



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 66

**Senate Amendments 1 and 2 to
Senate Substitute Amendment 1**

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Senate Amendment 1

Senate Substitute Amendment 1 to Senate Bill 66, among other things, generally provides that a court must order that a person's driver's license be restricted to operating automobiles that are equipped with an ignition interlock device and must order that each vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with the device if either of the following applies:

1. The person improperly refused to take a test to determine the presence of alcohol or certain drugs.
2. The person violated specified prohibitions against operating a motor vehicle while under the influence of an intoxicant or other drug (OWI) and either of the following applies:
 - a. The person had an alcohol concentration of 0.15 or more at the time of the offense.
 - b. The person has a total of one or more prior OWI convictions, suspensions, or revocations in the person's lifetime.

The substitute amendment also provides that, with one exception, when the court orders the installation of an ignition interlock device, the device must remain installed for a period of not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation. The exception to this general rule provides that a person with no previous OWI offenses will be subject to the ignition interlock device for only nine months.

Senate Amendment 1 removes the exception for the first-time OWI offender. Thus, any person subject to a court order requiring the installation of an ignition interlock device will be required to maintain the device for a period of not less than one year nor more than the maximum operating

privilege revocation period permitted for refusing to take an intoxication test or violating specified OWI laws.

Senate Amendment 2

Current law generally provides that a person convicted for a second OWI offense will have his or her operating privilege revoked for not less than one year nor more than 18 months. In most cases, the person will be eligible to obtain an occupational license after the first 60 days of the revocation period. However, if the total number of OWI convictions, suspensions, and revocations within any five-year period equals two or more, the person will be eligible for an occupational license after one year of the revocation period has elapsed. Similarly, a person who has three or more OWI convictions, suspensions, and revocations will have his or her operating privilege revoked for not less than two nor more than three years. In most cases, this person will be eligible for an occupational license after the first 90 days of the revocation period. However, if the total number of OWI convictions, suspensions, and revocations within any five-year period equals two or more, the person will be eligible for an occupational license after one year of the revocation period has elapsed.

Senate Amendment 2 removes the one-year delay in occupational license eligibility for an OWI offender who has two or more OWI convictions, suspensions, and revocations within any five-year period. Thus, all second OWI offenders will be eligible for an occupational license 60 days after the beginning of the revocation period and all third or subsequent OWI offenders will be eligible for an occupational license 90 days after the beginning of the revocation period.

Legislative History

On October 6, 2009, the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing took the following actions:

1. Introduced and adopted Senate Amendment 1 to the substitute amendment on a vote of Ayes, 5; Noes, 0.
2. Introduced and adopted Senate Amendment 2 to the substitute amendment on a vote of Ayes, 3; Noes, 2.
3. Introduced and adopted Senate Substitute Amendment 1 to Senate Bill 66 on a vote of Ayes, 3; Noes, 2.
4. Recommended passage of Senate Bill 66, as amended, on a vote of Ayes, 3; Noes, 2.

RS:jal:jb