



1995 ASSEMBLY BILL 439

June 8, 1995 - Introduced by Representatives BLACK, BAUMGART and BOCK, cosponsored by Senator BURKE. Referred to Committee on Natural Resources.

1 **AN ACT** *to renumber and amend* 30.66 (3) (a), 30.66 (3) (b) and 30.69 (1); *to*
2 *amend* 23.50 (1), 23.50 (3), 23.53 (1), 23.56 (1), 23.57 (1) (intro.), 23.58, 23.62
3 (1) (intro.), 29.09 (8m) (b), 30.61 (10) (a), 30.62 (2) (d) 1., 30.625 (1) (a), 30.68
4 (title), 30.68 (2), 30.68 (3) (b), 30.68 (3) (d), 30.68 (5m), 30.68 (9) and (10), 30.69
5 (2), 30.69 (3) (a), 30.69 (3) (b), 30.69 (3) (c) 1., 30.69 (3) (c) 2., 30.69 (3) (c) 3., 30.69
6 (3) (d), 30.69 (4), 30.74 (1) (b), 30.74 (1) (c), 30.77 (3) (a), 30.77 (3) (am) 1., 30.77
7 (3) (b), 30.77 (3) (d), 30.79 (1) (b) 1., 30.79 (2), 30.79 (3), 30.79 (4), 30.79 (5), 30.80
8 (2), 30.80 (6) (a), 30.80 (6) (c), 30.80 (6) (e), 48.343 (5), 800.02 (2) (b) and 885.235
9 (1m) and (4); *to repeal and recreate* 30.68 (3) (b) and 30.68 (3) (d); and *to*
10 *create* 30.61 (10) (c), 30.625 (1) (bn), 30.66 (2m), 30.66 (3) (a) 2. to 4., 30.66 (3)
11 (b) 1. to 3., 30.66 (3) (c), 30.66 (3) (d), 30.68 (3) (a) (title), 30.68 (3) (c) (title), 30.68
12 (3) (cg), 30.68 (3) (cr), 30.68 (3) (dm), 30.68 (3) (e), 30.68 (13), 30.681 (1) (bn),
13 30.69 (1), 30.77 (3) (ar), 30.77 (3) (f), 30.771, 30.80 (6) (a) 4. and 5., 30.80 (6) (a)
14 6. and 30.80 (7) to (9) of the statutes; **relating to:** boating safety, the intoxicated

- 1 boating law, regulation of personal watercraft, water skiing, local regulation of
2 boating, granting rule-making authority and providing penalties.
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Analysis by the Legislative Reference Bureau

This bill makes various changes in the laws governing boating safety. These changes include modifications to the laws governing the operation, by minors, of motorboats, including personal watercraft; to the intoxicated boating law; to the laws regulating water skiing; and to other laws regulating the operation of boats. Some of the changes are described below.

INTOXICATED BOATING LAW

The changes under this bill to the intoxicated boating law, which covers the operation of motorboats, including personal watercraft, are the following:

1. The bill imposes an absolute-sobriety requirement on a person under 19 years old who is operating a motorboat. Under current law, there is no such requirement.

2. The bill increases the minimum jail term imposed on a person who is convicted 4 or more times for violating the intoxicated boating law. Under current law, the minimum jail term is 30 days. The bill increases the minimum jail term for a person convicted 4 times to 60 days. For a person convicted 5 or more times, the bill increases the minimum jail term to 6 months. Under current law and under the bill, the maximum jail term for persons who are convicted 4 or more times is one year.

3. 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 periods range from a minimum of 6 months for a first conviction to a maximum of 36 months for a 3rd or subsequent conviction that occurs within 5 years of the first conviction. The bill also establishes penalties, including the impoundment of motorboats, for violations of these court orders.

**BOATING SAFETY COURSE AND EXAMINATION;
AGE RESTRICTIONS ON THE OPERATION OF MOTORBOATS,
INCLUDING PERSONAL WATERCRAFT**

Boating safety course and examination

Beginning on January 1, 1997, the bill requires persons who are 18 years of age or older and who were born on or after January 1, 1979, to hold a boating safety certificate in order to operate a motorboat, including a personal watercraft. Under the bill, these adults may obtain their certificates by either passing an examination or by successfully completing a boating safety course. Current law does not require persons who are 18 years of age or older to have a boating safety certificate in order to operate any type of boat.

