



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3848/1
MES&PJH:jld:jf

2005 ASSEMBLY BILL 1109

March 9, 2006 – Introduced by Representatives ZEPNICK, KREUSER, GUNDERSON, JESKEWITZ and SHERIDAN, cosponsored by Senators CARPENTER, A. LASEE and ROESSLER. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to create** 66.0629 of the statutes; **relating to:** authorizing a political
2 subdivision to assess fees for emergency services costs on certain intoxicated
3 individuals.

Analysis by the Legislative Reference Bureau

This bill authorizes any city, village, town, or county (political subdivision) to assess fees against an intoxicated individual who causes an incident that requires the provision of emergency services. The fees authorized in the bill may be assessed for emergency services costs incurred by the political subdivision in responding to the incident. “Emergency services” is defined to include police, fire, ambulance, and paramedic services. An “intoxicated individual,” under the bill, is defined as someone who, in connection with an incident that requires the provision of emergency services, is convicted of operating a motor vehicle, including an all-terrain vehicle, a boat, or a snowmobile, while intoxicated.

The maximum fee for which an intoxicated individual may be held liable, per incident, is \$1,000. If more than one political subdivision assesses a fee on the same individual for the same incident and if the total of the fees so assessed exceeds \$1,000, each political subdivision may collect from the individual a prorated fee based on the total fees assessed by all political subdivisions and the fees assessed by each political subdivision.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.0629 of the statutes is created to read:

2 **66.0629 Emergency services fees. (1) DEFINITIONS.** In this section:

3 (a) “Emergency service costs” means costs for personnel or equipment that are
4 incurred by a political subdivision to provide emergency services to any of the
5 following:

6 1. An intoxicated individual whose intoxication causes an incident that
7 requires the provision of such services.

8 2. Any other individual who sustains injuries or other damages in an incident
9 that is caused by an intoxicated individual whose intoxication causes the incident
10 that requires the provision of such services.

11 3. Any real or personal property that sustains damage in an incident that is
12 caused by an intoxicated individual whose intoxication causes the incident that
13 requires the provision of such services.

14 (b) “Emergency services” means services provided by a political subdivision’s
15 law enforcement agency, fire department, ambulance service, paramedic service,
16 first responder service, or other rescue service.

17 (c) “Intoxicated individual” means an individual who, in connection with an
18 incident that requires the provision of emergency services to any individual or
19 property, commits an offense that is counted under s. 343.307, or violates s. 23.33
20 (4c), 360.681, or 350.101 or a local ordinance in conformity therewith, or, if the

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1 operation of an all-terrain vehicle, boat, or snowmobile is involved, violates s. 940.09
2 or 940.25.

3 (d) "Political subdivision" means any city, village, town, or county.

4 **(2) POLITICAL SUBDIVISION MAY ASSESS FEES.** (a) A political subdivision may
5 assess a fee for emergency service costs against an intoxicated individual.

6 (b) With regard to an amount that is assessed against an intoxicated individual
7 under par. (a), the maximum fee for which the intoxicated individual may be held
8 liable, per incident, is \$1,000.

9 (c) If more than one political subdivision assesses a fee on the same intoxicated
10 individual for the same incident and if the total amount of the fees assessed exceeds
11 \$1,000, each political subdivision may collect from the intoxicated individual a
12 prorated fee that is calculated under par. (d).

13 (d) Each political subdivision shall determine the fee that it is allowed to collect
14 under par. (c) by multiplying \$1,000 by a fraction, the denominator of which is the
15 total of all emergency service costs that are assessed by all political subdivisions for
16 the incident in question, and the numerator of which is the emergency service costs
17 that are assessed by that particular political subdivision.

18 **SECTION 2. Initial applicability.**

19 (1) This act first applies to an incident caused by an intoxicated individual that
20 takes place on the effective date of this subsection.

21 (END)