



## 2005 ASSEMBLY BILL 373

April 27, 2005 - Introduced by Representatives SCHNEIDER and HINES. Referred to Committee on Transportation.

1     **AN ACT to amend** 343.23 (2) (b) and 343.23 (2) (b) of the statutes; **relating to:**  
2             maintaining records of certain driving offenses related to operating a motor  
3             vehicle while intoxicated.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Transportation (DOT) maintains a record of a licensed driver's driving history. Currently, DOT maintains permanently a person's record of convictions, suspensions, or revocations that are related to operating a vehicle while intoxicated, except that a person's first offense for most violations related to operating a vehicle while intoxicated are purged after 10 years if the person had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, if the person does not have a commercial driver license, if the violation was not committed by a person operating a commercial motor vehicle, and if the person does not commit another offense related to operating a vehicle while intoxicated during the 10 year period.

Under this bill, the same conditions apply before a person's driving record may be purged of a first offense related to operating a vehicle while intoxicated, except that the time period is changed from 10 years to 5 years.

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

**ASSEMBLY BILL 373****SECTION 1**

1           **SECTION 1.** 343.23 (2) (b) of the statutes is amended to read:

2           343.23 (2) (b) The information specified in par. (a) must be filed by the  
3 department so that the complete operator's record is available for the use of the  
4 secretary in determining whether operating privileges of such person shall be  
5 suspended, revoked, canceled, or withheld in the interest of public safety. The record  
6 of suspensions, revocations, and convictions that would be counted under s. 343.307  
7 (2) shall be maintained permanently, except that the department shall purge the  
8 record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or  
9 350.101 (1) (b) after ~~10~~ 5 years, if the person who committed the violation had a blood  
10 alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,  
11 if the person does not have a commercial driver license, if the violation was not  
12 committed by a person operating a commercial motor vehicle, and if the person has  
13 no other suspension, revocation, or conviction that would be counted under s. 343.307  
14 during that ~~10-year~~ 5-year period. The record of convictions for disqualifying  
15 offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record  
16 of convictions for disqualifying offenses under s. 343.315 (2) (f) and (j) shall be  
17 maintained for at least 3 years. The record of convictions for disqualifying offenses  
18 under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years  
19 after a licensee transfers residency to another state such record may be transferred  
20 to another state of licensure of the licensee if that state accepts responsibility for  
21 maintaining a permanent record of convictions for disqualifying offenses. Such  
22 reports and records may be cumulative beyond the period for which a license is  
23 granted, but the secretary, in exercising the power of suspension granted under s.  
24 343.32 (2) may consider only those reports and records entered during the 4-year  
25 period immediately preceding the exercise of such power of suspension.

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1           **SECTION 2.** 343.23 (2) (b) of the statutes, as affected by 2003 Wisconsin Acts 30,  
2           33 and 320, is amended to read:

3           343.23 (2) (b) The information specified in pars. (a) and (am) must be filed by  
4           the department so that the complete operator's record is available for the use of the  
5           secretary in determining whether operating privileges of such person shall be  
6           suspended, revoked, canceled, or withheld, or the person disqualified, in the interest  
7           of public safety. The record of suspensions, revocations, and convictions that would  
8           be counted under s. 343.307 (2) shall be maintained permanently, except that the  
9           department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1)  
10          (b) 1., 346.63 (1) (b), or 350.101 (1) (b) after ~~10~~ 5 years, if the person who committed  
11          the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at  
12          the time of the violation, if the person does not have a commercial driver license, if  
13          the violation was not committed by a person operating a commercial motor vehicle,  
14          and if the person has no other suspension, revocation, or conviction that would be  
15          counted under s. 343.307 during that ~~10-year~~ 5-year period. The record of  
16          convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for  
17          at least 10 years. The record of convictions for disqualifying offenses under s.  
18          343.315 (2) (f) and (j), and all records specified in par. (am), shall be maintained for  
19          at least 3 years. The record of convictions for disqualifying offenses under s. 343.315  
20          (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee  
21          transfers residency to another state such record may be transferred to another state  
22          of licensure of the licensee if that state accepts responsibility for maintaining a  
23          permanent record of convictions for disqualifying offenses. Such reports and records  
24          may be cumulative beyond the period for which a license is granted, but the secretary,  
25          in exercising the power of suspension granted under s. 343.32 (2) may consider only

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**SECTION 2**

1 those reports and records entered during the 4-year period immediately preceding  
2 the exercise of such power of suspension.

3 **SECTION 3. Effective dates.** This act takes effect on the day after publication,  
4 except as follows:

5 (1) The treatment of section 343.23 (2) (b) (by SECTION 2) of the statutes takes  
6 effect on September 30, 2005.

7 (END)