

NOTICE OF PROPOSED GUIDANCE DOCUMENT

OWI General

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on OWI General s.346, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website:

<https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DMV64>

2. Mailing written comments to:

Division of Motor Vehicles
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7336
Madison, WI 53707-7336

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsin.dot.gov to allow for ongoing comment.

AGENCY CONTACT

DOTDMVGuidanceDocs@DOT.WI.GOV



State of Wisconsin Department of Transportation

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2009 Wisconsin Act 100 summary

Wisconsin Act 100 strengthens Wisconsin's drunk driving laws. Provisions of Act 100 apply to violations that occur on or after July 1, 2010.

There are four main changes to existing law, including:

- A fourth offense Operating While Intoxicated (OWI) will be a felony if it occurs within five

- years of an earlier offense.
- Ignition interlocks devices (IIDs) will be required for repeat offenders and first-time offenders at or above a 0.15 blood alcohol level.
- A greater emphasis will be placed on treatment for drunk drivers, helping reduce repeat offenses.
- Increases first offense OWI to a misdemeanor if a child under 16 is in the vehicle.

Ignition interlock devices (IIDs)

- Ignition Interlock Devices (IIDs) will be **mandatory** for the following convictions:
 - ALL repeat OWIs
 - ALL refusals
 - ALL 1st offense OWI with an alcohol concentration of 0.15 or higher
- IIDs are required for **every vehicle owned by or registered to the offender**, unless the vehicle is specifically exempted by the court.
- The offender's driving privilege is restricted so that they can operate only IID equipped vehicles during the duration of the order.
- IIDs must be ordered for a minimum of one year:
 - For operating privilege, restriction begins when offender is issued an occupational license or reinstates operating privilege (cannot "wait out" IID anymore).
 - For vehicles, courts may order the IID restriction to begin immediately.
- Failure to install, removal, disconnection, tampering or circumvention violations result in a six-month extension of IID.
- Establishes a Prohibitive Alcohol Concentration (PAC) of more than 0.02 for persons subject to an IID order for the duration of the IID order.
- [View more information](#) regarding the installation of ignition interlock devices (IIDs).

Impact on driver license revocation, reinstatement and occupational license

- The driver license revocation period is extended by the number of days to which a person is sentenced to jail or imprisonment. For example, if a 12 month license revocation is imposed, and 5 days in jail, a revocation of 370 days will result.
- The minimum waiting period for occupational license eligibility is reduced to 45 days, for 2nd / subsequent OWIs.
- If no occupational license is issued, proof of IID installation is required for all vehicles owned and registered, before DMV can reinstate the offender's driver license (cannot "wait out" IID).
- The reinstatement fee for alcohol related offenses increases from \$60 to \$200.

Questions? Contact us: [Wisconsin DMV email service](#)

For more information:

- [□ 0.08 Law in Wisconsin](#)
- [□ Immobilizations and seizure statistics \(1998-2007\)](#)
- [□ Installation of ignition interlock devices \(IIDs\)](#)
- [□ Wisconsin Act 100](#)

Driver Information Section

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