

1983 Assembly Bill 260

Date of enactment: November 3, 1983
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1983 Wisconsin Act 74

AN ACT to repeal 48.344 (4) and 125.07 (1) (c), (3) (b) 2 and (5); to renumber and amend 48.344 (2), 125.07 (3) (b) 1 and 125.08 (3) (a) and (c); to amend 125.07 (title) and (1) (title), (a) and (b) (title), 125.07 (3) (a) (intro.), 1, 2, 7 and 8, 125.07 (6) and (7), 125.08 (1) (e), 125.08 (2) (a) and (3) (title), 125.08 (3) (b), 125.10 (2) (title), 125.32 (2), 125.53 (1), 125.68 (2), 343.16 (1) (a) 1, 343.23 (3), 343.30 (6) (c) to (e), 343.305 (6) (a), 345.20 (1) (a), 346.93, 778.25 (title) and (2) (e) and 885.235 (4); to repeal and recreate 48.344 (3), 125.04 (5) (a) 3, 125.07 (4), 125.09 (2) (d) and 343.30 (6) (b); and to create 48.344 (2) (a) to (c), 85.07 (5), 125.02 (8m) and (20m), 125.08 (3) (a) (title), 125.08 (3) (b) 2 and 3, 343.30 (1p), 345.20 (2) (e), 346.63 (2m) and 885.235 (1m) of the statutes, relating to official identification cards, changing the legal drinking age, operating a motor vehicle with a certain level of blood alcohol concentration, the confidentiality of certain records and providing penalties.

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

SECTION 1. 48.344 (2) of the statutes is renumbered 48.344 (2) (intro.) and amended to read:

48.344 (2) (intro.) If a court finds a child committed a violation it shall ~~impose a forfeiture of not more than \$25. A court shall also suspend the operating privilege of a child found to have committed a violation as provided by s. 343.30 (6).~~ order one or any combination of the following penalties:

SECTION 2. 48.344 (2) (a) to (c) of the statutes are created to read:

48.344 (2) (a) For a first violation, a forfeiture of not more than \$50, suspension of the child's operating privilege as provided under s. 343.30 (6) (b) 1 or the child's participation in a supervised work program under s. 48.34 (9).

(b) For a violation committed within 12 months of a previous violation, a forfeiture of not more than \$100, suspension of the child's operating privilege as provided under s. 343.30 (6) (b) 2 or the child's participation in a supervised work program under s. 48.34 (9).

(c) For a violation committed within 12 months of 2 or more previous violations, a forfeiture of not more than \$150, revocation of the child's operating privilege as provided under s. 343.30 (6) (b) 3 or the child's participation in a supervised work program under s. 48.34 (9).

SECTION 3. 48.344 (3) of the statutes is repealed and recreated to read:

48.344 (3) If the child alleged to have committed the violation is within 3 months of his or her 18th birthday, the court assigned to exercise jurisdiction under this chapter may, at the request of the district attorney or on its own motion, dismiss the citation without prejudice and refer the matter to the district attorney for prosecution under s. 125.07 (4). The child is entitled to a hearing only on the issue of his or her age.

SECTION 4. 48.344 (4) of the statutes is repealed.

SECTION 4m. 85.07 (5) of the statutes is created to read:

85.07 (5) ACCIDENT REPORT REQUIRED. The department shall submit to the legislature, by January 1, 1989, a report on the number of traffic accidents in this state involving drivers 18 to 19 years of age, comparing the statistics for the period between July 1, 1980, and June 30, 1984, with the statistics for the period between July 1, 1984, and June 30, 1988. The department shall attempt to ascertain, using standard analytic techniques, the impact of the change in the legal drinking age, as defined under s. 125.02 (8m), the impact of the enactment of s. 346.63 (2m) on the accident rates for 18-year-old and 19-year-old drivers and the impact of the 21-year age distinction for border-state residents on enforcement procedures and accident rates during the time periods covered by the report, and the impact of similar policies on the accident rates in other states, and shall include this information in the report. This section does not apply after January 1, 1989.

SECTION 5. 125.02 (8m) and (20m) of the statutes are created to read:

125.02 (8m) "Legal drinking age" means 19 years of age.

(20m) "Underage person" means a person who has not attained the legal drinking age.

SECTION 6. 125.04 (5) (a) 3 of the statutes is repealed and recreated to read:

125.04 (5) (a) 3. Have attained the legal drinking age.

