

MUNICIPAL COURT
Village of Shorewood Hills
810 Shorewood Boulevard
Shorewood Hills, WI 53705
(608) 267-2690

Honorable Felice Borisy-Rudin
Municipal Judge

Martha Davis
Court Clerk

OWI/PAC/OCS INFORMATIONAL MEMORANDUM

You are receiving this memorandum because you are scheduled to appear before the Shorewood Hills Municipal Court on the charge of “Operating While Under the Influence of an Intoxicant or other Drug” (OWI), “Operating With a Prohibited Blood Alcohol Content” (PAC), and/or “Operating with a Detectable Amount of a Restricted Controlled Substance” (OCS). It is intended to provide you with information **prior** to your court date that will help you decide how you are going to proceed.

This information is being made available to you by Felice Borisy-Rudin, Shorewood Hills Municipal Judge. The judge is allowed to give you information but not legal advice. If you need or want legal advice, you have to contact an attorney.

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 one or more charges due to the same incident of OWI, PAC, or OCS. Even if you received two tickets, e.g., one for OWI and another for PAC, only one set of penalties is imposed.

1. Payment of a forfeiture and costs totaling \$735.00, or \$861.00 if #5 (below) applies.
2. Six (6) month revocation of your driving privileges. (See below*.)
3. Six (6) demerit points assessed against your driving record.
4. Must undergo an “OWI Assessment” at Journey Mental Health Center of Dane County, or the Human Services Department in the county of your residence.
 - a. The counseling session normally takes 90 minutes. A fee of \$300.00 will be charged.
 - b. The outcome likely will be a requirement to attend classes and/or counseling at an additional expense.
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.**

*To be reinstated, you have to go to the Department of Transportation and pay a \$200.00 fee. You will not be required to file proof of insurance or take any tests. If you are convicted for driving during the revocation period, you may be sentenced to up to one year in the county jail.

OCCUPATIONAL LICENSE. Accompanying this memorandum is some information pertaining to occupational licenses. It is believed to be current and accurate. If you discover any outdated or incorrect information, please call it to the attention of this court.

INSTALLATION OF "IGNITION INTERLOCK DEVICE" (IID) REQUIREMENT

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 chemical test of your breath or blood, *or* if you have a prior conviction for an OWI, PAC, OCS, or refusal, no matter when it occurred, the statutes require the court to order:

1. That your operating privilege be restricted to operating "Class D" vehicles that are equipped with an IID.
2. That each motor vehicle you drive (whether it belongs to you or not) or is registered in your name (even if there is also another name on the title) be equipped with an IID.
3. The payment of a \$50.00 IID surcharge.

An IID is a breathalyzer for your vehicle. It requires you to blow into the device to start your vehicle. If your breath alcohol concentration is above the limit set by the state, your vehicle won't start. The IID asks for random retests as you drive as required by the state.

The IID order will 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, unless exempted (see below).

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 a motor vehicle with a BAC of more than .02.

Below is a list of currently approved IID manufacturers that you can call for current installation and maintenance prices and the location of their respective installation service centers.

DEVICE MANUFACTURER	TELEPHONE NUMBER	WEBSITE
Consumer Safety Technology Inc.	877-777-5020	www.intoxalock.com
Draeger Safety, Inc.	800-332-6858	www.draeger.com
LifeSafer Interlock	800-584-1226	www.lifesafers.com
Smart Start, Inc.	800-880-3394	www.smartstartinc.com

A video of the IID can be viewed at <http://www.lifesafers.com/trainingVideo.html>

For more information, go to <http://www.dot.wisconsin.gov> and search for "ignition interlock."

IGNITION INTERLOCK EXEMPTION*

You have the right to request to exempt some vehicles from the IID installation and/or seek a reduction in installation costs. 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.

If you would like to request an exemption from any vehicle(s) titled or registered in your name, you must bring your license plate number, 17 digit identification number (VIN), year, and make of vehicle to your court appearance. Exemptions will be granted by the court only upon a finding of undue financial hardship where appropriate evidence is presented.

OCCUPATIONAL LICENSE INFORMATION

Introduction. Occupational licenses are issued at Department of Transportation (DOT) offices, and more complete, detailed information is available there. If you expect that you will be applying for an occupational license, you should obtain instructions and a blank Application form from the DOT. In the meantime, you might find the following information helpful.

Internet Help. If you need more detail than is given here, go the following website:
www.dot.wisconsin.gov/drivers/drivers/revoke/occllic/htm.

Courtesy Request. If you determine that any of this information is outdated or incorrect, please send a note to Martha Davis, Court Clerk, 810 Shorewood Boulevard, Madison, WI 53705. This will help assure that others will receive the best available information.

Where To Go. The nearest DOT office to the Shorewood Hills Municipal Court is located at the Madison West Service Center, 8417 Excelsior Drive, Madison, WI 53717. Their hours of operation are: 8:30 a.m. - 4:45 p.m. – Monday through Friday.

Eligibility. Generally speaking, you will be eligible to obtain an occupational license if you presently have a valid Wisconsin driver's license and if your driving privileges were not suspended during the previous 12-month period for a driving-related offense and you need to drive because you are working, going to school or are a homemaker.

What You Will Need. The DOT will require the following:

1. You must have automobile insurance, and obtain a "Form SR-22" from your insurance agent.
2. You will need to complete the Application you obtain from the DOT office.
3. In most cases, you will need a "Conviction Status Report" from the court, showing the effective date that your suspension begins.
4. A \$60.00 license fee is required by the statutes. It is not refundable for any reason. If you need to change (amend) any hours or areas of travel after the license is issued, each amended license will cost another \$60.00.
5. Proof that every unexempted vehicle titled or registered in your name has had an Ignition Interlock Device (IID) installed, if (and only if) an IID is required as stated in the OWI/PAC/OCS INFORMATIONAL MEMORANDUM.

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Tips & Hints. Completing the Application with some foresight and advance planning will help you avoid having to amend your license from time to time. The following should help you in that regard.

1. List all the counties or states in which you need to drive for work.
2. Actual Daily Driving Time. For most people, this is the most significant section. It is also the section that is most often completed incorrectly. It is strongly recommended that before you complete this section, you work out the driving hours on a photocopy or at least a separate piece of paper. Note that you are to indicate A for a.m., P for p.m., 12M for midnight and 12N for noon.
 - a. Although you are restricted to operating not more than 12 hours each day, you can specify several sets of hours during the day. Thus, you might want to provide for the possibility of working overtime or changing shifts.
 - b. In allowing enough time to get from your home to your job location, and vice-versa, take into account that you may encounter bad weather, a flat tire or other conditions requiring more time than usual on the road.
 - c. If your job shift ends near midnight, be careful to show that your driving hours extend into the next day. For example, if you get out of work at 11:45 p.m. and it takes you a half hour to get home (allowing a little leeway to stop for gas, groceries, a flat tire, or whatever), in addition to the hours necessary to get to work you would list the following: Monday, 11:45 P to 12:00 M, and Tuesday, 12:00 M to 12:15 A, etc.
 - d. The OWI Assessment is a one-time occurrence, lasting between 60 to 90 minutes. Rather than try to build that time into your occupational license, you might consider having someone drive you to and from the session, particularly if you need to maximize your employment-related driving.
 - e. Any additional classes and/or counseling sessions should be considered as well. Again, you might consider having someone drive you to and from the classes if you need to maximize your job-related driving hours.
3. Emergency Service Providers & Commercial Driver's License Holders. If you hold a commercial driver's license or you are an emergency service provider, you should go to a DOT office as soon as practicable for additional information.