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1995 ASSEMBLY BILL 181

March 13, 1995 – Introduced by Representatives Foti, Brandemuehl, Cullen, Duff, Goetsch, Grothman, La Fave, Lehman, Olsen, Owens, Schneiders, Underheim, Urban, Vrakas, Ward, Ziegelbauer, Hanson and Klusman, cosponsored by Senators Farrow, Burke, Darling and Rosenzweig. Referred to Committee on Highways and Transportation.

AN ACT to amend 23.33 (4c) (a) 3., 346.63 (2m) and 350.101 (1) (c) of the statutes;

relating to: raising the age of those persons who may not drive or operate an
all-terrain vehicle, motor vehicle or snowmobile with any alcohol in their blood
to under 21 years.

Analysis by the Legislative Reference Bureau

Under current law, a person under the age of 19 is prohibited from driving or operating an all-terrain vehicle, motor vehicle or snowmobile if the person has any alcohol in his or her blood. This bill changes that age to persons under the age of 21.

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:

Section 1. 23.33 (4c) (a) 3. of the statutes is amended to read:

23.33 (4c) (a) 3. Operating with alcohol concentrations at specified levels; below age 19 21. If a person has not attained the age of 19 21, the person may not engage in the operation of an all-terrain 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 his or her blood or more than 0.0 grams but not more than 0.1 grams of alcohol in 210 liters of his or her breath.

Section 2. 346.63 (2m) of the statutes is amended to read:

346.63 (2m) If a person has not attained the age of 19 21, the person may not drive or operate a motor vehicle while he or she has a blood an 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 less than 0.1 grams of alcohol in 210 liters of that person's breath. One penalty for violation of this subsection is suspension of a person's operating privilege under s. 343.30 (1p). The person is eligible for an occupational license under s. 343.10 at any time. If a person arrested for a violation of this subsection refuses to take a test under s. 343.305, the refusal is a separate violation and the person is subject to revocation of the person's operating privilege under s. 343.305 (10) (em).

Section 3. 350.101 (1) (c) of the statutes is amended to read:

350.101 (1) (c) (title) Operating with alcohol concentrations at specified levels; below age 19 21. If a person has not attained the age of 19 21, the person may not engage in the operation of a snowmobile 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 his or her blood or more than 0.0 grams but not more than 0.1 grams of alcohol in 210 liters of his or her breath.

SECTION 4. Initial applicability.

(1) This act first applies to offenses committed on the effective date of this subsection, but does not preclude the counting of other violations as prior convictions, suspensions or revocations for purposes of sentencing or revocation or suspension of operating privileges