

Statewide OAR/OWS Guidelines and Penalties

as required by Wis. Stat 343.44(2)(d) & SCR 70.34
for violations on or after December 1, 2018¹

Nature of the Offense & Statutory Range	Statutes	Aggravated Nature of Offense	Monetary Penalty (+ Costs)	Jail	Drivers License Action ²
OAR first or repeated <ul style="list-style-type: none"> ▪ \$0 - \$2,500 ▪ Non-criminal forfeiture ▪ 0-6 months suspension ▪ Court may revoke for 4th or +³ 	343.44(1)(b) & 343.44(2)(ar)1. 343.30(1g)	Low	\$0 - \$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
OAR & prior revocation due to intoxicated driving offense <ul style="list-style-type: none"> ▪ \$0 - \$2,500 ▪ Misdemeanor ▪ 0-6 months suspension ▪ Court may revoke for 4th or +³ 	343.44(1)(b) & 343.44(2)(ar)2. 343.30(1g) 343.307(2)	Low	\$0 - \$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
2 OARs after individual has 4/+ OWI convictions w/in 15 yrs. or 2 OWI/2 qualifying convictions w/in 25 years⁴ <ul style="list-style-type: none"> ▪ \$0 - \$10,000 ▪ Misdemeanor ▪ Permanent revocation 	343.44(1)(b) & 343.44(2)(ar)2m. 343.31(1m)	Low	\$0 - \$3,500	0 – 120 days ⁵	Permanent revocation ⁴
		Moderate	\$3,000 – \$6,500	120 – 240 days	Permanent revocation
		High	\$6,500 - \$10,000	240 – 360 days	Permanent revocation
OAR causing great bodily harm <ul style="list-style-type: none"> ▪ \$5,000-\$7,500 ▪ Misdemeanor or Class I felony 	343.44(1)(b) & 343.44(2)(ar)3. 343.30(1g)(c)&(d)	Low	\$5,000 - \$6,000	60 – 180 Days	6 months revocation
		Moderate	\$5,500 - \$6,500	180 – 270 Days	6 months revocation
		High	\$6,500 - \$7,500	270 – 360 Days	6 months revocation
		Knowingly ⁶	\$6,500 - \$7,500	Class I felony	6 months revocation
OAR causing death <ul style="list-style-type: none"> ▪ \$7,500 - \$10,000 ▪ Misdemeanor or Class H felony 	343.44(1)(b) & 343.44(2)(ar)4. 343.30(1g)(c)&(d)	Low	\$7,500 - \$8,500	90 – 210 Days	6 months revocation
		Moderate	\$8,000 - \$9,000	210 – 300 Days	6 months revocation
		High	\$9,000 - \$10,000	300 – 360 Days	6 months revocation
		Knowingly ⁶	\$9,000 - \$10,000	Class H felony	6 months revocation
Aggravating & mitigating factors applicable to OAR					
Statutory aggravating factors that may be considered⁷ for OAR in 343.44(2)(b): <ul style="list-style-type: none"> ▪ Class of vehicle operated ▪ Number of prior convictions under this section within 5 years ▪ Reason for revocation, including for offense that may be counted under 343.307(2) ▪ Conviction for moving violations from this incident 	Other aggravating factors that may be considered under 343.44(2)(d):⁸ <ul style="list-style-type: none"> ▪ Prior OAR/OWS convictions ▪ Accident, aggravated driving ▪ Injury to person/property ▪ Alcohol, controlled substances present ▪ Attempt to elude officer ▪ Prior OWI/PAC convictions ▪ Record of unsafe driving 	Mitigating factors that may be considered under 343.44(2)(d): <ul style="list-style-type: none"> ▪ No prior OAR/OWS convictions ▪ Not OWI related ▪ No unsafe driving/ good prior record ▪ Cooperation with arresting officer ▪ Reinstated license before hearing ▪ History of payment of fines ▪ Remedial action since incident 			

