

COMMERCIAL DRIVER LICENSE ALCOHOL AND OTHER DRUG OFFENSES AND RELATED PENALTIES (As of May 7, 2018)

VIOLATION IN CMV	FINE/FORFEITURE/JAIL³	Effect on CDL	EFFECT ON CLASS D/M LICENSE
Any Measurable Alcohol concentration (AC> 0.0), possession of alcohol, operation within 4 hours after consuming [346.63(7)]	\$10 forfeiture [346.65(2u)(a)]	24 Hr Out-of-Service [343.3159(2)(g)]	346.63(7)(a)3.: 3 Demerit points
AC ≥ .04 and < .08 ^{2,4} 1 st Offense [346.63(5)]	\$150-\$300 forfeiture ^{1,8} [346.65(2j)(am)]	1 Yr Disq 3 Yr Disq if (H) [343.315(2)(a),(b)]	None.
AC ≥ .04 and < .08 ^{2,4} 2 nd Offense [346.63(5)]	\$300-\$1,000 fine ^{1,8,11} 5 days - 6 mo jail [346.65(2j)(am)1.] Safe Streets option 5 days - 7 days ¹⁰ [346.65(2j)(bm)]	Lifetime Disq [343.315(2)(c)]	None.
AC ≥ .04 and < .08 ^{2,4} 3rd or Subsequent Offense [346.63(5)]	\$600-\$2,000 fine ^{1,8,11} 45 days - 1 yr jail [346.65(2j)(am)2.] Safe Streets option Not less than 14 days ^{10,11} [346.65(2j)(cm)]	Lifetime Disq [343.315(2)(c)]	None.
AC ≥ .04 and < .08 ² Causing Injury [346.63(6)]	\$300-\$2,000 fine ^{1,8} 30 days - 1 yr jail [346.65(3m)3.] Safe Streets option Not less than 15 days ^{1,10} [346.65(3r)]	1 Yr Disq / 3 Yr if (H) (life for 2nd offense) [343.315(2)6.,(b),(c)]	1 year revocation ¹ [343.31(1)(ar),(3)(a)]
AC ≥ 0.04 < 0.08 ² Causing Injury if any prior OWI related offense [346.63(6) ¹² , 346.65(3p), 343.307(1)] ⁴	Class H Felony Max \$10,000 fine and 1 yr - 3 yr prison [939.50(3)(h)] [973.01 (2) (b) 8.]	1 Yr Disq / 3 Yr if (H) (life for 2nd offense) [343.315(2)6.,(b),(c)]	1 year revocation ¹ [343.31(1)(ar),(3)(a)]
AC ≥ .04 and < .08 Causing Great Bodily Harm [940.25(1)(bm)]	Class F Felony Up to \$25,000 fine ^{6,7,8} and 1 – 7.5 yrs prison [939.50(3)(f) 973.01(2)(b)gm] [973.01(2)(b)6m.]	1 Yr Disq / 3 Yr if (H) (life for 2nd offense) [343.315(2)6.,(b),(c)]	2 year revocation ^{1,7,9} [343.31(3)(f)]
AC ≥ .04 and < .08 Causing Death [940.09(1)(bm), 343.307(2)] ⁴	Class D or C Felony (if one or more than one prior convictions) Up to \$100,000 fine ^{6,7,8} and (1- 15/25 yrs of prison (1 st /repeat offense): [939.50(3)(c),(d)] [973.01(2)(b)3. and 4.]	1 Yr Disq / 3 Yr if (H) (life for 2nd offense) [343.315(2)6.,(b),(c)]	5 year revocation ^{1,9} [343.31(3)(c)]
Using a CMV to make, dispense, or distribute drugs feloniously [343.315(2)(e), 961.41(1),(1m)]	Varies depending upon drug crime	Lifetime Disq [343.315(2)(e)]	1 year revocation ⁹ [343.31(1)(c),(3)(a)]
VIOLATION IN ANY CLASS VEHICLE	FINE/FORFEITURE/JAIL³	Effect on CDL	EFFECT ON CLASS D/M LICENSE
OWI or Chemical Test Refusal: [346.63(1)(a), (am) or (b), 343.305(9)(a), (am), 343.307(2)]	See OWI Chart ⁵	(Total # of CMV violations before 9/30/2005 + Any vehicle violations on or after 9/30/2005) [343.315 (1g)] 24 Hr Out-of-Service [343.305(7)(b), (9)(am)] 1 offense: 1 Yr Disq [343.315(2)(a)] 3 Yr Disq if Haz Mat [343.315(2)(b)] 2 or more offenses: lifetime disqualification. [343.315 (2) (c)]	See OWI Chart ⁵

¹ Fines, forfeitures, jail and revocation / suspension penalties are increased for a person convicted of OWI when a person under 16 years of age was in the vehicle at the time of the offense. [343.30(1q)(b)4m and (3)(e), 343.305(10)(b)4m, 343.31(3)(c), 346.65(2)(f), (2j)(d),(2q) and (3m)]. For third and subsequent regular OWI offenses, fines are also increased according to blood alcohol level. [346.65(2)(g)]

² If AC meets or exceeds .08 or the prohibited alcohol concentration as defined in 340.01(46m), or involves the detectable presence of restricted controlled substances, the offense is punishable under 346.63(1) or 346.63(2)(am), with CDL disqualification under 343.315.

³ Additional fees, assessments and surcharges also apply [165.755(1), 302.46, 346.655(1), 757.05(1), 814.63(1), 814.65(1), 814.85(1), 814.86(1)].

⁴ Prior offenses counted include injury or homicide by intoxicated motor vehicle use, and other OWI-related offenses committed after January 1, 1989, or the date specified in the relevant statute. [343.305(10)(b)(2), 949.09(1), 940.25, 343.307].

⁵ The Department chart titled OWI AND RELATED ALCOHOL AND DRUG PENALTIES is available online at <http://wisconsindot.gov/Documents/safety/education/drunken-driv/owi-penchrtr.pdf>

⁶ No occupational license may permit the operation of any motor vehicles for which the applicant did not hold valid authorization at the time of revocation or suspension of the person's license or operating privilege. [343.10(2)(c)]

⁷ Fines, jail penalties and revocation periods are doubled if an unborn child is present in the vehicle at the time of the offense. [343.31(3)(f), 940.25(1)(c)]

⁸ Plus OWI \$435 surcharge. [346.655]

⁹ A court may order vehicles owned by the offender be equipped with an ignition interlock device (IID), and/or the offender's operating privilege for class D vehicles may be restricted to operating only IID equipped vehicles. [343.305(10m), 940.25(1d), 940.09(1d), 343.301]

¹⁰ Under the "Safe Streets" option, mandatory minimum jail sentences are reduced only if the offender successfully completes probation including alcohol and other drug treatment. [346.65(2j)(bm),(cm), (er) or (3-1)].

¹¹ Probation is a sentencing option, but offender must serve at least the mandatory minimum jail term. [346.65(2j), (3r)].

¹² If the person injured was an adult who was in the vehicle operated by the person violating s. 346.63 (2) or (6), the court may impose a sentence that is less than the minimum sentence required under sub. (3m) if the court finds that the best interest of the community will be served and the public will not be harmed by the sentence. [346.65(3t)].

Note: Similar convictions in other jurisdictions may cause a driver to lose his or her Commercial Driver's License.

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 CMV = Commercial motor vehicle OWI = Operating while intoxicated
 CDL = Commercial driver license AC = Alcohol concentration
 Disq = Disqualified (cannot drive CMV or get CDL-OCC)
 (H) = Hauling hazardous materials requiring placarding [343.125] at time of offense
 OCC = Occupational license