

NOTICE OF PROPOSED GUIDANCE DOCUMENT

Habitual Traffic Offender

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on Habitual Traffic Offender s.351, 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=DMV73>

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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Wisconsin's Habitual Traffic Offender (HTO) law

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Wisconsin law identifies drivers who repeatedly break traffic laws as habitual traffic offenders. Under [Wisconsin statute 351.025](#), they lose their operating privileges for a full five years.

The Habitual Traffic Offender (HTO) law was enacted to get drivers off the road who "by their conduct and record have demonstrated indifference for the safety and welfare of others...and their disrespect of laws, courts and agencies of the state."

Here's how it works

The DMV keeps track of convictions accumulated by Wisconsin drivers in and out of state, and convictions of non-resident drivers in Wisconsin courts.

When a driver accumulates 12 or more convictions of moving traffic violations under [Chapter 346 of the Wisconsin Statutes](#) committed within the state, four or more major violations, committed in or out of state within a five year period; or a combination of major and minor violations and convictions totaling 12; the driver's privilege to operate any motor vehicle in Wisconsin is revoked for five years.

The revocation is automatic. There is a process by which the revoked driver may ask the circuit court in the county of residence to review the case. The court may order the driver's operating privilege restored only if it determines there was an error in the driver's record or in the DMV's count of the number of convictions.

It's a tough law

Revocation as a habitual traffic offender is in addition to any penalties for the individual violations, and apart from any revocations or suspensions ordered for individual violations, or for accumulating 12 or more demerit points in one year. The HTO Law includes violations on all classes of driver licenses.

Determining habitual traffic offender status

A driver may be declared a habitual traffic offender if, during any five year period, the driving record shows:

- 12 or more convictions of moving traffic violations under Chapter 346 Wisconsin Statutes committed in Wisconsin.
- 4 or more major violations committed in Wisconsin or other states.
- A combination of 12 or more major or minor convictions.

Major violations include:

- Reckless driving
- Operating while Intoxicated
- Homicide involving vehicle use
- Hit and run involving injury or death
- Felony use of a vehicle
- Making a false statement to WisDOT
- Attempting to elude an officer
- Refusal to submit to chemical testing

Observe the law

The time to protect your operating privilege is now. Obey all traffic laws and regulations, and remember that over half the moving traffic violations each year involve speeding. Obey traffic signs and signals, and respect the rights of pedestrians, bicyclists and other motor vehicle operators.

Occupational license

After a two-year waiting period, a person who has a revocation under the HTO law may qualify to

obtain an occupational license. Only the circuit court in the county of residence can order issuance of an occupational license. Learn more about how to [□ apply for an occupational license](#).

Your privilege to operate a motor vehicle is one of your most precious possessions. Many studies have concluded that of all punitive measures including fines and jail, the loss of an operating privilege is considered to be the most effective in deterring further violations.

Once your license has been revoked, you may have to start from "scratch" in regaining it once the revocation period is over. A birth certificate is required. You may also need to pass the written and sign recognition test and the vision screening and take the behind the wheel test.

[□ Check your reinstatement eligibility online](#) fast and easy.

Driving after revocation

The penalty for operating a motor vehicle by a person declared to be an habitual offender is a fine not to exceed \$5,000 and not more than 180 days in jail, over and above the basic penalties for operating after revocation of up to \$2,500 fine and up to one year in the county jail, plus further revocation of operating privileges.

Driver Information Section

P.O. Box 7983
Madison, WI 53707-7983

Email [Wisconsin DMV email service](#)

Phone (608) 264-7447

Fax (608) 267-3812

Contact Information

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