Minors 10 or 11 years old

Under current law, a minor who is 10 or 11 years old may not operate a personal watercraft. This bill makes no change in this prohibition. In order to operate a

motorboat that is not a personal watercraft (regular motorboat), under current law a minor in this age bracket must be accompanied by a parent or guardian or an adult designated by the parent or guardian. Under the bill, such a person must accompany the minor and the minor must have a valid boating safety certificate showing that he or she has completed the boating safety course administered by the department of natural resources (DNR).

Minors 12 to 15 years old

Under current law, a minor who is at least 12 years old but under 16 years old may not operate a regular motorboat unless he or she is accompanied in the manner described in the preceding paragraph or has a valid boating safety certificate. Under the bill, a minor in this age bracket must have the boating safety certificate regardless of whether he or she is accompanied.

Under current law, a minor in this age bracket must have a valid boating safety certificate to operate a personal watercraft. Under the bill, a minor in this age bracket is prohibited from operating a personal watercraft.

Minors 16 or 17 years old

Under current law, there are no restrictions on the operation of a regular motorboat or a personal watercraft by a minor who is 16 or 17 years old. Under the bill, a minor in this age bracket must have a valid boating safety certificate to operate either of these types of boat. A 16-year-old or 17-year-old may obtain the certificate either by passing a boating safety course or the examination.

The bill increases the fee for the boating safety course from \$2 to \$5. The bill does not authorize DNR to charge a fee for the boating safety examination.

The bill also makes it mandatory that a person take the boating safety course under certain circumstances regardless of whether the person has a boating safety certificate. These include persons who are convicted of negligently operating a motorboat and persons who are convicted under the intoxicated boating law.

**OTHER LAWS REGULATING THE OPERATION OF MOTORBOATS,
INCLUDING PERSONAL WATERCRAFT**

The following changes apply both to regular motorboats and personal watercraft:

1. A person who is charged with violating a speed limit may not raise the defense that he or she did not know how fast the motorboat was moving because the motorboat lacked a speedometer.

2. The bill expands the areas where a person may not operate a motorboat in excess of slow-no-wake speed to include the areas within 100 feet of a lake shoreline and within 100 feet of certain boats.

3. The bill requires a motorboat operator to use corrective lenses if the operator is required to use corrective lenses while operating a motor vehicle. The bill also provides that a person who is prohibited from operating a motor vehicle during nighttime hours may not operate a motorboat during nighttime hours.

4. The bill eliminates an exception to the requirement that an observer be on board a motorboat that is towing a water skier and extends the current restrictions on water skiers and motorboats pulling water skiers to persons who water-ski while barefoot.

CHANGES APPLICABLE ONLY TO PERSONAL WATERCRAFT

The bill makes changes to current law regulating the operation of personal watercraft. These changes include the following:

1. The bill allows the operation of personal watercraft at night if the operation is necessary for an emergency. Current law does not allow the nighttime operation of personal watercraft for any purpose.

2. The bill prohibits a personal watercraft operator from towing any watercraft or other object except for a stranded or disabled boat and requires that the towing of such a boat not exceed slow-no-wake speed. Under current law, there is no restriction on a personal watercraft operator towing any watercraft, except that if he or she is towing a stranded or disabled boat he or she may not exceed slow-no-wake speed.

LOCAL REGULATION

The bill requires DNR to promulgate rules establishing 3 advisory model ordinances for local units of government to consider when adopting regulations regarding the equipment, use and operation of boats on inland lakes. The bill also allows DNR, upon request of a local unit of government, to impose a boating safety regulation on any equipment, use or operation of boats if there is no local regulation in effect and if other requirements are met.

In addition, the bill modifies the current law that allows local regulations to be adopted in the interest of public health, safety or welfare to include the public's interest in preserving the state's natural and scenic resources.