SECTION 7. 125.07 (title) and (1) (title), (a) and (b) (title) of the statutes are amended to read:

125.07 (title) Underage and intoxicated persons; presence on licensed premises; possession; penalties. (1) (title) SALES OF ALCOHOL BEVERAGES TO UNDERAGE PERSONS. (a) *Restrictions.* 1. No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person under the age of 18 years not accompanied by his or her parent, guardian or ~~adult spouse who has attained the legal drinking age~~, or procure for, sell, dispense or give away any intoxicating liquor to any underage person under the age of 18 years.

2. No licensee or permittee may sell, vend, deal or traffic in fermented malt beverages to or with any underage person under the age of 18 years not accompanied by his or her parent, guardian or ~~adult spouse who has attained the legal drinking age~~, or sell, vend, deal or traffic in intoxicating liquor to or with any underage person under the age of 18 years.

(b) (title) *Penalties and license suspension for sale to underage person.*

SECTION 8. 125.07 (1) (c), (3) (b) 2 and (5) of the statutes are repealed.

SECTION 9. 125.07 (3) (a) (intro.), 1, 2, 7 and 8 of the statutes are amended to read:

125.07 (3) (a) *Restrictions.* (intro.) ~~No An underage person under the age of 18 years, not accompanied by his or her parent, guardian or adult spouse, who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employe. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:~~

1. ~~A An underage person under the age of 18 years~~ who is a resident, employe, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.

2. ~~A An underage person under the age of 18 years~~ who enters or is on a "Class A" retail intoxicating liquor premises for the purpose of purchasing edibles or beverages other than alcohol beverages. ~~Any An underage person under the age of 18 years~~ so entering the premises may not remain on the premises after the purchase.

7. ~~A~~ An underage person under the age of 18 years who enters or remains on a Class "B" or "Class B" premises for the purpose of transacting business at an auction or market as defined in s. 125.32 (4) (b) 1, if the person does not enter or remain in a room where alcohol beverages are sold or furnished.

8. ~~A~~ An underage person under the age of 18 years who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, for the purpose of engaging in marching or drilling with a group of other persons if no alcohol beverages are furnished or consumed by any person in the room where the ~~minor~~ underage person is present and the ~~minor's~~ presence of underage persons is authorized under this subdivision. ~~A minor~~ An underage person may enter and remain on Class "B" or "Class B" premises under this subdivision only if the municipality which issued the Class "B" or "Class B" license adopts an ordinance permitting ~~minors~~ underage persons to enter and remain on the premises as provided in this subdivision and the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" or "Class B" licensee a written authorization permitting ~~minors~~ underage persons to be present under this subdivision on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of ~~minors~~ underage persons on the licensed premises will not endanger ~~the~~ their health, welfare or safety ~~of the minors or that of other members of the community.~~ The licensee shall obtain a separate authorization for each date on which ~~minors~~ underage persons will be present on the premises.

SECTION 10. 125.07 (3) (b) 1 of the statutes is renumbered 125.07 (3) (b) and amended to read:

125.07 (3) (b) *Penalties.* A licensee or permittee who directly or indirectly permits a ~~an underage person under the age of 18 years~~ to enter or be on a licensed premises in violation of par. (a) is subject to a forfeiture of not more than \$500.

SECTION 11. 125.07 (4) of the statutes is repealed and recreated to read:

125.07 (4) UNDERAGE PERSONS; PROHIBITIONS; PENALTIES. (a) Any underage person who does any of the following is guilty of a violation:

1. Procures or attempts to procure alcohol beverages.
2. Knowingly possesses or consumes intoxicating liquor.
3. Enters or is on licensed premises in violation of sub. (3) (a).
4. Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

(b) Any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt beverages is guilty of a violation.

(c) Any person violating par. (a) or (b) is subject to the following penalties:

1. For a first violation, a forfeiture of not more than \$50, suspension of the person's operating privilege as provided under s. 343.30 (6) (b) 1, participation in a supervised work program under par. (cg) or any combination of these penalties.

2. For a violation committed within 12 months of a previous violation, either a forfeiture of not more than \$100, suspension of the person's operating privilege as provided under s. 343.30 (6) (b) 2, participation in a supervised work program under par. (cg) or any combination of these penalties.

3. For a violation committed within 12 months of 2 or more previous violations, either a forfeiture of not more than \$150, revocation of the person's operating privilege under s. 343.30 (6) (b) 3, participation in a supervised work program under par. (cg) or any combination of these penalties.

