



State of Wisconsin  
2009 - 2010 LEGISLATURE

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**ASSEMBLY AMENDMENT 3,  
TO 2009 ASSEMBLY BILL 21**

October 29, 2009 – Offered by Representatives MURSAU and SCHNEIDER.

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

2           **1.** Page 2, line 13: delete “accident.” and substitute “accident, unless any of the  
following apply:”.

3           **2.** Page 2, line 13: after that line insert:

4           “(a) The operator is convicted of a violation of s. 940.06, 940.09, 940.10, or  
5           940.25 arising out of the accident.

6           (b) At the time of the accident the operator was driving or operating a motor  
7           vehicle under any of the following conditions:

8           1. While under the influence of alcohol, a controlled substance, a controlled  
9           substance analog, or any combination of alcohol, a controlled substance, or a  
10          controlled substance analog.

1           2. While under the influence of any other drug, or under the combined influence  
2 of alcohol and any other drug, to a degree that rendered the operator incapable of  
3 safely driving.

4           3. While having a restricted controlled substance in his or her blood.

5           4. While having a prohibited alcohol concentration, as defined in s. 340.01  
6 (46m), or, if the operator was driving or operating a commercial motor vehicle, an  
7 alcohol concentration of 0.04 or more.”.

8           **3.** Page 4, line 1: delete lines 1 to 10 and substitute:

9           “**SECTION 3d.** 111.322 (2m) (a) of the statutes, as affected by 2009 Wisconsin  
10 Acts 3 and 28, is repealed and recreated to read:

11           111.322 **(2m)** (a) The individual files a complaint or attempts to enforce any  
12 right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.455, 103.50, 103.88,  
13 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to  
14 103.82.

15           **SECTION 3g.** 111.322 (2m) (a) of the statutes, as affected by 2009 Wisconsin Act  
16 .... (this act), is amended to read:

17           111.322 **(2m)** (a) The individual files a complaint or attempts to enforce any  
18 right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50,  
19 103.88, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64  
20 to 103.82.

21           **SECTION 4d.** 111.322 (2m) (b) of the statutes, as affected by 2009 Wisconsin Acts  
22 3 and 28, is repealed and recreated to read:

23           111.322 **(2m)** (b) The individual testifies or assists in any action or proceeding  
24 held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32,

1 103.455, 103.50, 103.88, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to  
2 101.599 or 103.64 to 103.82.

3 **SECTION 4g.** 111.322 (2m) (b) of the statutes, as affected by 2009 Wisconsin Act  
4 .... (this act), is amended to read:

5 111.322 **(2m)** (b) The individual testifies or assists in any action or proceeding  
6 held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32,  
7 103.34, 103.455, 103.50, 103.88, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss.  
8 101.58 to 101.599 or 103.64 to 103.82.”.

9 **4.** Page 4, line 16: after that line insert:

10 “**SECTION 5m. Effective dates.** This act takes effect on the day after  
11 publication, except as follows:

12 (1) TRAVELING SALES CREWS. The amendment of section 111.322 (2m) (a) and (b)  
13 of the statutes takes effect on April 1, 2010, or on the day after publication, whichever  
14 is later.”.

15 (END)