



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa2898/1  
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**ASSEMBLY AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 1124**

April 24, 2006 – Offered by Representatives MURSAU, KRUSICK and FRISKE.

1           At the locations indicated, amend the bill as follows:

2           **1.** Page 2, line 1: before that line insert:

3           “**SECTION 1c.** 46.03 (18) (f) of the statutes is amended to read:

4           46.03 **(18)** (f) Notwithstanding par. (a), any person who submits to an  
5           assessment or airman or driver safety plan under s. 23.33 (13) (e), 30.80 (6) (d), 114.09  
6           (2) (bm), 343.16 (5) (a), 343.30 (1q), 343.305 (10) or 350.11 (3) (d) shall pay a  
7           reasonable fee therefor to the appropriate county department under s. 51.42 or traffic  
8           safety school under s. 345.60. A county may allow the person to pay the assessment  
9           fee in 1, 2, 3 or 4 equal installments. The fee for the airman or driver safety plan may  
10          be reduced or waived if the person is unable to pay the complete fee, but no fee for  
11          assessment or attendance at a traffic safety school under s. 345.60 may be reduced  
12          or waived. Nonpayment of the assessment fee is noncompliance with the court order  
13          that required completion of an assessment and airman or driver safety plan. Upon

1 a finding that the person has the ability to pay, nonpayment of the airman or driver  
2 safety plan fee is noncompliance with the court order that required completion of an  
3 assessment and airman or driver safety plan.

4 **SECTION 1f.** 51.42 (3) (ar) 4. b. of the statutes is amended to read:

5 51.42 (3) (ar) 4. b. Comprehensive diagnostic and evaluation services,  
6 including assessment as specified under ss. 114.09 (2) (bm), 343.30 (1q) and 343.305  
7 (10) and assessments under ss. 48.295 (1) and 938.295 (1).”.

8 **2.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1k**”.

9 **3.** Page 2, line 2: after that line insert:

10 “**SECTION 1p.** 114.09 (1) (a) of the statutes is renumbered 114.09 (1) (a) (intro.)  
11 and amended to read:

12 114.09 (1) (a) (intro.) In this subsection, “drug”:

13 1. “Drug” has the meaning specified in s. 450.01 (10).

14 **SECTION 1r.** 114.09 (1) (a) 2. of the statutes is created to read:

15 114.09 (1) (a) 2. “Prohibited alcohol concentration” means an alcohol  
16 concentration of 0.04 or more if there is no passenger in the aircraft, and 0.00 or more  
17 if there is a passenger in the aircraft.”.

18 **4.** Page 3, line 12: after that line insert:

19 “**SECTION 2m.** 114.09 (1) (b) 1m. of the statutes is created to read:

20 114.09 (1) (b) 1m. No person may operate an aircraft in the air or on the ground  
21 if the person has a prohibited alcohol concentration.”.

22 **5.** Page 3, line 14: after “1.” insert “or 1m.”.

23 **6.** Page 4, line 19: on lines 19 and 21, delete “(1) (a)” and substitute “(1) (b) 1.  
24 or 1m.”.

1           **7.** Page 5, line 12: after that line insert:

2           “(bm) 1. Except as provided in subd. 1. a. or b., the court shall order the person  
3 violating sub. (1) (b) 1. or 1m. to submit to and comply with an assessment by an  
4 approved public treatment facility as defined in s. 51.45 (2) (c) for examination of the  
5 person’s use of alcohol, controlled substances, or controlled substance analogs and  
6 development of an airman safety plan for the person. The court shall notify the  
7 person, the department, and the proper federal agency of the assessment order. The  
8 assessment order shall:

9           a. If the person is a resident, refer the person to an approved public treatment  
10 facility in the county in which the person resides. The facility named in the order  
11 may provide for assessment of the person in another approved public treatment  
12 facility. The order shall provide that, if the person is temporarily residing in another  
13 state, the facility named in the order may refer the person to an appropriate  
14 treatment facility in that state for assessment and development of an airman safety  
15 plan for the person satisfying the requirements of that state.

16           b. If the person is a nonresident, refer the person to an approved public  
17 treatment facility in this state. The order shall provide that the facility named in the  
18 order may refer the person to an appropriate treatment facility in the state in which  
19 the person resides for assessment and development of an airman safety plan for the  
20 person satisfying the requirements of that state.

21           c. Require a person who is referred to a treatment facility in another state  
22 under subd. 1. a. or b. to furnish the department written verification of his or her  
23 compliance from the agency that administers the assessment and airman safety plan  
24 program. The person shall provide initial verification of compliance within 60 days

1 after the date of his or her conviction. The requirement to furnish verification of  
2 compliance may be satisfied by receipt by the department of such verification from  
3 the agency that administers the assessment and airman safety plan program.

4 2. The department of health and family services shall establish standards for  
5 assessment procedures and the airman safety plan programs by rule. The  
6 department of health and family services shall establish by rule conflict of interest  
7 guidelines for providers.

8 3. Prior to developing a plan that specifies treatment, the facility shall make  
9 a finding that treatment is necessary and appropriate services are available. The  
10 facility shall submit a report of the assessment and the airman safety plan within  
11 14 days to the county department under s. 51.42, the plan provider, the department  
12 of transportation, the appropriate federal agency, and the person, except that, upon  
13 request by the facility and the person, the county department may extend the period  
14 for assessment for not more than 20 additional workdays. The county department  
15 shall notify the department of transportation regarding any such extension.

16 4. The assessment report shall order compliance with an airman safety plan.  
17 The report shall inform the person of the fee provisions under s. 46.03 (18) (f). The  
18 safety plan may include a component that makes the person aware of the effect of his  
19 or her offense on a victim and a victim's family. The safety plan may include  
20 treatment for the person's misuse, abuse, or dependence on alcohol, controlled  
21 substances, or controlled substance analogs. If the plan requires inpatient  
22 treatment, the treatment shall not exceed 30 days. An airman safety plan under this  
23 paragraph shall include a termination date consistent with the plan that shall not  
24 extend beyond one year. The county department under s. 51.42 shall assure

1 notification of the department of transportation and the person of the person's  
2 compliance or noncompliance with assessment and treatment.”.

3 **8.** Page 6, line 1: delete “(1).” and substitute “(1) (b) 1. or 1m.”.

4 (END)