurisdiction for any
23 offense therein which, if the person had committed the offense in this state and been
24 convicted of the offense under the laws of this state, would have permitted
25 suspension of such person's operating privilege under s. 961.50. The person is

SENATE BILL 222**SECTION 49**

1 eligible for an occupational license under s. 343.10 as follows: may apply for an
2 ignition interlock restricted license under s. 343.105 at any time.

3 **SECTION 50.** 343.32 (1m) (b) 1., 2. and 3. of the statutes are repealed.

4 **SECTION 51.** 347.413 (1) of the statutes is amended to read:

5 347.413 (1) No person may remove, disconnect, tamper with, or otherwise
6 circumvent the operation of an ignition interlock device installed in response to the
7 court order under s. 346.65 (6), 1999 stats., or s. 343.301 (1), 2007 stats., or s. 343.301
8 (1g), ~~or 2013 stats.,~~ fail to have the ignition interlock device installed as ordered by
9 the a court, or operate a motor vehicle not equipped with an ignition interlock device,
10 in violation of s. 343.301 (4). This subsection does not apply to the removal of an
11 ignition interlock device upon the expiration of the order requiring the motor vehicle
12 to be so equipped or to necessary repairs to a malfunctioning ignition interlock device
13 by a person authorized by the department.

14 **SECTION 52.** 347.413 (3) of the statutes is amended to read:

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

19 **SECTION 53.** 347.50 (1s) of the statutes is renumbered 347.50 (1s) (a) and
20 amended to read:

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

SENATE BILL 222

1 **(b) Any person violating s. 347.417 (1)** may be fined not less than \$150 nor more
2 than \$600, or may be imprisoned for not more than 6 months, or both for the first
3 offense. For a 2nd or subsequent conviction within 5 years, the person may be fined
4 not less than \$300 nor more than \$1,000, or imprisoned for not more than 6 months,
5 or both.

6 **SECTION 54.** 347.50 (1t) of the statutes is amended to read:

7 347.50 **(1t)** In addition to the ~~penalty~~ penalties under sub. (1s), if a person who
8 is ~~subject to an order whose operating privilege is restricted~~ under s. 343.301 violates
9 s. 347.413, the court shall ~~extend the order~~ restriction under s. 343.301 (1g) ~~or (2m)~~
10 is extended for 6 months for each violation.

11 **SECTION 55.** 351.07 (title) of the statutes is amended to read:

12 **351.07 (title) Occupational license and ignition interlock restricted**
13 **license; conviction after issuance.**

14 **SECTION 56.** 351.07 (1) of the statutes is renumbered 351.07 (1) (a) and
15 amended to read:

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

SENATE BILL 222**SECTION 56**

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

9 **SECTION 57.** 351.07 (1) (b) of the statutes is created to read:

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

18 **SECTION 58.** 351.07 (1g) of the statutes is amended to read:

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

25 **SECTION 59.** 940.09 (1d) of the statutes is amended to read:

SENATE BILL 222

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

4 **SECTION 60.** 940.25 (1d) of the statutes is amended to read:

5 940.25 (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 61.** 961.50 (1) (intro.) of the statutes is renumbered 961.50 (1) and
9 amended to read:

10 961.50 (1) If a person is convicted of any violation of this chapter, the court may,
11 in addition to any other penalties that may apply to the crime, suspend the person's
12 operating privilege, as defined in s. 340.01 (40), for not less than 6 months nor more
13 than 5 years. If a court suspends a person's operating privilege under this
14 subsection, the court may take possession of any suspended license. If the court
15 takes possession of a license, it shall destroy the license. The court shall forward to
16 the department of transportation the record of conviction and notice of the
17 suspension. ~~The person is eligible for an occupational license under s. 343.10 as~~
18 ~~follows:~~ may apply for an ignition interlock restricted license under s. 343.105 at any
19 time.

20 **SECTION 62.** 961.50 (1) (a), (b) and (c) of the statutes are repealed.

21 **SECTION 63. Initial applicability.**

22 (1) This act first applies to violations committed on the effective date of this
23 subsection, but does not preclude the counting of other violations as prior violations

SENATE BILL 222

SECTION 63

1 for purposes of administrative action by the department of transportation or
2 sentencing by a court.

3 (END)