

**Department of Transportation - State Agency Report to SCAODA  
June 11, 2010**

***High school graduation –***

The end of the school year is a season for Wisconsin families to celebrate. It's also an opportunity for Wisconsin parents to remind their teenager about the state's "not a drop" law. Drivers under the age of 21 may not have any alcohol in their system. If an underage driver has consumed alcohol – even a single sip of beer - and has a passenger, the penalties are even more severe. And starting with violations **after July 1, 2010**, a first conviction for driving with a blood alcohol concentration above 0.08 becomes a criminal offense if there's a passenger under the age of 16 in the car. That means not only a fine of up to 11-hundred dollars, but also jail time: from five days to six months in jail. And having a felony conviction on your record can have life-long consequences.

**Recent law changes that impact Wisconsin DOT alcohol and other drug initiatives:**

***Wisconsin Act 28 – Biennial Budget Act: Primary Seat Belt Enforcement Provision***

Since 7/1/2009, law enforcement officers have been authorized to stop vehicles when they observe the driver or passenger not properly restrained with a seat belt. Prior to this date, since 1987, the mandatory seat belt use law was restricted to secondary enforcement, except for child passengers under age 8. With the upgrade to primary enforcement, more traffic stops can be made, giving law enforcement greater opportunity to detect impaired drivers.

***Wisconsin Act 100 – Numerous Changes to OWI Laws***

*Summary Document Attached.*

DOT is working on new marketing materials for Act 100 which is effective July 1. We have developed a brochure for the general public, and the Traffic Safety Resource Prosecutor is training prosecutors and law enforcement staff. The Office of General Council is updating penalty and fine charts on the WisDOT internet web site. State Patrol Chem Test Section will incorporate ignition interlock references in their basic and recertification breath test equipment training materials.

***Wisconsin Act 163 –Expansion of Implied Consent Law***

Since 3/30/2010, law enforcement officers have been authorized to request a chem test from any surviving driver involved in a fatal or great bodily harm crash if any traffic violation occurred, or in any crash in which alcohol/drugs are present and a person suffered "substantial bodily harm." Under the old Implied Consent law, officers needed probable cause to request a chem test or a crash in which alcohol/drugs were present and a person was killed or suffered great bodily harm.

***Wisconsin Act 220 –Text Messaging While Driving Law***

Effective 12/1/2010, motorists will be prohibited from driving a vehicle while sending/composing a text message. The penalty for a first time offense is a \$20 to \$400 forfeiture and 4 Demerit Points, and second time offenders will be subject to a \$200 to \$800 forfeiture. The text messaging ban will be subject to primary enforcement, meaning the motorist can be stopped solely for being seen text-messaging.

**The State Council would also like to receive suggestions from your Department on how the State Council might be of help to them:**

The State Council should continue to support Department of Transportation Safety alcohol and other drugs initiatives.