(cg) 1. If the court orders a person to participate in a supervised work program under par. (c), the court shall set standards for the program within the budgetary limits established by the county board. The program may provide the person with reasonable compensation reflecting the market value of the work performed, or it may consist of uncompensated community service work, and shall be administered by the county department of public welfare or a community agency approved by the court.

2. The supervised work program shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from an agency staff member or other qualified person. The program may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

(cm) When a court revokes or suspends a person's operating privilege under par. (c), the department of transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.

(d) A person who is under 18 years of age on the date of disposition is subject to s. 48.344 unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under s. 48.344 (3).

(e) Paragraphs (a) and (b) do not prohibit an underage person employed by a licensee or permittee from possessing fermented malt beverages during the brewing process or for sale or delivery to customers.

(f) Paragraphs (a) and (b) do not prohibit an underage person employed by a brewery, a winery or a facility for the rectifying or manufacture of intoxicating liquor or the production of fuel alcohol from possessing alcohol beverages during regular working hours and in the course of employment.

SECTION 12. 125.07 (6) and (7) of the statutes are amended to read:

125.07 (6) DEFENSE OF SELLERS. Proof of the following facts by a seller of alcohol beverages to a ~~an underage person under the age of 18 years~~ is a defense to any prosecution for a violation of this section:

(a) That the purchaser falsely represented in writing and supported with other documentary proof that he or she ~~was 18 years of age or over~~ had attained the legal drinking age.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser to be 18 years of age or over had attained the legal drinking age.

(c) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser ~~was 18 years of age or over~~ had attained the legal drinking age.

(7) BOOK KEPT BY LICENSEES AND PERMITTEES. Every retail alcohol beverage licensee or permittee shall cause a book to be kept for the purposes of this subsection. The licensee or permittee or his or her employe shall require any person who has shown documentary proof ~~which substantiates that the person is 18 years of age or over~~ that he or she has attained the legal drinking age to sign the book if the person's age is in question. The book shall show the date of the purchase of the alcohol beverages, the identification used in making the purchase, the address of the purchaser and the purchaser's signature.

SECTION 12m. 125.08 (1) (e) of the statutes is amended to read:

125.08 (1) (e) *Use.* No issuing officer may issue any identification card except in accordance with this section. No card other than the identification card authorized under this section may be recognized as an official identification card in this state, except a license or an identification card issued under s. 343.50 by the department of transportation under ch. 343 that contains a photograph of the holder. In place of an official identification card, documentary proof under s. 125.07 (7) may be substituted.

SECTION 13. 125.08 (2) (a) and (3) (title) of the statutes are amended to read:

125.08 (2) (a) *Eligibility.* Any person ~~at least 18 years of~~ who has attained the legal drinking age may apply to the issuing officer of the county in which he or she resides for issuance of an identification card under this section. Temporary residents of this state or residents temporarily residing in another county, may apply in their county of temporary residence. Each applicant shall submit with the application a birth or baptismal certificate or an official government passport attesting to the applicant's age, and other documents required by the issuing officer. For foreign born applicants, the issuing officer may, in lieu of a birth or baptismal certificate or passport, accept an alien registration receipt card, certificate of naturalization or certificate of citizenship as evidence of age. If the issuing officer is satisfied in circumstances where the applicant appears to be over the age of 60 that good reason exists for the inability of the applicant to submit a birth or baptismal certificate, the officer may accept other sufficient evidence of age.

(3) (title) VIOLATIONS; PENALTIES.

SECTION 14. 125.08 (3) (a) (title) of the statutes is created to read:

125.08 (3) (a) (title) *Persons who have attained the legal drinking age.*

SECTION 15. 125.08 (3) (a) and (c) of the statutes are renumbered 125.08 (3) (a) 1 and 2 and amended to read:

125.08 (3) (a) 1. Any person who has attained the legal drinking age, other than one authorized by this section, who makes, alters or duplicates an official identification card may be fined not less than \$50 nor more than \$500 or imprisoned not less than 10 days nor more than 30 days or both.

2. Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than \$50 nor more than \$100 or imprisoned not more than 10 days or both.

SECTION 16. 125.08 (3) (b) of the statutes is amended to read:

125.08 (3) (b) (title) *Underage persons.* Any underage person under the age of 18 years who intentionally does any of the following is subject to the penalties specified under s. 125.07 (4) (c) or (d):

1. Intentionally carries an official identification card not legally issued to him or her, a ~~legally issued an official identification~~ card obtained under false pretenses or a ~~legally issued an official identification~~ card which has been altered or duplicated to convey false information ~~may be fined not less than \$25 nor more than \$50.~~ A law enforcement officer shall confiscate any card that violates this ~~paragraph~~ subdivision.

