



## JEFF STONE

STATE REPRESENTATIVE  
82ND DISTRICT

### STATEMENT ON 0.08

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In response to multiple statewide news stories regarding Wisconsin's noncompliance with the federal requirement to adopt a 0.08 BAC legal standard for drunken driving, I'd like to provide some clarification.

First, it has been inaccurately reported that Wisconsin has "lost \$15 million in federal highway funds" because it has not yet lowered its legal standard for first-offense drunken driving from 0.10 BAC to 0.08 BAC. In fact, Wisconsin has not yet lost any federal highway aid. The federal law requires all states to lower their legal drunk driving limit to 0.08 BAC by September 30, 2003. Any state that fails to meet that requirement will begin to realize the loss of federal highway aid in fiscal year 2004. States enacting 0.08 laws since fiscal year 1998 are eligible for incentive funds. Wisconsin, with a 0.10 BAC standard, lost only the *eligibility* to apply for incentive funds.

Second, a penalty in federal highway funds that—should Wisconsin chose not to adopt a 0.08 BAC standard—would be implemented in fiscal year 2004, has no effect on our current \$1.1 billion budget deficit. The state's transportation budget is segregated from the rest of the state budget. Therefore, the amount of federal transportation aid Wisconsin receives will not impact the state's budget deficit, only the transportation fund. To infer that a *potential*, future loss of federal highway funds will impact the current budget deficit is alarmist.

Third, Wisconsin just last session adopted new, comprehensive drunken driving laws aimed at lowering incidences of operating while intoxicated, with tougher penalties for the most hard-core offenders—repeat drunken drivers and drunken drivers with elevated BACs. This approach of addressing the most dangerous aspect of the problem was recognized by the National Commission Against Drunk Driving as an important legislation innovation which may well prove to be more effective than lowering the standard to 0.08 for first offenses. These changes are clearly more effective than simply lowering the standard to 0.08 for all offenses, as recently suggested in a Milwaukee Journal Sentinel article. Currently, our law requires absolute sobriety for any individual who has been convicted of three prior drunken driving offenses. Allowing repeat offenders to drive "impaired to some degree at 0.08" would be far more irresponsible than failing to adopt any type of 0.08 standard.

Although Wisconsin has until September 30, 2003 to enact a 0.08 BAC standard for first-offense drunken driving before we risk losing federal highway funds, we have until 2007 to enact a 0.08 standard before we risk *permanently* losing federal highway funds. If we adopt a 0.08 standard within four years of federal withholding, we recoup those lost dollars.

Historically, Wisconsin hasn't gotten back from the federal government as much money as it contributes, and I'm certain my colleagues in the Wisconsin Legislature are as committed as I am to capturing and maintaining every dollar of federal funding we can. However, I've seen little that leads me to believe that 0.08 alone will make highways safer. Mindlessly pushing ahead to change to 0.08 only because of a federal mandate that is not yet in effect could eliminate our chance to learn some important information about reducing drunk driving. The legislature has ample time to give this debate its full consideration and comply with the federal mandate or encourage congressional action that will reward states that have improved their results in fighting drunk driving.

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