** Bond book amounts added for 2016: OAR 1st offense \$50, 2nd offense \$100, 3rd offense \$150, 4th and subsequent offense \$200

Nature of the Offense & Statutory Range	Statute	Aggravated Nature of Offense	Monetary Penalty (+ Costs)	Jail	Drivers License Action ²
OWS first or repeated <ul style="list-style-type: none"> \$50 - \$200 Noncriminal forfeiture 0-6 month suspension Court may revoke for 4th or +³ 	343.44(1)(a) & 343.44(2)(ag)1. 343.30(1g)(a)	Low	\$50 - \$100	N/A	0 – 6 months suspension
		Moderate	\$100-\$200	N/A	0 – 6 months suspension
		High	\$200	N/A	6 months revocation
OWS causing great bodily harm <ul style="list-style-type: none"> \$5,000-\$7,500 Misdemeanor or Class I felony 	343.44(1)(a) & 343.44(2)(ag)2. 343.30(1g)(c)&(d)	Not knowingly	\$5,000-\$6,500	N/A	6 months revocation
		Knowingly ⁶	\$6,000-\$7,500	Class I felony	6 months revocation
OWS causing death <ul style="list-style-type: none"> \$7,500 - \$10,000 Misdemeanor or Class H felony 	343.44(1)(a) & 343.44(2)(ag)3. 343.30(1g)(c)&(d)	Not knowingly	\$7,500-\$9,000	N/A	6 months revocation
		Knowingly ⁶	\$8,500-\$10,000	Class H felony	6 months revocation
Aggravating & mitigating factors applicable to OWS					
Aggravating factors: <ul style="list-style-type: none"> Prior OAR/OWS convictions Accident, aggravated driving Injury to person/property Alcohol, controlled substances present Attempt to elude officer Prior OWI/PAC convictions Record of unsafe driving 			Mitigating factors: <ul style="list-style-type: none"> No prior OAR/OWS convictions Not OWI related No unsafe driving/prior record good Cooperation with arresting officer Reinstated license before hearing History of payment of fines Remedial action since incident 		

¹ From July 27, 2005 to July 1, 2009, there were two kinds of OAR: OAR 1st was noncriminal and subsequent offenses were criminal. From July 1, 2009 to February 29, 2012, there were primarily two kinds of OAR based on the reason for the underlying revocation: OAR was noncriminal if the revocation was not alcohol or drug related and criminal otherwise. From March 1, 2013 to November 30, 2018, there were four types of OAR based on the reason for the underlying conviction: OAR was noncriminal if the revocation was not alcohol or drug related and did not involve harm to another. OAR was criminal if it was alcohol or drug-related or if it involved or caused great bodily harm or death. See prior tables for violations occurring during these periods.

² Any revocation shall be for 6 months unless court states reasons for less on the record. 343.30(1g)(d).

³ If person has 3 or more prior OAR/OWS convictions within 5 years, court may revoke license for 6 months. 343.30(1g)(b).

⁴ 2017 Act 172 requires the Department of Transportation to permanently revoke the operating privileges of certain individuals. One class of individuals is repeat offenders with four or more OWI convictions, so long as the fourth offense occurs within 15 years of the previous conviction. The other class of individuals is repeat offenders who have two or more conviction of OWI within a 25-year period and two or more “qualifying convictions.” See 343.44(2)(ar)2m., 343.31(1m)(b).

⁵ Under 343.44(2p), the legislature indicated that a person is not eligible for electronic monitoring or good time if the revocation is a permanent revocation under s. 343.31(1m).

⁶ “If the person knows at the time of the violation that his or her operating privilege has been suspended” or revoked. 343.44(2)(ag)2. & 3.; 343.44(2)(ar)3. & 4.

⁷ Prior to 2017 Act 127 (effective December 10, 2017), the court was required to consider the OAR statutory aggravating factors listed under 343.44(2)(b)1.-5. The act replaced “shall” with “may.”

⁸ Guidelines must treat commercial drivers at least as stringently as other drivers. 343.44(2)(d).