

Good drunk driving punishments in wisconsin research paper example

[Transportation](#), [Road](#)



Introduction

It is illegal for drivers to drink and drive and this rule is eminent in most countries and states across the globe. This paper review seeks to analysis drunk driving punishment in Wisconsin and this is then compared to other state laws and punishment permissible under this statutory law. This statutory provision has been in existence in Wisconsin since 1911 with a clear focus on two main requirement which are speed limits for driving and the age permissible to drive; included in this law is the provision that, no intoxicated person shall operate, ride or drive any automobile along public roads and highways" (O'Grady & Archibald, 2011, p. 23). This provision has been on a number of occasions be amended with different legislatures in succession over decades. The changes made to this provision has substantially increased the level of restrictions, fines and penalties imposed on individuals who violate the rules. Chapter 534, Laws of 1949 for instance has established a provision for chemical testing of drivers caught driving under influence of alcohol or other intoxicants within a time frame of two hours after arrest. The rates have been predetermined by experts above which the drivers is declared to have violated the statutory provision. For instance, a result indicating alcohol levels of more than 0.15% of blood alcohol concentration is considered to be intoxicated and hence not allowed to drive hence the chemical test for intoxication (O'Grady & Archibald, 2011).

According to chapter 20, Laws of 1981 declared that drivers with a 0.10% BAC were brought to book for driving under the influence of alcohol and hence was out rightly illegal. In 1985, Wisconsin Act 337 amended the

<https://assignbuster.com/good-drunk-driving-punishments-in-wisconsin-research-paper-example/>

minimum drinking age permissible by law from 18 to 21 and also made a series of amendments to the drunk driving laws of 1981. For instance there was increased sanctions, extended license suspension time frame and harsh penalties for law breakers. These changes continued over the decades as the law continued being strict on offenders in as far as drunk driving law in concerned.

1987 Wisconsin Act 3 repealed or revised some of the drunk driving provisions enacted as part of 1985 Act 337. It repealed the aggravated drunk driving penalties, changed the revocation provision for first-time offenders back to a suspension, and made community service optional rather than mandatory.

1989 Wisconsin Act 105 for instance demonstrated more stiff penalties for commercial drivers in response to federal legislation. This was fostered in consideration to the increased incidences of accidents on the roads and bearing the fact that commercial drivers have lives of all commuters on board in their hands hence the increased penalties for on this offense.

Comparisons

It is evident that every state has their own governing rules related to drinking and driving but this differ in the way they are executed depending on the legislative structure and provisions in the respective regions. Some refer to these laws as driving under the influence abbreviated as (DUI), or operating under the influence (OUI) or driving while intoxicated abbreviated as (DWI). All these provisions by traffic laws Act refer to one and the same thing and serve the purpose of creating sanity in the transportation sector.

The punishments and penalties attracted by these offenses are severe and dire; meant to discourage drivers from breaking the set laws and jurisdictions and hence substantially reduce cases of road accidents on the roads.

In United States, New York City was the first state to adopt the statutory law on drunk driving followed by California that passed the law under DUI. Drunk driving charges and penalties was clearly set forth by the lawmakers and courts in New York with the aim of enhancing safer roads in the state and reducing accidents arising from reckless driving and driving under the influence of intoxicants. The earlier laws set by legislatures in New York in relation with drunk-driving laws simply provided that, it was illegal for a driver to operate any automobile while intoxicated however the finer details of this law were not defined by the legislatures and lawmakers. This was not the case with Wisconsin as the state had a well defined drunk driving law and other legal requirements in the transportation sector. With information obtained from the American Medical Association, law makers in Wisconsin went a step further to point out most common problems that lead to road accidents. This resulted in the establishment of chemical tests used to determine level of intoxication. The permissible levels of alcohol concentrations among drivers was set and clearly outlined in the statutory Act. This was a clear demonstration of how extensive and detailed Wisconsin's drunk driving laws when compared to New York's and California.

Arguments against creating harsher punishments for drunk driving

In creating harsher punishment for drunk driving, as was the case with Wisconsin's drunk driving laws, it does not necessarily work to reduce road accidents as expected. This owes to the fact that it is important to address the root causes of accidents other than focusing only on stiffening the rules and regulations on road use. It is important for drivers to be taught the importance of being sober and in full control of their operations at all times while driving. Creating awareness and ensuring drivers have a clear knowledge of traffic rules and regulations works best to reduce accidents. Stiffening the drunk driving laws and increasing penalties only makes the road users evade the rules but go back to the same habit when a chance arises. These amendments have only worked to complicate the transportation laws and create havoc between drivers and the law enforcers (Chen, & Sloan, 2014).

Creating harsher punishment makes drivers and other road users' lives miserable for them as they struggle to abide by the provisions and live a life of denial. Such individuals have the potential to cause accidents to a higher percentage not because they are drunk but because they are struggling to please the legislatures at the expense of their comfort and pleasure. The rules need to be relaxed and more training and awareness done on the drivers to ensure that they are conversant with what is expected of them by the state and by governing bodies and police department (Chen, & Sloan, 2014).

Creating harsher punishments

It is important to create well defined statutory laws governing the operations of drivers and other road users. In creating harsher punishments for traffic law defaulters, essentially works to discourage drivers from driving under influence of intoxicants for the obvious reasons of reducing road carnage arising from poor judgment and reckless driving. Harsh punishment makes the law perpetrators to work hard and ensure that they are not found on the wrong side of the law. For instance, a sentence of up to six years or a fine of \$10, 000. Such harsh punishment makes drivers strictly abide by the law to evade from the penalties and in the process remain sober every time they are on road. Wisconsin Act 111 created even more severe penalties beyond the earlier conviction (Minford, 2000).

Creating harsher punishments for drunk and driving drivers reduces road accidents and makes them more vigilant while on road. When a driver is caught breaking the drunk and driving law, it is evident that the level of hustling they are subjected to compel them never to repeat the same and work their best to abide by all the requirements as expected of them by law. The harsher the laws set forth by the legislatures and law-makers the lower the incidence of accidents arising from the identified law; in this case the drunk and driving law (Minford, 2000).

According to Michael Thomas (2004) a driver is considered to be “ under the influence” of intoxicant when their ability to make accurate judgment is impaired and hence affecting their ability to run an automobile or motor vehicle. When under the influence, the driver lacks ability to safely control the vehicle as they are controlled by the substance abused or alcohol

consumption beyond required levels. This calls for well defined rules to address such cases of reckless driving and unwarranted accidents. Penalties such as license revocation for offenders work to reduce number of unreasonable drivers from the whole equation and hence work to create sanity in the transport industry.

References

- Chen, Y., & Sloan, F. (2014). Subjective Beliefs, Deterrence, and the Propensity to Drive While Intoxicated. Cambridge, Mass: National Bureau of Economic Research.
- Hansen, B. (2010). Punishment and deterrence: Evidence from drunk driving. New York: Cambridge University press.
- Michael, T. (2014). Drunk driving law. Wisconsin Act 100 strengthens Wisconsin's drunk driving laws. New York: Free Press.
- Minford, J. (2000). Classical Chinese literature. New York: Columbia University Press ;.
- O'Grady, W., & Archibald, J. (2011). Contemporary Transport Laws Analysis. Toronto: Pearson.