

State of Wisconsin



1997 Assembly Bill 467

Date of enactment: April 14, 1998
Date of publication*: April 28, 1998

1997 WISCONSIN ACT 107

AN ACT *to repeal* 343.305 (4m); *to amend* 343.305 (8) (b) 2. b., 343.305 (9) (a) 2., 343.305 (9) (a) 5. b., 343.305 (9) (am) 2. and 343.305 (9) (am) 5. b.; and *to repeal and recreate* 343.305 (4) of the statutes; **relating to:** information provided to a person accused of operating a motor vehicle while under the influence of an intoxicant, controlled substance or other drug.

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

SECTION 1. 343.305 (4) of the statutes is repealed and recreated to read:

343.305 (4) INFORMATION. At the time that a chemical test specimen is requested under sub. (3) (a) or (am), the law enforcement officer shall read the following to the person from whom the test specimen is requested:

“You have either been arrested for an offense that involves driving or operating a motor vehicle while under the influence of alcohol or drugs, or both, or you are suspected of driving or being on duty time with respect to a commercial motor vehicle after consuming an intoxicating beverage.

This law enforcement agency now wants to test one or more samples of your breath, blood or urine to determine the concentration of alcohol or drugs in your system. If any test shows more alcohol in your system than the law permits while driving, your operating privilege will be suspended. If you refuse to take any test that this agency requests, your operating privilege will be revoked and you will be subject to other penalties. The test results or the fact that you refused testing can be used against you in court.

If you take all the requested tests, you may choose to take further tests. You may take the alternative test that this law enforcement agency provides free of charge. You also may have a test conducted by a qualified person of your choice at your expense. You, however, will have to make your own arrangements for that test.

If you have a commercial driver license or were operating a commercial motor vehicle, other consequences may result from positive test results or from refusing testing, such as being placed out of service or disqualified.”

SECTION 2. 343.305 (4m) of the statutes is repealed.

SECTION 3. 343.305 (8) (b) 2. b. of the statutes is amended to read:

343.305 (8) (b) 2. b. Whether the person was informed of the options regarding tests under this section as required under sub. (4) ~~or under subs. (4) and (4m).~~

SECTION 4. 343.305 (9) (a) 2. of the statutes is amended to read:

343.305 (9) (a) 2. That the officer complied with sub. (4) ~~or both subs. (4) and (4m).~~

SECTION 5. 343.305 (9) (a) 5. b. of the statutes is amended to read:

343.305 (9) (a) 5. b. Whether the officer complied with sub. (4) ~~or both subs. (4) and (4m).~~

* Section 991.11, WISCONSIN STATUTES 1995–96: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 6. 343.305 (9) (am) 2. of the statutes is amended to read:

343.305 (9) (am) 2. That the officer complied with sub. (4) ~~or both subs. (4) and (4m).~~

SECTION 7. 343.305 (9) (am) 5. b. of the statutes is amended to read:

343.305 (9) (am) 5. b. Whether the officer complied with sub. (4) ~~or both subs. (4) and (4m).~~

SECTION 8. Initial applicability.

(1) This act first applies to tests requested on the effective date of this subsection.

SECTION 9. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.