

1 **AN ACT** *to amend* 343.30 (1q) (b) 3. and 4.; and *to create* 343.30 (1q) (b) 6. and
2 343.30 (1q) (em) of the statutes; **relating to:** occupational license minimum waiting
3 periods for participants in a treatment court.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council’s Study Committee on Problem–Solving Courts, Alternatives, and Diversions.

Background on Current Law

Current law specifies when a person may become eligible for an occupational license if his or her driver’s license was suspended or revoked. One requirement for eligibility is that the person wait until at least 15 days have elapsed since the date of revocation or suspension before he or she may be eligible for an occupational license, unless another minimum waiting period or immediate eligibility is expressly provided by law. In the case of an appeal that is subsequently dismissed or affirmed, the person must wait until at least 15 days have elapsed since the date of revocation or suspension following the dismissal or affirmance of the appeal to be eligible for an occupational license. However, if a person’s driver’s license has been suspended or revoked as a result of a second or subsequent operating while intoxicated (OWI) conviction, then the person must wait until 45 days have elapsed before he or she may be eligible for an occupational license.

Bill Draft

The draft provides an exception to the minimum waiting period for occupational license eligibility that is applicable to a person who has two or more prior OWI convictions suspensions or revocations. Under the draft, a court may order that a person is not subject to the 45–day minimum waiting period for an occupational license and must specify the date that he or she becomes eligible. If the person is ordered or sentenced to comply with a county or tribal project that operates within the continuum from arrest to discharge from supervision and provides alternatives to prosecution, incarceration, or both, including suspended and deferred prosecution projects or community–based corrections. No order may be entered unless the person has completed the court–ordered

assessment of his or her use of alcohol, controlled substances or controlled substance analogs, and must be complying with the driver safety plan in order for the treatment court to enter such an order. The treatment court's order must specify the date that the treatment court project participant becomes immediately eligible, subject to other eligibility requirements applicable to any occupational license applicant, including the 15-day minimum waiting period.

1 **SECTION 1.** 343.30 (1q) (b) 3. and 4. of the statutes are amended to read:

2 343.30 (1q) (b) 3. Except as provided in sub. (1r) or subd. 4m., if the number of
3 convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of
4 other convictions, suspensions, and revocations counted under s. 343.307 (1) within a 10-year
5 period, equals 2, the court shall revoke the person's operating privilege for not less than one
6 year nor more than 18 months. ~~After~~ Except as provided in subd. 6., after the first 45 days of
7 the revocation period has elapsed, the person is eligible for an occupational license under s.
8 343.10 if he or she has completed the assessment and is complying with the driver safety plan
9 ordered under par. (c).

10 4. Except as provided in sub. (1r) or subd. 4m., if the number of convictions under ss.
11 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other convictions,
12 suspensions, and revocations counted under s. 343.307 (1), equals 3 or more, the court shall
13 revoke the person's operating privilege for not less than 2 years nor more than 3 years. ~~After~~
14 Except as provided in subd. 6., after the first 45 days of the revocation period has elapsed, the
15 person is eligible for an occupational license under s. 343.10 if he or she has completed the
16 assessment and is complying with the driver safety plan ordered under par. (c).

17 **SECTION 2.** 343.30 (1q) (b) 6. of the statutes is created to read:

18 343.30 (1q) (b) 6. Subject to s. 348.10, a person is eligible for an occupational license
19 on the date specified by an order issued under par. (em) if the person is ordered or sentenced
20 to comply with a county or tribal project that operates within the continuum from arrest to

1 discharge from supervision and provides alternatives to prosecution, incarceration, or both,
2 including suspended and deferred prosecution projects or community-based corrections.

NOTE: SECTIONS 1 and 2 eliminate the 45-day minimum waiting period for occupational license eligibility that is applicable to second and subsequent OWI offenses, if the person is ordered or sentenced to comply with a county or tribal project that operates within the continuum from arrest to discharge from supervision and provides alternatives to prosecution, incarceration, or both, including suspended and deferred prosecution projects or community-based corrections. The SECTIONS also provide that the person is eligible for an occupational license on the date specified by a treatment court order, subject to the 15-day eligibility waiting period applicable to any occupational license applicant.

3 **SECTION 3.** 343.30 (1q) (em) of the statutes is created to read:

4 343.30 (1q) (em) If the person has two or more prior convictions, suspensions or
5 revocations, as counted under s. 343.307 (1), a court may order that a person is not subject to
6 the 45-day minimum waiting period to be eligible for an occupational license. If the person
7 is ordered or sentenced to comply with a county or tribal project that operates within the
8 continuum from arrest to discharge from supervision and provides alternatives to prosecution,
9 incarceration, or both, for criminal offenders, including suspended and deferred prosecution
10 projects or community-based corrections. No order may be entered under this paragraph
11 unless the treatment court project participant has completed the assessment and is complying
12 with the driver safety plan ordered under par. (c). If a treatment court enters an order under
13 this paragraph, the order shall specify the date subject to s. 343.10 (a) that the person becomes
14 eligible for an occupational license.

NOTE: SECTION 3 authorizes a court to order that a person who has two or more prior convictions, suspensions, or revocations, as counted under current law, is not subject to a 45-day minimum waiting period in order to be eligible for an occupational license. If the person is ordered or sentenced to comply with a county or tribal project that operates within the continuum from arrest to discharge from supervision and provides alternatives to prosecution, incarceration, or both, including suspended

and deferred prosecution projects or community-based corrections. The person must also have completed the court-ordered assessment of his or her use of alcohol, controlled substances or controlled substance analogs, and must be complying with the driver safety plan in order for the court to enter such an order. The court's order must specify the date that the treatment court project participant becomes eligible, subject to the eligibility requirements, that is applicable to any occupational license applicant, including the 15-day minimum waiting period.

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(END)