SECTION 17. 125.08 (3) (b) 2 and 3 of the statutes are created to read:

125.08 (3) (b) 2. Makes, alters or duplicates an official identification card.

3. Presents false information to an issuing officer in applying for an official identification card.

SECTION 18. 125.09 (2) (d) of the statutes is repealed and recreated to read:

125.09 (2) (d) A person who violates this subsection is subject to a forfeiture of not more than \$200, except that ss. 48.344 and 125.07 (4) (c) and (d) provide the penalties applicable to underage persons.

SECTION 19. 125.10 (2) (title) of the statutes is amended to read:

125.10 (2) (title) REGULATION OF UNDERAGE PERSONS.

SECTION 20. 125.32 (2) of the statutes is amended to read:

125.32 (2) OPERATORS' LICENSES; CLASS "A" OR CLASS "B" PREMISES. No premises operated under a Class "A" or Class "B" license or permit may be open for business unless there is upon the premises the licensee, the agent named in the license if the licensee is a corporation, the agent named in a Class "B" permit or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. For the purpose of this subsection, any person holding a manager's license under s. 125.18 or any member of the licensee's immediate family ~~18 years of age or older~~ who has attained the legal drinking age shall be considered the holder of an operator's license. No person, including underage members of the licensee's immediate family ~~under the age of 18 years~~, other than the licensee or agent may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless he or she has an operator's license or is under the immediate supervision of the licensee or agent or a person holding an operator's license, who is on the premises at the time of the service.

SECTION 21. 125.53 (1) of the statutes is amended to read:

125.53 (1) The department shall issue only to a manufacturing winery in this state a winery permit authorizing the manufacture and bottling of wine on the premises covered by the permit for sale at wholesale to other licensees or permittees. A permittee under this section may offer ~~on the premises~~ persons who have attained the legal drinking age taste samples of wine manufactured on the premises to ~~adults on the premises~~. If a "Class A" liquor license has also been issued to the winery, taste samples may be offered only in areas or rooms not included as part of the "Class A" premises, but taste samples may be offered in an area or room adjoining or connected with the "Class A" premises. No taste samples may be offered if a "Class A" license has been issued for the entire premises.

SECTION 22. 125.68 (2) of the statutes is amended to read:

125.68 (2) OPERATORS' LICENSES; "CLASS A" OR "CLASS B" PREMISES. No premises operated under a "Class A" or "Class B" license or permit may be open for business unless there is upon the premises either the licensee, the agent named in the license if the licensee is a corporation, the agent named in a "Class B" permit or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any intoxicating liquor to customers. For the purpose of this subsection, any person holding a manager's license issued under s. 125.18 or any member of the licensee's immediate family ~~18 years of age or older~~ who has attained the legal drinking age shall be considered the holder of an operator's license. No person, including a an underage member of the licensee's immediate family ~~under the age of 18 years~~, other than the licensee or agent may serve or sell alcohol beverages in any place operated under a "Class A" or "Class B" license or permit unless he or she has an operator's license or is under the immediate supervision of the licensee or agent or a person holding an operator's license, who is on the premises at the time of the service.

SECTION 22m. 343.16 (1) (a) 1 of the statutes is amended to read:

343.16 (1) (a) 1. The examination for persons making their first application for an operator's license shall include a test of the applicant's eyesight, ability to read and understand highway signs regulating, warning and directing traffic, knowledge of the traffic laws, including s. 346.26, understanding of fuel-efficient driving habits and the relative costs and availability of other modes of transportation, and an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The test of knowledge of the traffic laws shall include at least 10 questions on the provisions of ss. 343.30 (1q), 343.303 to 343.31 and 346.63 to 346.655, relating to the operation of a motor vehicle and the consumption of alcohol beverages. The test of knowledge may

also include questions on the social, medical and economic effects of alcohol and other drug abuse. The department may require persons changing their residence to this state from another jurisdiction, persons applying for a reinstated license after termination of a revocation period and any person who has received more than 6 demerit points under s. 343.32 (2) at any time since the last renewal unless during the preceding year the person has participated in the driver improvement program under s. 343.32 (2), to take all or parts of the examination required of persons making their first application for a driver's license. Any applicant who is required to give an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle shall furnish a vehicle in safe operating condition for use in testing ability.

