



# JIM OTT

STATE REPRESENTATIVE • 23<sup>rd</sup> ASSEMBLY DISTRICT

(608) 266-0486  
District: (262) 240-0808  
Toll-Free: (888) 534-0023  
Rep.Ottj@legis.wi.gov

P.O. Box 8953  
Madison, WI 53708-8953

Good Morning committee members and thank you for hearing my testimony on AB 467.

In 2009 the Legislature passed Act 100 with overwhelming bi-partisan support. One of the provisions of Act 100 was a requirement that first time OWI offenders with a Blood Alcohol Concentration (BAC) of 0.15 and above and all repeat OWI offenders install ignition interlock devices on their automobiles. The legislation mandated that the installation take place by the time the offender's drivers license was reinstated so that the clock on the court order requiring installation begin running and continue running while the offender was actually driving the automobile.

Clearly the intent of Act 100 was that those who are convicted of OWI not drive without an ignition interlock from the time of the conviction and for the entire time the court order was in effect. Those who violate the court order would then be subjected to a criminal misdemeanor.

Unfortunately, the intent of the law is being circumvented in some cases by what has become known as the "ignition interlock loophole". This occurs when a person convicted of OWI chooses to drive before his or her license is reinstated. If the person is stopped for a traffic violation, they will be cited for the traffic violation and for driving while revoked, but they will not be cited for the more serious criminal offense of circumventing the court order to install an ignition interlock. This is because the court order generally does not take effect until the license is actually reinstated, if the license was revoked by the court.

AB 467 corrects the ignition interlock loophole by requiring that the person convicted of repeat OWI violations, and first time offenders with a BAC of 0.15 and above install the interlock device within 72 hours of the conviction. The bill also explicitly prohibits offenders from driving any vehicle that does not have an operating interlock device.

I would be glad to answer any questions.