

NOTICE OF PROPOSED GUIDANCE DOCUMENT

OWIProsecutorsPresentation

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on OWIProsecutorsPresentation, 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://trust.dot.state.wi.us/act369/?id=DMV993&uri=file:OWIProsecutorsPresentation&division=DMV&tags=CWS>

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.gov to allow for ongoing comment.

AGENCY CONTACT

DOTDMVGuidanceDocs@DOT.WI.GOV



Life of an OWI

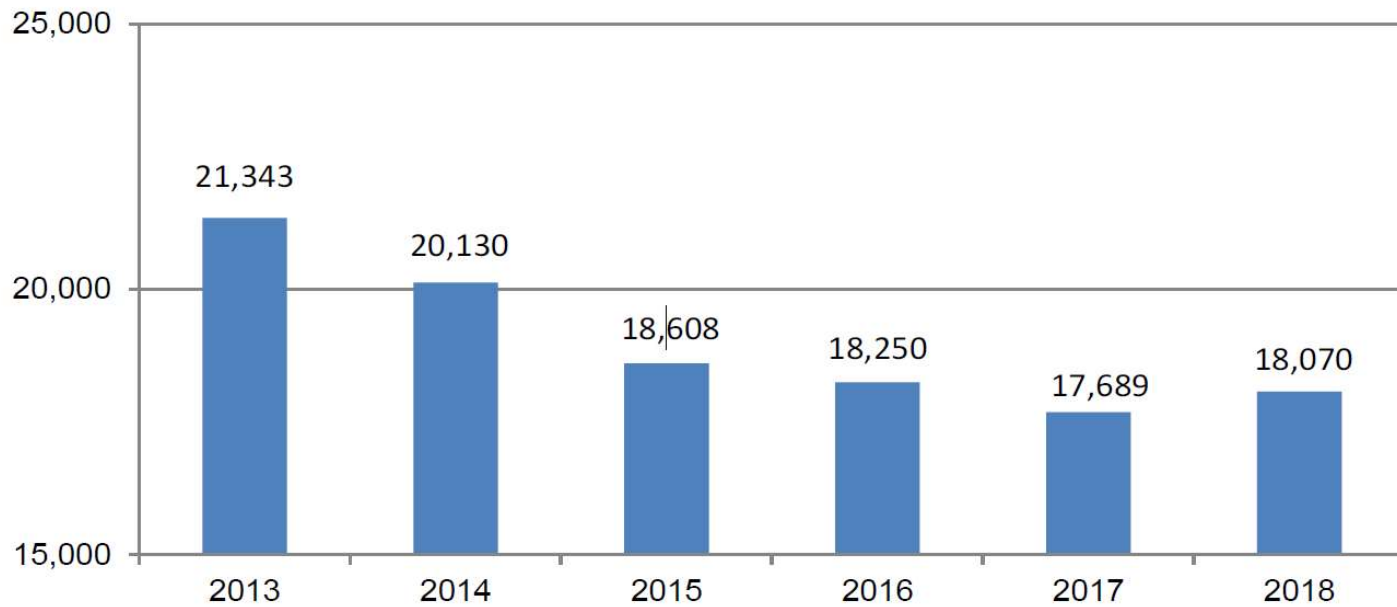
Mark Conroy - DMV Program Supervisor

Rebecca Sauer - DMV Team Leader

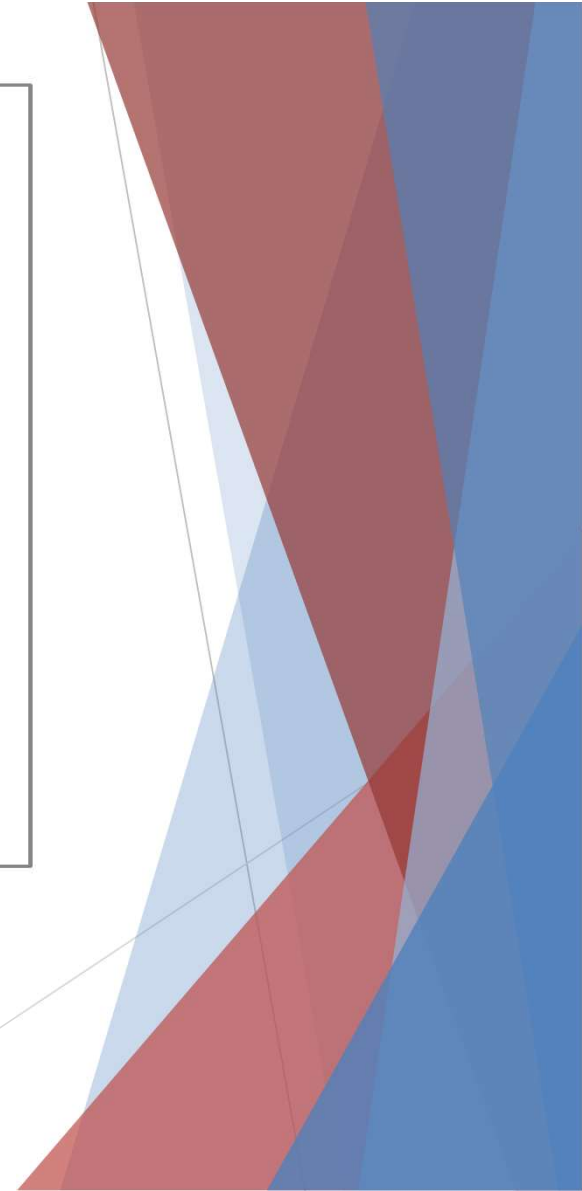
BAC (Administrative) Suspension

- ▶ Notice of Intent to Suspend (MV3519) (*Wis. St. 343.305*)
 - ▶ Issued by law enforcement agency and filed with DOT
 - ▶ Request an Administrative Suspension review with DOT
 - ▶ Suspension upheld or released based on Administrative Suspensions criteria
 - ▶ BAC Suspension occurs (30 days after the Notice)
- ▶ Judicial Review and Stay Order Received(*Wis. St. 343.305(8)(c)(1-3)*)
 - ▶ SUS is stayed until Judicial review is held
 - ▶ SUS is either rescinded or upheld
 - ▶ SUS released if judicial review not held within 60 days

Administrative Suspensions for Blood Alcohol Content



Source: Bureau of Driver Services



OWI/PAC Conviction Received by DMV

- ▶ Conviction received by DMV
 - ▶ Court orders REV, DMV has no authority add the REV if it's not on the court's Conviction Status Report
 - ▶ Only exception - administrative authority for REV through Lifetime Revocations (LR1/LR2), Habitual Traffic Offender (HTO), and SUS for too many points (DR) or Safety Responsibility (SR)
 - ▶ These revocations/suspensions can not be ordered by the court