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.** 23.50 (1) of the statutes is amended to read:

2 **23.50 (1)** The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
3 court to recover forfeitures, penalty assessments, jail assessments, applicable
4 weapons assessments, applicable environmental assessments, applicable wild
5 animal protection assessments, applicable natural resources assessments,
6 applicable fishing shelter removal assessments, applicable snowmobile registration
7 restitution payments and applicable natural resources restitution payments for
8 violations of ss. 77.09, 134.60, 144.421 (2), 144.422 (2), (2m) (c) and (2r), 146.20 (2)
9 to (5), 147.021, 159.07, 159.08, 159.81, 167.10 (3) and 167.31 (2), subch. VI of ch. 77,

1 this chapter and chs. 26 to 31 and of ch. 350, and any administrative rules
2 promulgated thereunder, violations of rules of the Kickapoo valley governing board
3 under s. 16.21 (7) (k), violations of regulations imposed under s. 30.771 or violations
4 of local ordinances enacted by any local authority in accordance with s. 23.33 (11)
5 (am) or 30.77.

6 **SECTION 2.** 23.50 (3) of the statutes is amended to read:

7 23.50 (3) All actions in municipal court to recover forfeitures, penalty
8 assessments and jail assessments for violations of local ordinances enacted by any
9 local authority in accordance with s. 23.33 (11) (am) or 30.77 or for violations of
10 regulations imposed under s. 30.771 shall utilize the procedure in ch. 800. The
11 actions shall be brought before the municipal court having jurisdiction. Provisions
12 relating to citations, arrests, questioning, releases, searches, deposits and
13 stipulations of no contest in ss. 23.51 (1), (3) and (8), 23.53, 23.54, 23.56 to 23.64,
14 23.66 and 23.67 shall apply to violations of such ordinances or regulations.

15 **SECTION 3.** 23.53 (1) of the statutes is amended to read:

16 23.53 (1) The citation created under this section shall, in all actions to recover
17 forfeitures, penalty assessments, jail assessments, applicable weapons assessments,
18 applicable environmental assessments, applicable wild animal protection
19 assessments, applicable natural resources assessments, applicable fishing shelter
20 removal assessments, applicable snowmobile registration restitution payments and
21 applicable natural resources restitution payments for violations of those statutes
22 enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, and
23 any rule of the Kickapoo valley governing board under s. 16.21 (7) (k), be used by any
24 law enforcement officer with authority to enforce those laws, except that the uniform
25 traffic citation created under s. 345.11 may be used by a traffic officer employed

1 under s. 110.07 in enforcing s. 167.31 or by an officer of a law enforcement agency of
2 a municipality or county or a traffic officer employed under s. 110.07 in enforcing s.
3 159.81. In accordance with s. 345.11 (1m), the citation shall not be used for violations
4 of ch. 350 relating to highway use. The citation may be used for violations of local
5 ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or
6 30.77 or for violations of regulations imposed under s. 30.771.

7 **SECTION 4.** 23.56 (1) of the statutes is amended to read:

8 23.56 (1) A person may be arrested for a violation of those statutes enumerated
9 in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the
10 Kickapoo valley governing board under s. 16.21 (7) (k), any regulation imposed under
11 s. 30.771 or any local ordinances enacted by any local authority in accordance with
12 s. 23.33 (11) (am) or 30.77, after a warrant that substantially complies with s. 968.04
13 has been issued. Except as provided in sub. (2), the person arrested shall be brought
14 without unreasonable delay before a court having jurisdiction to try the action.

15 **SECTION 5.** 23.57 (1) (intro.) of the statutes is amended to read:

16 23.57 (1) (intro.) A person may be arrested without a warrant when the
17 arresting officer has probable cause to believe that the person is committing or has
18 committed a violation of those statutes enumerated in s. 23.50 (1), any
19 administrative rules promulgated thereunder, any rule of the Kickapoo valley
20 governing board under s. 16.21 (7) (k), any regulation imposed under s. 30.771 or any
21 local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am)
22 or 30.77; and:

23 **SECTION 6.** 23.58 of the statutes is amended to read:

24 **23.58 Temporary questioning without arrest.** After having identified
25 himself or herself as an enforcing officer, an enforcing officer may stop a person in

1 a public place for a reasonable period of time when the officer reasonably suspects
2 that such person is committing, is about to commit or has committed a violation of
3 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated
4 thereunder, any rule of the Kickapoo valley governing board under s. 16.21 (7) (k),
5 any regulation imposed under s. 30.771 or any local ordinances enacted by any local
6 authority in accordance with s. 23.33 (11) (am) or 30.77. Such a stop may be made
7 only where the enforcing officer has proper authority to make an arrest for such a
8 violation. The officer may demand the name and address of the person and an
9 explanation of the person's conduct. Such detention and temporary questioning
10 shall be conducted in the vicinity where the person was stopped.

