

2009 ASSEMBLY BILL 50

February 17, 2009 – Introduced by Representatives SCHNEIDER and VRUWINK, cosponsored by Senator A. LASEE. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 343.23 (2) (b) of the statutes; **relating to:** maintaining records
2 of certain driving offenses related to operating a motor vehicle while
3 intoxicated.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) maintains a record of a licensed driver's driving history. Currently, DOT maintains permanently a person's record of convictions, suspensions, or revocations that are related to operating a vehicle while intoxicated (OWI), except that records of a person's first offense for most violations related to OWI are purged after ten years if: 1) the person had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation; 2) the person does not have a commercial driver license; 3) the violation was not committed by a person operating a commercial motor vehicle; and 4) the person does not commit another OWI-related offense during the ten-year period.

Under this bill, DOT is required to purge, after ten years, a person's record of any conviction, suspension, or revocation that is related to OWI, unless the offense was committed by a person with a commercial driver license or who was operating a commercial motor vehicle at the time of the offense.

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

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1 **SECTION 1.** 343.23 (2) (b) of the statutes is amended to read:

2 343.23 **(2)** (b) The information specified in pars. (a) and (am) must be filed by
3 the department so that the complete operator's record is available for the use of the
4 secretary in determining whether operating privileges of such person shall be
5 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest
6 of public safety. The record of suspensions, revocations, and convictions that would
7 be counted under s. 343.307 (2) shall be ~~maintained permanently, except that the~~
8 ~~department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1)~~
9 ~~(b) 1., 346.63 (1) (b), or 350.101 (1) (b) purged~~ after 10 years, if the person who
10 committed the violation had a blood alcohol concentration of 0.08 or more but less
11 than 0.1 at the time of the violation, if the person does not have a commercial driver
12 license, or if the violation was not committed by a person operating a commercial
13 motor vehicle, and if the person has no other suspension, revocation, or conviction
14 that would be counted under s. 343.307 during that 10-year period. The record of
15 convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for
16 at least 10 years. The record of convictions for disqualifying offenses under s.
17 343.315 (2) (f) and (j), and all records specified in par. (am), shall be maintained for
18 at least 3 years. The record of convictions for disqualifying offenses under s. 343.315
19 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee
20 transfers residency to another state such record may be transferred to another state
21 of licensure of the licensee if that state accepts responsibility for maintaining a
22 permanent record of convictions for disqualifying offenses. Such reports and records
23 may be cumulative beyond the period for which a license is granted, but the secretary,
24 in exercising the power of suspension granted under s. 343.32 (2) may consider only

