

Russell Buhr

Municipal Judge



Charlene Meier

Clerk of Court

OWI/PAC Informational memorandum

You are receiving this memorandum because you are scheduled to appear before the Village of Lena Municipal Court on the charge of "Operating While Under the Influence of an Intoxicant" (OWI) and/or "Operating with a Prohibited Blood Alcohol Content" (PAC), or both. It is intended to provide you with information prior to your court (late that will help you decide how you are going to proceed.

This information is being made available to you by the Village of Lena 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 at your own expense. The law does not provide court-appointed attorneys for OWI first offender. If you wish, you may consult with the Village of Lena's Prosecutor, Elizabeth Kremer Flanigan for a Pretrial on Mondays between 10 a.m. and noon if possible. (Tel. #920.432.3381)

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 an OWI charge, PAC charge, or both charges. Even if you received two tickets, one for OWI and another for PAC, only one set of penalties is imposed.

1. Payment of a forfeiture and cost totaling \$937.50.
2. Six (6-9) month revocation of your driving privileges. (See below *)
3. Six (6) demerit points assessed against your driving record.
4. Must undergo "Alcohol Assessment Counseling" at the Human Services or Unified Services Department in the county of your residence. This is at your expense.
5. *If your PAC 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 PAC test, or if you have prior conviction for an OWI or PAC or refusal see the reverse side of this page.*
6. *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 will be sentenced to at least 5 days in 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 If you discover any outdated or incorrect information, please call it to the attention of this court.

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Installation of "Ignition Interlock Device" (IID Requirement

If (and only if) your PAC 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 PAC Test, or if you have a prior conviction for an OWI or PAC or refusal, the statutes require the court to order:

- > That your operating privilege be restricted to operating "Class I" vehicles that are equipped with an IID) (mopeds, motorcycles and commercial vehicles are exempt).
- > 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), and
- > The payment of a \$50.00 IID) surcharge.

The IID order will last for one year beginning on the date that the 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 unexempted vehicle titled or registered in your name has had an IID) installed. The DOT will also block any attempt on your part to transfer title of a vehicle with your name on it, unless exempted by the court.

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 \$1000.00 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 PAC 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 installations service centers.

<u>APPROVED DEVICE MANUFACTURER</u>	<u>TELEPHONE</u>	<u>WEBSITE</u>
Consumer Safety Technology, Inc.	877- 777- 5020	www.intoxalock.com
Draeger Safety Diagnostics, Inc.	800-597-5054	www.draeger.com
Lifesafer Interlock	800- 584- 1226	WWW.lifesafer.com
Smart Start, Inc.	800-880-3394	www.smartstartinc.com

A video of the IID) can be viewed at <http://www.lifesafer.com/trainingVideo.html> For more information, go to <http://www.dotwisconsin.gov> and search for "ignition interlock".

Hearing to exempt vehicles and/or Reduce Installation Costs

You have the right to a hearing to exempt some vehicles from the IID) installation and/or seek a reduction in installation costs. A hearing will be scheduled upon your request, after it is determined that you are required to have the IID) installation (s).

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. The application for a hearing accompanies this Memorandum. You may mail or drop it off at the Lena Village hall's clerk's office (117 Main Street, Lena, WI. 54139) or bring it with you on the court date shown on your OWI citation.