



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-3803/1
EHS:jld

2017 SENATE BILL 486

October 27, 2017 - Introduced by Senators PETROWSKI, BEWLEY, JOHNSON, MARKLEIN, RINGHAND, RISSER and LARSON, cosponsored by Representatives MURSAU, KITCHENS, ANDERSON, BERCEAU, BILLINGS, CONSIDINE, E. BROOKS, GENRICH, HESSELBEIN, HORLACHER, KOLSTE, KREMER, PETRYK, PRONSCHINSKE, RIPP, RODRIGUEZ, SINICKI, SPIROS, SPREITZER, SUBECK, TAUCHEN and SNYDER. Referred to Committee on Sporting Heritage, Mining and Forestry.

1 **AN ACT to amend** 165.755 (1) (b), 302.46 (1) (a), 757.05 (1) (a), 814.63 (1) (c),
2 814.63 (2), 814.85 (1) (a) and 814.86 (1); and **to create** 30.68 (1) and 30.80 (2c)
3 of the statutes; **relating to:** regulating the operation of recreational vessels
4 carrying persons under the age of ten and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits the operator of a recreational vessel from carrying a passenger who is under the age of ten unless, during all times when the vessel is underway, the passenger is wearing a properly fitting personal flotation device or the passenger remains below deck or in an enclosed cabin. The bill establishes a forfeiture of not more than \$50 for a first violation and not more than \$100 for a second or subsequent violation. The bill also exempts the imposition of such a forfeiture from the requirement under current law that a court impose certain court costs and surcharges when it imposes a forfeiture.

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:

5 **SECTION 1.** 30.68 (1) of the statutes is created to read:

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1 30.68 (1) OPERATING REQUIREMENTS; CARRYING A PASSENGER UNDER THE AGE OF 10.

2 (a) In this subsection, “recreational vessel” means a vessel manufactured or operated
3 primarily for pleasure or leased, rented, or chartered to another person for the other
4 person’s pleasure but does not include a vessel engaged in the carriage of passengers
5 for hire.

6 (b) No person may operate a recreational vessel carrying a passenger who is
7 under the age of 10 unless any of the following applies:

8 1. During all times when the recreational vessel is underway, the passenger is
9 wearing a properly fitting personal flotation device.

10 2. During all times when the recreational vessel is underway, the passenger
11 remains below deck or in an enclosed cabin.

12 **SECTION 2.** 30.80 (2c) of the statutes is created to read:

13 30.80 (2c) Any person violating s. 30.68 (1) shall forfeit not more than \$50 for
14 a first violation and not more than \$100 for a 2nd or subsequent violation.

15 **SECTION 3.** 165.755 (1) (b) of the statutes is amended to read:

16 165.755 (1) (b) A court may not impose the crime laboratories and drug law
17 enforcement surcharge under par. (a) for a violation of s. 101.123 (2) or (2m), for a
18 financial responsibility violation under s. 344.62 (2), or for a violation of a state law
19 or municipal or county ordinance involving a nonmoving traffic violation, a violation
20 under s. 343.51 (1m) (b), ~~or~~ a safety belt use violation under s. 347.48 (2m), or a
21 personal flotation device use violation under s. 30.68 (1).

22 **SECTION 4.** 302.46 (1) (a) of the statutes is amended to read:

23 302.46 (1) (a) If a court imposes a fine or forfeiture for a violation of state law
24 or for a violation of a municipal or county ordinance except for a violation of s. 101.123
25 (2) or (2m), for a financial responsibility violation under s. 344.62 (2), or for a violation

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1 of state laws or municipal or county ordinances involving nonmoving traffic
2 violations, violations under s. 343.51 (1m) (b), ~~or~~ safety belt use violations under s.
3 347.48 (2m), or personal flotation device use violations under s. 30.68 (1), the court,
4 in addition, shall impose a jail surcharge under ch. 814 in an amount of 1 percent of
5 the fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are
6 involved, the court shall determine the jail surcharge on the basis of each fine or
7 forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall
8 reduce the jail surcharge in proportion to the suspension.

9 **SECTION 5.** 757.05 (1) (a) of the statutes is amended to read:

10 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
11 state law or for a violation of a municipal or county ordinance except for a violation
12 of s. 101.123 (2) or (2m), for a financial responsibility violation under s. 344.62 (2),
13 or for a violation of state laws or municipal or county ordinances involving
14 nonmoving traffic violations, violations under s. 343.51 (1m) (b), ~~or~~ safety belt use
15 violations under s. 347.48 (2m), or personal flotation device use violations under s.
16 30.68 (1), there shall be imposed in addition a penalty surcharge under ch. 814 in an
17 amount of 26 percent of the fine or forfeiture imposed. If multiple offenses are
18 involved, the penalty surcharge shall be based upon the total fine or forfeiture for all
19 offenses. When a fine or forfeiture is suspended in whole or in part, the penalty
20 surcharge shall be reduced in proportion to the suspension.

21 **SECTION 6.** 814.63 (1) (c) of the statutes is amended to read:

22 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
23 101.123 (2) or (2m), for a financial responsibility violation under s. 344.62 (2), for a
24 violation under s. 343.51 (1m) (b), ~~or~~ for a safety belt use violation under s. 347.48
25 (2m), or for a personal flotation device use violation under s. 30.68 (1).

SENATE BILL 486**SECTION 7**

1 **SECTION 7.** 814.63 (2) of the statutes is amended to read:

2 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
3 violation of a county, town, city, village, town sanitary district, or public inland lake
4 protection and rehabilitation district ordinance, except for an action for a financial
5 responsibility violation under s. 344.62 (2) ~~or~~, for a violation under s. 343.51 (1m) (b)
6 ~~or, for~~ a safety belt use violation under s. 347.48 (2m), or for a personal flotation
7 device use violation under s. 30.68 (1), the county, town, city, village, town sanitary
8 district, or public inland lake protection and rehabilitation district shall pay a
9 nonrefundable fee of \$5 to the clerk of circuit court.

10 **SECTION 8.** 814.85 (1) (a) of the statutes is amended to read:

11 814.85 (1) (a) Except for an action for a financial responsibility violation under
12 s. 344.62 (2), ~~or~~ for a violation under s. 343.51 (1m) (b) ~~or, for~~ a safety belt use violation
13 under s. 347.48 (2m), or for a personal flotation device use violation under s. 30.68
14 (1), the clerk of circuit court shall charge and collect a \$68 court support services
15 surcharge from any person, including any governmental unit as defined in s. 108.02
16 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

17 **SECTION 9.** 814.86 (1) of the statutes is amended to read:

18 814.86 (1) Except for an action for a financial responsibility violation under s.
19 344.62 (2), ~~or~~ for a violation under s. 343.51 (1m) (b) ~~or, for~~ a safety belt use violation
20 under s. 347.48 (2m), or for a personal flotation device use violation under s. 30.68
21 (1), the clerk of circuit court shall charge and collect a \$21.50 justice information
22 system surcharge from any person, including any governmental unit, as defined in
23 s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or

