



1995 ASSEMBLY BILL 283

April 4, 1995 - Introduced by Representatives BRANDEMUEHL, BOCK, OTTE, GROBSCHMIDT, LADWIG, OTT, SILBAUGH, URBAN, NOTESTEIN, OWENS, TURNER, KLUSMAN, RILEY, WASSERMAN, ROBSON and WOOD, cosponsored by Senators HUELSMAN, ROSENZWEIG and DARLING. Referred to Committee on Highways and Transportation.

1 **AN ACT to amend** 346.61 and 346.66 of the statutes; **relating to:** expanding the
2 premises where certain offenses related to reckless driving, driving while under
3 the influence of an intoxicant or controlled substance and the duties of a person
4 involved in an accident apply.

Analysis by the Legislative Reference Bureau

Under current law, the laws prohibiting reckless driving and driving while under the influence of an intoxicant or controlled substance and the laws requiring a person involved in an accident to perform certain acts apply to all highways and upon all premises held out to the public for use of their motor vehicles. The Wisconsin supreme court, in *City of Kenosha v. Phillips*, 142 Wis. 2d 549 (1988), held that a private parking lot of a company posted with a sign restricting the use of the parking lot was not "held out" to the public for use of their motor vehicles and therefore that the laws regarding drunk driving did not apply to that parking lot. The court affirmed the circuit court dismissal of a charge of drunken driving against the defendant because the defendant was operating a motor vehicle while in the company parking lot.

This bill provides that the laws prohibiting reckless driving and driving while under the influence of an intoxicant or controlled substance and the laws requiring a person involved in an accident to perform certain acts are applicable to all premises held out to the public for motor vehicle use, all premises provided to employees and all premises provided to tenants of rental housing in buildings of 4 or more units.

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:

