



1999 ASSEMBLY BILL 407

July 8, 1999 - Introduced by Representatives MORRIS-TATUM, BLACK, WASSERMAN, TURNER and COGGS, cosponsored by Senators ROSENZWEIG and DARLING. Referred to Committee on Public Health.

1 **AN ACT to amend** 134.66 (4) (a) 1., 134.66 (4) (a) 2. (intro.), 134.66 (4) (a) 2. a.,
2 134.66 (4) (a) 2. b. and 134.66 (4) (a) 4.; **to repeal and recreate** 134.66 (4) (a)
3 3.; and **to create** 134.66 (4) (a) 3m. of the statutes; **relating to:** sale of cigarettes
4 or tobacco products to minors and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits, with certain exceptions, any person engaged in the business of manufacturing, distributing or selling cigarettes or tobacco products (cigarettes) from selling or giving cigarettes to any person under the age of 18. A court may require a person who violates this prohibition to forfeit up to \$500, and may suspend the violator's license or permit to manufacture, distribute or sell cigarettes (license or permit) for a period of up to 30 days. Current law increases the minimum forfeiture amount, and the minimum and maximum duration of a license or permit suspension, based upon the number of violations committed within the previous 12 months.

This bill eliminates the time period for counting previous violations and changes the penalties that apply. Under the bill, the penalties for violations are as follows:

1) For a first violation, a mandatory forfeiture of not less than \$500 nor more than \$1,000.

2) For a second violation, a mandatory forfeiture of not less than \$1,000 nor more than \$2,000. In addition, the court must suspend the violator's license or permit for not less than 30 days nor more than 90 days.

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3) For a third or subsequent violation, the court must revoke the violator's license or permit.

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

1 **SECTION 1.** 134.66 (4) (a) 1. of the statutes is amended to read:

2 134.66 (4) (a) 1. In this paragraph, "violation" means a violation of sub. (2) (a),
3 (cm), (d) or (e) or a local ordinance which strictly conforms to sub. (2) (a), (cm), (d) or
4 (e). For the purpose of determining whether a previous violation has occurred, if
5 more than one violation occurs at the same time all violations occurring at that time
6 shall be counted as one violation.

7 **SECTION 2.** 134.66 (4) (a) 2. (intro.) of the statutes is amended to read:

8 134.66 (4) (a) 2. (intro.) A person who commits a violation ~~is subject to a~~
9 ~~forfeiture of~~ shall be:

10 **SECTION 3.** 134.66 (4) (a) 2. a. of the statutes is amended to read:

11 134.66 (4) (a) 2. a. ~~Not~~ Required to forfeit not less than \$500 nor more than \$500
12 \$1,000 if the person has not committed a previous violation ~~within 12 months of the~~
13 ~~violation; or,~~

14 **SECTION 4.** 134.66 (4) (a) 2. b. of the statutes is amended to read:

15 134.66 (4) (a) 2. b. ~~Not~~ Required to forfeit not less than \$200 \$1,000 nor more
16 than ~~\$500~~ \$2,000 if the person has committed a previous violation ~~within 12 months~~
17 ~~of the violation.~~

18 **SECTION 5.** 134.66 (4) (a) 3. of the statutes is repealed and recreated to read:

19 134.66 (4) (a) 3. A court shall suspend any license or permit issued under s.
20 134.65, 139.34 or 139.79 to a person for not less than 30 days nor more than 90 days,
21 if the court finds that the person committed one previous violation.

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1 **SECTION 6.** 134.66 (4) (a) 3m. of the statutes is created to read:

2 134.66 (4) (a) 3m. A court shall revoke any license or permit issued under s.
3 134.65, 139.34 or 139.79 to a person if the court finds that the person committed 2
4 or more previous violations.

5 **SECTION 7.** 134.66 (4) (a) 4. of the statutes is amended to read:

6 134.66 (4) (a) 4. The court shall promptly mail notice of a suspension under
7 subd. 3. or a revocation under subd. 3m. to the department of revenue and to the clerk
8 of each municipality which has issued a license or permit to the person.

9 **SECTION 8. Initial applicability.**

10 (1) This act first applies to violations committed on the effective date of this
11 subsection, but does not preclude the counting of other violations as previous
12 violations for sentencing a person.

13

(END)