SECTION 23. 343.23 (3) of the statutes is amended to read:

343.23 (3) The department shall maintain a file, for each person convicted of a violation as defined by s. 343.30 (6) (a), containing a record of reports of convictions of violations as defined by s. 343.30 (6) (a) and suspensions and revocations under s. 343.30 (6). The department may purge the record of any such conviction ~~12~~ 24 months after it is reported.

SECTION 23m. 343.30 (1p) of the statutes is created to read:

343.30 (1p) Notwithstanding sub. (1), a court shall suspend the operating privilege of a person for 3 months upon the person's conviction by the court for violation of s. 346.63 (2m).

SECTION 24. 343.30 (6) (b) of the statutes is repealed and recreated to read:

343.30 (6) (b) If a court imposes suspension or revocation of a person's operating privilege under s. 48.344 or 125.07 (4) (c), the suspension or revocation imposed shall be one of the following:

1. For a first violation, suspension for 30 to 90 days.
2. For a violation committed within 12 months of a previous violation, suspension for one year.
3. For a violation committed within 12 months of 2 or more previous violations, revocation for 2 years.

SECTION 26. 343.30 (6) (c) to (e) of the statutes are amended to read:

343.30 (6) (c) Except as provided by par. (d), the suspension or revocation of the operating privilege under this subsection shall commence on the date of disposition.

(d) If the person subject to suspension or revocation under this subsection does not hold a valid license under this chapter other than a license under s. 343.07 or 343.08 on the date of disposition, the suspension or revocation under par. (b) shall commence on the date that such a license would otherwise be reinstated or issued after the person applies and qualifies for issuance or ~~on the date the person attains the age of 19~~ 2 years from the date of disposition, whichever occurs first.

(e) If a court suspends or revokes an operating privilege or license under this subsection, it shall immediately take possession of ~~any~~ the license ~~suspended~~ and forward it to the department, together with notice of the suspension or revocation.

SECTION 26g. 343.305 (6) (a) of the statutes is amended to read:

343.305 (6) (a) Blood may be withdrawn from the person arrested for violation of s. 30.68 (1), 346.63 (1) ~~or~~ (2) or (2m), 350.10 (3) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or a local ordinance in conformity with s. 346.63 (1) or 350.10 (3) to determine the presence or quantity of alcohol or controlled substance or a combination of alcohol and a controlled substance in the blood only by a physician, registered nurse, medical technologist, physician's assistant or person acting under the direction of a physician.

SECTION 26m. 345.20 (1) (a) of the statutes is amended to read:

345.20 (1) (a) "Traffic regulation" means s. 346.63 (2m), a provision of chs. 194 or 341 to 349 for which the penalty for violation is a forfeiture, or an ordinance enacted in accordance with s. 349.06. Except as otherwise specifically provided, "traffic regulation" does not include a nonmoving traffic violation as defined in s. 345.28 (1).

SECTION 26r. 345.20 (2) (e) of the statutes is created to read:

345.20 (2) (e) Sections 345.20 to 345.53 apply to violations of s. 346.63 (2m), except that no money deposit may be required of the alleged violator.

SECTION 26x. 346.63 (2m) of the statutes is created to read:

346.63 (2m) If a person has not attained the legal drinking age, as defined in s. 125.02 (8m), the person may not drive or operate a motor vehicle while he or she has a blood alcohol concentration of more than 0.0% but not more than 0.1% by weight of alcohol in the person's blood or more than 0.0 grams but not more than 0.1 grams of alcohol in 210 liters of that person's breath. The only penalty for violation of this subsection is suspension of license under s. 343.30 (1p). Notwithstanding s. 343.10 (1), for the first offense under this subsection, the person is eligible for an occupational license under s. 343.10 (1) at any time.

SECTION 28. 346.93 of the statutes is amended to read:

346.93 (title) Intoxicants in vehicle. ~~No underage person under the age of 18 years, unless he is a parent, guardian or spouse of the minor, as defined under s. 125.02 (20m), may knowingly possess, transport or have under his or her control any intoxicating liquor in any motor vehicle, or knowingly possess, transport or have under his control any malt alcohol beverage in any motor vehicle while any person under 18 years of age is a passenger or present in such motor vehicle unless such the person is employed by a liquor licensee, wholesaler, retailer, distributor, manufacturer or rectifier and is possessing, transporting or having such beverage in a motor vehicle under his or her control during the regular working hours and in the course of his employment.~~

SECTION 30. 778.25 (title) and (2) (e) of the statutes are amended to read:

778.25 (title) Citation procedure; violation of laws regulating sale of alcohol beverages to underage persons.