 - ▶ Jail Time - st. 343.30 (1r)
 - ▶ If the court orders the customer any jail time, this jail time is added to the REV period. "...shall extend the revocation period by the number of days to which the court sentences the person to imprisonment in a jail or prison for an offense related to the revocation"
 - ▶ If the customer gets out for good behavior, the revocation period does not change
 - ▶ Example: Court orders 3 year revocation with 3 years jail time. Customer is revoked for 6 years. Customer gets out of jail after 60 days. Revocation remains six years because that was the total revocation and jail time ordered

OWI Statistics

2018-OWI RELATED CONVICTIONS BY VIOLATION COUNTY AND REPEAT OFFENDER STATUS																	
County	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	Total	% Convictions to Repeat Offenders
TOTAL	14,389	4,478	1,827	905	378	178	79	31	16	4	4	1	1	1	2	22,294	35.4%
% of total	64.5%	20.1%	8.2%	4.1%	1.7%	0.8%	0.4%	0.1%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	---

Note: This table counts instances where a driver was convicted of having a prohibited alcohol content, operating while intoxicated, causing great bodily harm while intoxicated, or committing homicide, while intoxicated. These are convictions, not drivers, though drivers may have garnered more than one OWI conviction during the past year. Convictions that drivers garnered in other states and convictions where the county was unknown or if the drivers age or gender was unknown are not included in this table. The violation may have occurred in a prior year. These convictions were adjudicated in 2018 and entered into the driver record file by July 1st, 2019.

