

State of Wisconsin



2025 Senate Bill 248

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

AN ACT to repeal 347.50 (1t); to renumber and amend 347.413; to amend 343.10 (2) (b), 343.30 (1q) (b) 3., 343.30 (1q) (b) 4., 343.301 (1g) (am) 1., 343.301 (3) (a), 343.305 (10) (b) 2., 347.50 (1) and 347.50 (1s); to create 343.30 (1qm), 343.301 (6), 343.301 (7), 343.301 (8), 343.301 (9) and 343.302 (2) of the statutes; relating to: license eligibility and restriction extensions relating to ignition interlock devices and providing a penalty.

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

SECTION 1. 343.10 (2) (b) of the statutes is amended to read:

343.10 (2) (b) No occupational license may permit the operation of any motor vehicles that the person is prohibited from operating under an order under s. 343.301 (1g) (am) 1. or for which the applicant did not hold valid authorization at the time of revocation or suspension of the person's license or operating privilege.

SECTION 2. 343.30 (1q) (b) 3. of the statutes is amended to read:

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

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

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

SECTION 4. 343.30 (1qm) of the statutes is created to read:

343.30 (1qm) The court shall revoke the operating privilege of a person convicted of violating s. 343.302 (1) for not less than one year nor more than 18 months. The person is eligible for an occupational license under s. 343.10.

SECTION 5. 343.301 (1g) (am) 1. of the statutes is amended to read:

343.301 (1g) (am) 1. That the person's operating privilege for the operation of "Class D" vehicles be re-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

stricted to operating vehicles that are equipped with an ignition interlock device, that the person be prohibited from operating "Class M" vehicles, and, except as provided in sub. (1m), ~~shall order~~ that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device.

SECTION 6. 343.301 (3) (a) of the statutes is amended to read:

343.301 (3) (a) Except as provided in par. (b), if the court enters an order under sub. (1g), the person shall be liable for the reasonable cost of equipping and maintaining any ignition interlock device installed on his or her motor vehicle. If the person removes the ignition interlock device without providing documentation from the department indicating that their operating privilege has been restored, the person shall be responsible for the costs of reinstallation of an ignition interlock device.

SECTION 7. 343.301 (6) of the statutes is created to read:

343.301 (6) (a) In this subsection, "violation" means a breath sample that is above the alcohol setpoint of 0.020 grams of alcohol per 210 liters of breath or failure to provide a passing breath sample within the retest window. "Violation" does not include a detectable breath sample that passes a test immediately following a failed test or in response to a bypass or circumvention attempt.

(b) Notwithstanding sub. (2m) (a) and (b), and subject to par. (c), the restriction of a person's operating privilege under an order under sub. (1g) (am) 1. shall be extended by 180 days for each occurrence of any of the following events that occurs 60 days or more after the installation of an ignition interlock device:

1. Tampering with or attempting to circumvent an ignition interlock device.
2. Removing an ignition interlock device without authorization.
3. Failure to service an ignition interlock device that results in the ignition interlock device entering lockout mode.
4. Any attempt to start a motor vehicle with a breath alcohol concentration of 0.020 or more.
5. Failure to take a random breath test unless a review of the digital image confirms that the motor vehicle was not occupied by the person at the time of the missed test.
6. Failure to pass a confirmation retest.

(c) The department shall determine that a person did not commit a violation upon receipt of documentation or information, provided by the person's ignition interlock device provider, indicating that a reported violation resulted from a malfunction of the ignition interlock device for which the person was not responsible.

(d) The department shall develop an electronic process by which an approved ignition interlock device provider may identify the start date of the restriction of a person's operating privilege under sub. (2m) and provide to the department real-time notice of usage and violations and a final compliance report.

SECTION 8. 343.301 (7) of the statutes is created to read:

343.301 (7) A person to whom an order is entered under sub. (1g) shall provide to the ignition interlock device service provider all of the following:

- (a) The county in which the person was convicted and the person's case number.
- (b) The start and end dates for the ignition interlock device requirement.

SECTION 9. 343.301 (8) of the statutes is created to read:

343.301 (8) An ignition interlock device shall conduct a retest after each failed or skipped test. If a person fails or skips a retest, the person is guilty of an ignition interlock device violation.

