

## Seventh Judicial Administrative District OAR/OAS Guidelines (For Violations On or After July 1, 2009)

as required by Wis. Stat 343.44(2)(d) & SCR 70.34

Offense Type	Effective Date	Aggravated Nature of Offense	Monetary Penalty (+ Costs)	Jail	Drivers License
<b>OAR Non-Criminal</b> §344(1)(b) & §344(2)(as) Statutory Range <ul style="list-style-type: none"> <li>▪ \$0 - \$2,500</li> <li>▪ No Jail</li> <li>▪ 0-6 Months Suspension</li> <li>▪ 6 Mo. Revocation for 4<sup>th</sup> or +</li> </ul>	Violations on or after July 1, 2009	Low	\$100 - \$300	N/A	0 – 6 Months Suspension.
		Moderate	\$250 - \$1,000	N/A	0 – 6 Months Suspension
		High	\$500 - \$2,500	N/A	6 Months Revocation*
<b>OAR Criminal</b> §344(1)(b) & §344(2)(b) Statutory Range <ul style="list-style-type: none"> <li>▪ \$0 - \$2,500</li> <li>▪ Jail: 0 Days to 1Year</li> <li>▪ 0-6 Months Suspension</li> <li>▪ 6 Mo. Revocation for 4<sup>th</sup> or +</li> </ul>	Violations on or after July 1, 2009	Low	\$250 - \$500	0 – 60 Days	6 Months Suspension
		Moderate	\$350 - \$1,000	5 – 180 Days	6 Months Suspension
		High	\$500 - \$2,500	30 – 360 Days	6 Months Revocation*
<b>OAS</b> §344(1)(a),(am) & §344(2)(a) Statutory Range <ul style="list-style-type: none"> <li>▪ \$50 - \$200</li> <li>▪ No Jail</li> <li>▪ 0-6 Mo. Suspension</li> <li>▪ 6 Mo. Revocation for 4<sup>th</sup> or +</li> </ul>	Violations on or after July 27, 2005	Offense # 1, 2 or 3	\$50	N/A	0 – 6 Months Suspension
		Offense # 4 or more	\$50	N/A	6 Months Revocation*

### Aggravating Factors

- Number of Prior OAR/OAS convictions
- Accident, Aggravated Driving
- Injury to Person/Property
- Alcohol, Controlled Substances Present
- Attempted to Elude Officer
- For OAS - Prior OWI/PAC Convictions
- Record of Unsafe Driving

### Mitigating Factors

- No Prior OAR/OAS Convictions
- For OAS - Not OWI Related
- No Unsafe Driving/Prior Record Good
- Cooperation with Arresting Officer
- Reinstated DL Before Hearing
- History of Payment of Fines
- Remedial Action Since Incident

\*For 4<sup>th</sup> Offense or higher OAR or OAS, a 6 month revocation is the presumptive driver's license penalty. If the revocation is less than 6 months, the statutes require the Court to state, on the record, the reasons for a shorter revocation period. [§343.30(1g); 343.31(1)(hm)]

Prior to July 1, 2009, there were two kinds of OAR: OAR 1<sup>st</sup> was noncriminal and subsequent offenses were criminal. As of July 1, 2009, there are two kinds of OAR based on the reason for the underlying revocation: §343.44(2)(as) provides that if the revocation was not alcohol or drug related the penalty is a forfeiture (TR); §343.44(2)(b) provides that if the revocation was alcohol or drug related there is a criminal penalty (CT, CM). §343.307(2) defines which offenses are alcohol and drug related.

For OAR violations prior to July1, 2009, see the guidelines "For violations after July 27, 2005".