MV3632 - Court Order for Assessment



COURT ORDER FOR IDP RELATED OFFENSE DRIVER ASSESSMENT AND DRIVER SAFETY PLAN

Wisconsin Department of Transportation
MV3632 7/2016 s.343.30(1q) or 343.305(10) Wis. Stats.



Print

INDIVIDUAL

Name (Last, First, MI)	Birth Date MM - DD - YYYY <small>MM DD YYYY</small>	Sex	Driver License Number 1 2 3 4 - 5 6 7 8 - 9 10 11 12 - 13 14	State
Address, City, State, ZIP Code		County of Residence	(Area Code) Telephone Number	

COURT

Convicting Court Name		Convicting Court Address, Street, City, ZIP Code		
Judge		Court (Area Code) Telephone Number		
Citation Number	Court Case Number	Non-UTC Number	Conviction Date (m/d/yyyy)	

ARREST INFORMATION

Arrest Date(s)	BAC Level or CS
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Assessment after an OWI Conviction

- ▶ OWI Assessment with an approved agency (*Wis. Stat. 343.30(1q)*)
 - ▶ In person Assessment must be scheduled within 72 hours of conviction, see MV3632
 - ▶ Education or treatment is based on dependency findings
 - ▶ The higher the dependency the more that is required
 - ▶ Driver safety plan consists of: (*DHS 62.07*)
 - ▶ In Patient Treatment
 - ▶ Group Dynamics
 - ▶ Alcohol Education
 - ▶ Victim's Impact Panel
 - ▶ Out Patient Treatment
- ▶ Non-compliance
 - ▶ Not appearing for interview
 - ▶ Not paying assessment/treatment/education fees
 - ▶ Not completing driver safety plan within 1 year
 - ▶ An additional arrest while already in a plan

Occupational Licensing - Wait Times

- ▶ Provisional license for drivers to uphold/maintain their livelihood: household and work related - no extracurricular!
 - ▶ Wait Times
 - ▶ BAC - no wait
 - ▶ 1st Offense OWI - immediately eligible (if bodily harm, 60 day wait)
 - ▶ 2nd and subsequent OWI - wait time (45 days, depends on violation)
 - ▶ Refusals - 30 days for 1st, 90 days for 2nd offense, 120 days for 3rd or subsequent

Occupational Licensing - IID

- ▶ IID
 - ▶ If ordered by court, DMV must have install documentation from IID install company in order to issue license
 - ▶ No license with restriction?
 - ▶ NO IID TIMER START!
 - ▶ Even if the judge orders the IID immediately, the timer does not start for the customer until we issue the Occupational or reinstate the Regular license, per st. 343.301(2m) “...beginning on the date the department issues any license granted under this chapter”

Occupational Licensing - SR22/Denials

- ▶ SR22 insurance
 - ▶ Required for a minimum of the life of the occupational.
 - ▶ Revocations on record will determine if the customer needs the SR22 for a longer period
 - ▶ 1st offense OWI REV do not count, but any REV on record will require SR22 insurance for 3 years from the date of eligibility for reinstatement
- ▶ Denials of Occupational licensing - st. 343.10(2)(a)(1)
 - ▶ Two cases in one year - customer not eligible of occupational licensing
 - ▶ Customer may appeal to court/attorneys to intervene
 - ▶ Even if court approves, DOT can not issue Occupational

Reinstatement

- ▶ Barring no other convictions with a withdrawal and no other issues (like non-compliance)
 - ▶ Customer is eligible for reinstatement at the end of revocation period
 - ▶ \$200 reinstatement fee
 - ▶ \$10 card issuance fee - *st. 343.21(n)*
 - ▶ \$50 regular fee - *st. 343.21(1)(jr)*
 - ▶ \$140 alcohol related fee - *st. 343.21(1)(jr)*
 - ▶ If IID time hasn't been met, new license is printed with end date for customer

The background features abstract geometric shapes in shades of blue and red. On the left, a solid blue trapezoidal shape extends from the edge. On the right, a complex composition of overlapping, semi-transparent triangles in various shades of blue and red creates a layered, dynamic effect. The central text 'Questions?' is positioned in the white space between these elements.

Questions?