

OWI INFORMATION

You are receiving this memorandum because you are scheduled to appear before the Town of Madison, Middleton, and Verona Municipal Court on the charge of “Operating While Under The Influence Of An Intoxicant” (OWI) and/or “Operating With A Prohibited Blood Alcohol Content” (BAC), “Operating With A Restricted Controlled Substance (O/RCS), or any combination of these three. It is intended to provide you with information prior to your court date that will help you decide how you are going to proceed.

The Court is allowed to give you information but not legal advice. If you need or want legal advice, you have to contact an attorney at your expense. The law does not provide court-appointed attorneys for OWI first offenders.

THE PENALTIES UPON CONVICTION

Appearing below is a list of the minimum consequences that the Wisconsin Statutes require the court to impose by order if you are found guilty of an OWI charge, BAC charge, or both charges. Even if you received two tickets, one for OWI and another for BAC, only one set of penalties is imposed,

1. Payment of a forfeiture and costs totaling \$685.00 or \$735.00 if #5 below applies.
2. Six to nine months revocation of your driving privileges.
3. Six (6) demerit points assessed against your driving record.
4. Must undergo assessment of your drinking/drug use habits: See OWI Assessment
5. **IF YOUR BAC TEST RESULT IS FOUND TO HAVE BEEN .15 OR MORE AT THE TIME OF YOUR ARREST, OR IF YOU IMPROPERLY REFUSED TO SUBMIT TO A BAC TEST, OR IF YOU HAVE A PRIOR CONVICTION FOR AN OWI OR PAC OR REFUSAL, SEE THE REVERSE SIDE OF THIS PAGE.**

OCCUPATIONAL LICENSE. The occupational license is issued by DOT. Information can be found at: <http://wisonsindot.gov/Pages/dmv/license-drvs/susp-or-rvkd/occ-license.aspx>

INSTALLATION OF “IGNITION INTERLOCK DEVICE” (IID) REQUIREMENT

IF (and only if) your BAC test result is found to have been .15 or more at the time of your arrest, or if you improperly refused to submit to a BAC test, or if you have a prior conviction for an OWI or PAC or refusal, the statutes require the court to order:

1. that your operating privilege be restricted. If you are operating a “Class D” vehicle it must be equipped with an IID.
2. that each motor vehicle registered or titled in your name (even if there is also another name on the title) be equipped with an IID, and
3. the payment of a \$50.00 IID surcharge.

The IID order will start and last for one year beginning on the date that DOT issues you a new license or an occupational license.

The DOT will not issue you an occupational or any other license unless you provide proof that every vehicle titled or registered in your name has had an IID installed.

You are responsible for all costs associated with the installation, service, repair and removal of the IID(s) on your vehicle(s). The cost is estimated to be about \$1,000.00 per vehicle per year.

The law further provides that during the time you are ordered to install an IID you may be convicted if you operate any motor vehicle with a BAC of more an .02.

HEARING TO EXEMPT VEHICLES AND/OR REDUCE INSTALLATION COSTS

You have the right to a hearing to exempt some vehicles from the IID installation and /or seek a reduction in installation costs. A hearing will be scheduled upon your request, after it is determined that you are required to have the IID installation(s).

If the equipping of an IID on each of the vehicles for which your name appears on the title is shown to cause an undue financial hardship, the court may order one or more vehicles to be exempt from the order.

If your income is at or below 150% of the federal poverty level, the court will limit your responsibility to one-half the cost of equipping and maintaining the IID.