

# Statewide OAR/OAS Guidelines

**For violations after July 27, 2005**

Wis. Stat. § 343.44(1)(b); Wis. Stat. § 343.44(2)(as)

	<b># OFFENSE</b>	<b>FORFEITURE / FINE (+ Costs)</b>	<b>JAIL</b>	<b>DRIVER LICENSE SUSP. OR REV.</b>
<b>OAR (Non-Aggravated)</b>				
	1* (Civil)	\$100	N/A	0-6 mths SUS.
	1* (Criminal)	\$250 - 400	0-30 days jail	0-6 mths SUS.
<u>Stat. Penalty Ranges</u>				
- \$0-\$2500	2	\$250 - 600	5-30 days jail	0-6 mths SUS.
- 365 days jail				
- 0-6 mths susp.	3	\$300 - 800	10-90 days jail	0-6 mths SUS.
- 6 mths rev. for 4+				
	4+	\$400 - 2500	30-210 days jail	6 mths REV. **
<b>OAR (Aggravated)</b>				
	1* (Civil)	\$100	N/A	6 mths SUS.
	1* (Criminal)	\$250 - 500	0-60 days jail	6 mths SUS.
<u>Stat. Penalty Ranges</u>				
- \$0-\$2500	2	\$350 - 700	5-60 days jail	6 mths SUS.
- 0-365 days jail				
- 0-6 mths susp.	3	\$400 - 1000	30-180 days jail	6 mths SUS.
- 6 mths rev. for 4+				
	4+	\$500 - 2500	60-360 days jail	6 mths REV. **
<b>OAS</b>				
	1, 2 & 3	\$50	N/A	0-6 mths SUS.
<u>Stat. Penalty Ranges</u>				
- \$50-\$200	4+	\$50	N/A	6 mths REV. **
- no jail				
- 0-6 mths suspension				
- 6 mths revocation 4+				
<b>Aggravating Factors</b>		<b>Mitigating Factors</b>		
Accident: Aggravated Driving		Not OWI Related		
Alcohol/Controlled Substances Present		No Unsafe Driving; Prior Record Good		
Attempting to Elude an Officer		Cooperation with Arresting Officer		
Prior OWI/PAC Convictions		History of Payment of Fines		
Record of Unsafe Driving		Reinstated D.L. before Final Hearing		
Injuries to Person/Property		Remedial Actions since Incident		
* First Offense OAR is a civil forfeiture unless there has been a prior OAR conviction in the previous 5 years, or if the current revocation resulted from an offense of operating under the influence of an intoxicant or drug or of operating a commercial motor vehicle with an alcohol concentration between .04 and .08.				
** For revocation on 4 <sup>th</sup> offense OAR/OAS and higher, a 6 month revocation is the presumptive minimum. If the revocation is less than 6 months, the Court must state on the record its grounds for the shorter revocation period (Wis. Stat. 343.30(1g)(b); 343.31(1)(hm)).				
- For offenses committed from 05/01/02 to 07/27/05, a first offense OAR is criminal.				