



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1999/1
EVM:emw&ahe

2017 SENATE BILL 74

February 21, 2017 - Introduced by Senators DARLING, CARPENTER, HANSEN, HARSDF, MARKLEIN, NASS, OLSEN and STROEBEL, cosponsored by Representatives OTT, JAGLER, ZEPNICK, ALLEN, ANDERSON, BALLWEG, BERCEAU, E. BROOKS, GANNON, HORLACHER, JACQUE, KNODL, KOLSTE, KOYENGA, KREMER, LOUDENBECK, MURSAU, MURPHY, NOVAK, QUINN, RIPP, SANFELIPPO, SKOWRONSKI, SPIROS, SPREITZER, SUBECK, TITTL and TUSLER. Referred to Committee on Judiciary and Public Safety.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT to amend** 343.301 (2m) (a), 347.413 (1) and 347.50 (1t) of the statutes;
2 **relating to:** court orders regarding the installation of an ignition interlock
3 device and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill provides specific requirements for court orders related to persons whose operating privilege is restricted to operating vehicles that are equipped with an ignition interlock device.

Under current law, a court is required, with an exception related to participation in a sobriety program, to order that a person's motor vehicle operating privilege be restricted to operating vehicles that are equipped with an ignition interlock device if a person commits certain offenses related to drunken driving. Under current law, the operating privilege restriction begins on the date the Department of Transportation issues an operator's license and 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 the operating privilege restriction by failing to install, removing, disconnecting, or otherwise tampering with the ignition interlock device 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.

Currently, the court may order that the ignition interlock device be installed immediately upon issuing the order that the person's operating privilege be restricted to operating a vehicle with an ignition interlock device.

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Under this bill, when a court orders that the person's operating privilege be restricted to operating a vehicle with an ignition interlock device, the court may specify the date by which the device must be installed. Also under this bill, the operating privilege restriction takes effect immediately upon the issuing of the order restricting the person's operating privilege. The operating privilege restriction remains in place for not less than one year after DOT issues an operator's license nor more than the maximum operating privilege revocation period after DOT issues an operator's license. A violation of the operating privilege restriction is subject to the same penalty provided for failing to install, removing, disconnecting, or otherwise tampering with the ignition interlock device.

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.** 343.301 (2m) (a) of the statutes is amended to read:

2 343.301 **(2m)** (a) If the court enters an order under sub. (1g) (am) 1., the court
3 shall restrict the operating privilege under sub. (1g) (am) 1. beginning on the date
4 the order under sub. (1g) (am) 1. is issued and extending for a period of not less than
5 one year after the date the department issues any license granted under this chapter
6 nor more than the maximum operating privilege revocation period permitted for the
7 refusal or violation, ~~beginning on the date the department issues any license granted~~
8 ~~under this chapter,~~ after the date the department issues any license granted under
9 this chapter except that if the maximum operating privilege revocation period is less
10 than one year, the court shall restrict the operating privilege under sub. (1g) (am) 1.
11 for a period of one year after the department issues any license granted under this
12 chapter. ~~The~~ If the court enters an order under sub. (1g) (am) 1., the court may order
13 ~~the installation of~~ specify the date by which an ignition interlock device under sub.
14 (1g) (am) 1. ~~immediately upon issuing an order under sub. (1g) (am) 1. shall be~~
15 installed.

