

1999 ASSEMBLY BILL 463

September 14, 1999 – Introduced by Representatives BLACK, MILLER, HUBER, PLOUFF, STASKUNAS, BRANDEMUEHL and HUNDERTMARK, cosponsored by Senators ROESSLER, DARLING, DRZEWIECKI and BAUMGART. Referred to Committee on Natural Resources.

1 AN ACT *to create* 30.80 (6m) to (9) of the statutes; **relating to:** violations of the
2 intoxicated boating law and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the intoxicated boating law, which applies to the operation of motorboats, including personal watercraft. The bill requires a court to order a person whom the court has convicted of a violation of the intoxicated boating law not to operate a motorboat for a certain period of time. The time ranges from a minimum of six months for the first conviction to a maximum of 36 months for a third or subsequent conviction that occurs within five years of the first conviction. The bill also prohibits a person from operating a motorboat during the period of time that his or her motor vehicle driver's license is revoked or suspended for a drunk driving violation.

The bill establishes penalties for violating either these court orders or the operating prohibition due to a drunk driving violation. The penalties range from a minimum forfeiture of \$150 for the first violation to a maximum fine of \$2,500 and a one-year jail term for a fifth or subsequent violation that occurs within five years of the first violation. The bill also authorizes the impoundment of motorboats that are used while violating either the court order or the operating prohibition due to a drunk driving violation.

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For further information see the *state and 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.** 30.80 (6m) to (9) of the statutes are created to read:

2 **30.80 (6m)** A person whose operating privilege, as defined in s. 340.01 (40), is
3 suspended or revoked under s. 343.30 (1q) (b) or (f) or under s. 343.305 (10) may not
4 operate a motorboat in this state for the period of time that his or her operating
5 privilege is suspended or revoked.

6 **(7) (a)** Except as provided in pars. (b) and (c), a person who violates the
7 intoxicated boating law or the refusal law shall be ordered by the court not to engage
8 in the operation of a motorboat in this state for a period of not less than 6 months nor
9 more than 9 months.

10 **(b)** A person who violates the intoxicated boating law or the refusal law and
11 who, within 5 years prior to the arrest for the current violation, was convicted one
12 time previously under the intoxicated boating law or the refusal law shall be ordered
13 by the court not to engage in the operation of a motorboat in this state for a period
14 of not less than 12 months nor more than 18 months.

15 **(c)** A person who violates the intoxicated boating law or the refusal law and
16 who, within 5 years prior to the arrest for the current violation, was convicted 2 or
17 more times previously under the intoxicated boating law or the refusal law shall be
18 ordered by the court not to engage in the operation of a motorboat in this state for
19 a period of not less than 24 months nor more than 36 months.

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1 (d) In determining the number of previous convictions under pars. (b) and (c),
2 convictions arising out of the same incident or occurrence shall be counted as one
3 previous conviction.

4 (e) For purposes of pars. (a) to (c), the court, in its order, shall schedule the
5 period during which the person may not engage in the operation of a motorboat in
6 this state to occur in one or more periods beginning on April 1 and ending on
7 September 30 of one or more years.

8 **(8)** (a) In this subsection, “conviction” means a conviction for a violation of sub.
9 (6m) or a violation of a court order under sub. (7).

10 (b) Any person operating a motorboat in violation of sub. (6m) or of a court order
11 under sub. (7) shall be subject to the following penalties:

12 1. Except as provided in subs. 2. to 5., a forfeiture of not less than \$150 nor
13 more than \$600.

14 2. A fine of not less than \$300 nor more than \$1,000 and imprisonment for not
15 less than 10 days nor more than 6 months if the person has one prior conviction
16 within 5 years before the arrest for the current violation.

17 3. A fine of not less than \$1,000 nor more than \$2,000 and imprisonment for
18 not less than 30 days nor more than 9 months if the person has 2 prior convictions
19 within 5 years before the arrest for the current violation.

20 4. A fine of not less than \$1,500 nor more than \$2,000 and imprisonment for
21 not less than 60 days nor more than one year in the county jail if the person has 3
22 prior convictions within 5 years before the arrest for the current violation.

23 5. A fine of not less than \$2,000 nor more than \$2,500 and imprisonment for
24 not less than 6 months nor more than one year in the county jail if the person has 4
25 or more prior convictions within 5 years before the arrest for the current violation.