(2) (e) The maximum forfeiture and penalty assessment for which the defendant might be found liable and other penalties which may be imposed including suspension or revocation under s. 343.30 (6).

SECTION 30g. 885.235 (1m) of the statutes is created to read:

885.235 (1m) In any action under s. 346.63 (2m), evidence of the amount of alcohol in the person's blood at the time in question, as shown by chemical analysis of a sample of the person's blood or urine or evidence of the amount of alcohol in the person's breath, is admissible on the issue of whether he or she had a blood alcohol concentration in the range specified in s. 346.63 (2m) if the sample was taken within 3 hours after the event to be proved. The fact that the analysis shows that there was more than 0.0% but not more than 0.1% by weight of alcohol in the person's blood or more than 0.0 grams but not more than 0.1 grams of alcohol in 210 liters of the person's breath is prima facie evidence that the person had a blood alcohol concentration in the range specified in s. 346.63 (2m).

SECTION 30r. 885.235 (4) of the statutes is amended to read:

885.235 (4) The provisions of this section relating to the admissibility of chemical tests for intoxication or blood alcohol concentration shall not be construed as limiting the introduction of any other competent evidence bearing on the question of whether or not a person was under the influence of an intoxicant ~~or~~, had a blood alcohol concentration of 0.1% or more or had a blood alcohol concentration in the range specified in s. 346.63 (2m).

SECTION 31. Nonstatutory provisions; underage persons. (1) Notwithstanding sections 125.02 (8m) and (20m), 125.04 (5) (a) 3, 125.07 (title), (1) (title), (a) and (b) (title), (3) (a) (intro.), 1, 2, 7 and 8 and (b), (4), (6) and (7), 125.08 (2) (a) and (3), 125.09 (2) (d), 125.10 (2) (title), 125.32 (2), 125.53 (1), 125.68 (2), 346.93 and 778.25 (title) of the statutes, as affected by this act, an underage person, as defined under section 125.02 (20m) of the statutes, as created by this act, who has attained the age of 18 years on the effective date of this act may do all of the following:

- (a) Purchase, procure, possess and consume alcohol beverages.
- (b) Apply for and carry an official identification card.
- (c) Obtain any alcohol beverage license or permit he or she is otherwise qualified, under section 125.04 (5) (a) of the statutes, to receive.
- (d) Enter and be on premises licensed for the sale of alcohol beverages.

(2) Any person who, on the effective date of this act, holds any license or permit issued under chapter 125 of the statutes may continue to hold the license or permit, and no person may have his or her license or permit revoked merely because he or she has not attained the legal drinking age under section 125.02 (8m) of the statutes, as created by this act.

SECTION 32. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
48.17 (2)(c), (d) and (e)	125.07 (1), (3), (4) or (5)	125.07 (4)(a) or (b), 125.08 (3)(b)
48.344 (1)(b)	125.07 (1), (3), (4) or (5)	125.07 (4)(a) or (b), 125.08 (3)(b)
48.396 (4)	48.34 (7) or (8) or 48.343 (2)	48.34 (7) or (8), 48.343 (2), 48.344 (2) or 346.93
125.10 (2)	125.07 (1), (3), (4) or (5)	125.07 (4)(a) or (b), 125.08 (3)(b)
343.30 (6)(a)	125.07 (1), (3), (4) or (5) or 125.09 (2)	125.07 (4)(a) or (b), 125.08 (3)(b) or 125.09 (2)
778.25 (1)	125.07 (1), (3), (4) or (5)	125.07 (4)(a) or (b), 125.08 (3)(b)

SECTION 33. Applicability. (1) This act applies to all persons on and after the effective date specified under SECTION 34 of this act, except as provided under subsections (2) and (3).

(2) The penalties prescribed under sections 48.344 (2), 125.07 (4) (c), 125.08 (3) (b) (intro.) and 343.30 (6) (b) of the statutes, as affected by this act, apply only to persons who commit a violation of section 125.07 (4) (a) or (b), 125.08 (3) (b) or 125.09 (2) of the statutes, as affected by this act, on or after the effective date specified under SECTION 34 of this act.

(3) The treatment of section 343.16 (1) (a) 1 of the statutes by this act first applies to persons making a first application for an operator's license on the first day of the 6th month commencing after publication.

SECTION 34. Effective date. This act takes effect on July 1, 1984.