



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 30 [2003 Assembly Bill 88]	.08 Alcohol Concentration Level for Drunk Driving Offenses
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 30 changes the prohibited alcohol concentration from 0.10 to 0.08 for drunk driving and related offenses.

Change in Prohibited Blood Alcohol Concentration From 0.1 to 0.08

The act changes the prohibited blood alcohol concentration (BAC) from 0.1 to 0.08 for a person with one or no prior convictions relating to operating a *motor vehicle* while under the influence of an intoxicant, drugs, or both (OWI), and from 0.1 to 0.08 for a person operating *an ATV, a snowmobile, or a boat*. With reference to motor vehicles, current law already has a prohibited BAC of 0.08 or lower for a person with two or more prior OWI convictions.

Assessment and Driver Safety Plan Provisions Not Applicable to Certain First Offenses

Under the law prior to the effective date of the act, a person who commits *any* OWI violation, including all first offense OWI violations, is required to submit to and comply with an assessment for examination of his or her use of alcohol or controlled substances and development of a driver safety plan for the person. The *act* specifies that this assessment and driver safety plan requirement does not apply if the person who committed the violation had a BAC of 0.08 or more but less than 0.1 at the time of the violation.

Driver Improvement Surcharge Not Applicable to Certain First Offenses

Under the law prior to the effective date of the act, if a court imposes a fine or forfeiture for *any* OWI violation, it must impose a driver improvement surcharge in the amount of \$355. Moneys collected from the surcharge are used for various purposes, as prescribed in the statutes. The act

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

specifies that this surcharge is not applicable to a first-time OWI violator if the person who committed the violation had a BAC of 0.08 or more, but less than 0.1 at the time of the violation.

Certain Assessments, Fees, and Costs Not Applicable to Certain First Offenses

The act provides that for a **first OWI violation** relating to operating a motor vehicle, ATV, snowmobile, or boat certain assessments, fees, and costs applicable to other OWI violations do not apply **if** the person who committed the violation had a BAC of 0.08 or more but less than 0.1 at the time of the violation.

Purging the Department of Transportation Record of Certain First Offenses

Under the law prior to the effective date of the act, the record of all motor vehicle OWI and OWI-related violations must, under s. 343.23 (2) (b), Stats., be ***maintained permanently*** by the Wisconsin Department of Transportation (DOT). Under the act, the requirement that these DOT records be maintained permanently does not apply to certain first OWI violations. The act specifies that the DOT ***must, after 10 years, purge*** the record of a first violation of operating a motor vehicle, ATV, snowmobile, or boat with a prohibited BAC if ***all of the following*** apply: (1) the person who committed the violation had a BAC of 0.08 or more but less than 0.1 at the time of the violation; (2) the person does not have a commercial driver's license; (3) the violation was not committed by a person operating a commercial motor vehicle; and (4) during that 10-year period, the person has no other suspension, revocation, or conviction that would be counted under s. 343.307, Stats. (i.e., the provision that sets forth the OWI and OWI-related violations that will be counted in determining which offense the OWI violator is guilty of).

Effective Date: The act takes effect on September 30, 2003. The act first applies to offenses committed on that date.

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