



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBs0169/1  
RPN:sac:jm

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 467**

October 31, 2013 – Offered by Representatives J. OTT, GOYKE, WACHS and HEBL.

1 **AN ACT** *to renumber* 343.301 (2m); *to amend* 347.413 (1) and 347.50 (1t); and  
2 *to create* 343.301 (2m) (b) of the statutes; **relating to:** the restriction to  
3 operation of a motor vehicle with an ignition interlock device.

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***Analysis by the Legislative Reference Bureau***

Under current law, a court is required 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 a second or subsequent offense related to operating a vehicle while intoxicated or a first 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 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. Under this bill, the person whose operating privilege is restricted to operating a motor vehicle equipped with an ignition interlock device may not drive any motor vehicle that is not equipped with an approved ignition interlock device from the time that the order restricting his or her operating privilege is entered until that order expires.

Under current law, 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. This bill provides that 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.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 343.301 (2m) of the statutes is renumbered 343.301 (2m) (a).

2           **SECTION 2.** 343.301 (2m) (b) of the statutes is created to read:

3           343.301 **(2m)** (b) A person to whom an order under sub. (1g) applies may not  
4 drive any motor vehicle that is not equipped with an approved ignition interlock  
5 device from the time that the order is entered under sub. (1g) until that order expires.  
6 Any person who violates this paragraph is subject to the penalties under s. 347.413  
7 (1).

8           **SECTION 3.** 347.413 (1) of the statutes is amended to read:

9           347.413 **(1)** No person may remove, disconnect, tamper with, or otherwise  
10 circumvent the operation of an ignition interlock device installed in response to the  
11 court order under s. 346.65 (6), 1999 stats., or s. 343.301 (1), 2007 stats., or s. 343.301  
12 (1g), or fail to have the ignition interlock device installed as ordered by the court, or  
13 violate a court order under s. 343.301 (1g) restricting the person's operating  
14 privilege. This subsection does not apply to the removal of an ignition interlock  
15 device upon the expiration of the order requiring the motor vehicle to be so equipped

1 or to necessary repairs to a malfunctioning ignition interlock device by a person  
2 authorized by the department.

3 **SECTION 4.** 347.50 (1t) of the statutes is amended to read:

4 347.50 (1t) In addition to the penalty under sub. (1s), if a person who is subject  
5 to an order under s. 343.301 violates s. 347.413, the court shall extend the order  
6 restricting the person's operating privilege under s. 343.301 (1g) or (2m) for 6 months  
7 for each violation.

8 **SECTION 5. Initial applicability.**

9 (1) This act first applies to a court order issued on the effective date of this  
10 subsection.

11 (END)