SECTION 10. 343.301 (9) of the statutes is created to read:

343.301 (9) (a) When a person to whom an order is entered under sub. (1g) reaches the date on which the order is set to end, the person shall return to the ignition interlock device service provider for final service, data download, and compliance-based review. The service provider shall complete the compliance-based review no later than 7 business days after the data is downloaded from the ignition interlock device, except that a service provider may not begin the compliance-based review until all information required under sub. (7) is provided.

(b) If a service provider conducts a compliance-based review for a person to whom an order is entered under sub. (1g) and determines that an event specified under sub. (6) (b) has occurred, the service provider shall notify the department.

(c) Upon receipt of notice from a service provider that an event specified under sub. (6) (b) has occurred that requires extension of a person's ignition interlock device order, the department shall extend the person's order as required under sub. (6) (b), subject to par. (d). The department shall notify the person in writing that the person's ignition interlock device order is extended, beginning 10 days from the date of the written notice.

(d) A person who receives notice under par. (c) of an extension of their ignition interlock device order may, within 15 business days of the date of the notice, provide the service provider with a written rebuttal of the event that the service provider determines requires an extension. The service provider shall, within 7 business days of the rebuttal, conduct a review of the person's rebuttal

and notify the department and the person of the final determination. If the original determination is confirmed, the department's extension of the ignition interlock device order shall be upheld. If the original determination is reversed, the service provider shall correct the person's record and the department shall reverse the extension of the ignition interlock device order.

SECTION 11. 343.302 (2) of the statutes is created to read:

343.302 (2) Any person violating sub. (1) shall be fined not less than \$350 nor more than \$1,100 and imprisoned for not less than 5 days nor more than 6 months.

SECTION 12. 343.305 (10) (b) 2. of the statutes is amended to read:

343.305 (10) (b) 2. Except as provided in subd. 3., 4., or 4m., for the first improper refusal, the court shall revoke the person's operating privilege for one year. ~~After the first 30 days of the revocation period~~ Upon installation of an ignition interlock device on any motor vehicle that the person operates, the person is eligible for an occupational license under s. 343.10.

SECTION 13. 347.413 of the statutes is renumbered 343.302, and 343.302 (1), as renumbered, is amended to read:

343.302 (1) No person may remove, disconnect, tamper with, or otherwise circumvent the operation of an ignition interlock device installed in response to the court order under s. 346.65 (6), 1999 stats., or s. 343.301 (1), 2007 stats., or s. 343.301 (1g), or fail to have the ignition interlock device installed as ordered by the court, or violate a court order under s. 343.301 (1g) (am) 1. or a court order restricting the person's operating privilege under s. 343.301 (1g) (am) 2., or violate an ignition interlock device restriction under s. 343.10 (5) (a) 3. This subsection does not apply to the removal or repair of an ignition interlock device ~~upon the expiration of the order requiring the motor vehicle to be so equipped or to necessary repairs to a malfunctioning ignition interlock device by a person authorized by the department by a service provider.~~

SECTION 14. 347.50 (1) of the statutes is amended to read:

347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.385 (5), ~~s. 347.413 (1)~~ or s. 347.415 (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.475 or s. 347.48 (2m) or (4) or s. 347.489, may be required to forfeit not less than \$10 nor more than \$200.

SECTION 15. 347.50 (1s) of the statutes is amended to read:

347.50 (1s) Any person violating s. ~~347.413 (1)~~ or 347.417 (1) may be fined not less than \$150 nor more than \$600, or may be imprisoned for not more than 6 months, or both, for the first offense. For a 2nd or subsequent conviction within 5 years, the person may be fined not less than \$300 nor more than \$1,000, or imprisoned for not more than 6 months, or both.

SECTION 16. 347.50 (1t) of the statutes is repealed.

SECTION 17. Nonstatutory provisions.

(1) The department of transportation shall submit a request to the joint committee on finance to supplement an appropriation of the department of transportation by not more than \$220,000 for the requirements under s. 343.301 (6). Notwithstanding s. 13.101 (3), the committee is not required to find that an emergency exists prior to supplementing an appropriation of the department of transportation for the requirements under s. 343.301 (6).

(2) On the date that the joint committee on finance provides the funding described under sub. (1), the department shall notify the legislative reference bureau. The legislative reference bureau shall publish a notice in the Wisconsin administrative register that specifies that date.

SECTION 18. Effective dates. This act takes effect on the first day of the 12th month beginning after the date specified in the notice published in the Wisconsin administrative register under SECTION 17 (2) of this act, except as follows:

(1) SECTION 17 of this act takes effect on the day after publication.