



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 413
[2005 Senate Bill 611]

**Implied Consent in Certain Motor
Vehicle Accidents**

2005 Wisconsin Act 413 provides that if a person is the operator of a vehicle that is involved in an accident that causes the death of, or great bodily harm to, any person, and a law enforcement officer detects any presence of alcohol or a controlled substance or other drug, the law enforcement officer may request the operator to provide one or more samples of his or her breath, blood, or urine for the purpose of determining the presence or quantity in his or her blood or breath of alcohol or a controlled substance or other drug. The person may be arrested for refusing to provide a sample.

As under current law relating to implied consent for chemical testing upon arrest for an intoxicated driving offense (OWI) or OWI-related violation, Act 413 provides that if the person refuses to provide a sample for chemical testing, the officer must immediately take possession of the person's driver's license and prepare a notice of intent to revoke the person's driver's license. The person may request a court hearing on the revocation.

Effective Date: The Act takes effect on June 3, 2006.

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RS:rv

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.