11 **SECTION 7.** 23.62 (1) (intro.) of the statutes is amended to read:

12 23.62 (1) (intro.) Whenever an enforcing officer has probable cause to believe
13 that a person subject to his or her authority is committing or has committed a
14 violation of those statutes enumerated in s. 23.50 (1), any administrative rules
15 promulgated thereunder, any rule of the Kickapoo valley governing board under s.
16 16.21 (7) (k), any regulation imposed under s. 30.771 or any local ordinances enacted
17 by any local authority in accordance with s. 23.33 (11) (am) or 30.77, the officer may
18 proceed in the following manner:

19 **SECTION 8.** 29.09 (8m) (b) of the statutes is amended to read:

20 29.09 (8m) (b) A person holding a current fishing license and a trolling permit
21 or a permit issued under sub. (9) (c) 1. may fish or troll in the waters of this state using
22 an electric motor with no more than 36 pounds of thrust, notwithstanding any
23 ordinances enacted under s. 30.77 (3) or regulations imposed under s. 30.771 that
24 prohibit the use of motor boats on navigable waters.

25 **SECTION 9.** 30.61 (10) (a) of the statutes is amended to read:

1 30.61 (10) (a) Notwithstanding subs. (1), (2), (8) and (9), no person may operate
2 a personal watercraft at any time from sunset to sunrise. This restriction on the
3 hours of operation of a personal watercraft does not prevent restrictions on the hours
4 of operation between sunrise and sunset by the ordinances enacted under s. 30.77
5 (3) or by regulations imposed under s. 30.771.

6 **SECTION 10.** 30.61 (10) (c) of the statutes is created to read:

7 30.61 (10) (c) Notwithstanding par. (a), a person may operate a personal
8 watercraft during the time between sunset and sunrise if the operation of the
9 personal watercraft is necessary for an emergency and if the operation complies with
10 the applicable lighting requirements under subs. (1), (2), (8) and (9).

11 **SECTION 11.** 30.62 (2) (d) 1. of the statutes is amended to read:

12 30.62 (2) (d) 1. No person may manufacture ~~and~~ or offer for sale any motorboat
13 for use on the waters of this state if the motorboat cannot be operated in such a
14 manner so as to comply with the noise level requirements under par. (b).

15 **SECTION 12.** 30.625 (1) (a) of the statutes is amended to read:

16 30.625 (1) (a) Rent or lease a personal watercraft for operation by a person who
17 will be operating a personal watercraft for the first time and who does not hold a valid
18 certificate issued under s. 30.68 (3) (e) or 30.74 (1) unless the person engaged in the
19 rental or leasing gives the person instruction on how to operate a personal
20 watercraft.

21 **SECTION 13.** 30.625 (1) (bn) of the statutes is created to read:

22 30.625 (1) (bn) Rent or lease a personal watercraft to a person who is 16 or 17
23 years of age unless the person holds a valid certificate issued under s. 30.68 (3) (e)
24 or 30.74 (1).

25 **SECTION 14.** 30.66 (2m) of the statutes is created to read:

1 30.66 (2m) LACK OF SPEEDOMETER NOT A DEFENSE. In any forfeiture or criminal
2 action for an alleged violation of sub. (1) or (2), the defendant may not raise the
3 defense that he or she did not know how fast the motorboat was moving because the
4 motorboat lacked a speedometer.

5 **SECTION 15.** 30.66 (3) (a) of the statutes is renumbered 30.66 (3) (a) (intro.) and
6 amended to read:

7 30.66 (3) (a) (intro.) ~~Except under s. 30.69 (3), no~~ No person may operate a
8 motorboat ~~within~~ that is not a personal watercraft at a speed in excess of
9 slow-no-wake in any of the following areas:

10 1. Within 100 feet of any dock, raft, pier or buoyed restricted area on any lake
11 ~~at a speed in excess of slow-no-wake speed.~~

12 **SECTION 16.** 30.66 (3) (a) 2. to 4. of the statutes are created to read:

13 30.66 (3) (a) 2. Within 100 feet of the shoreline of any lake.

14 3. Within 100 feet of a boat, other than a motorboat or a sailboat, that is being
15 operated.

16 4. Within 100 feet of any boat that is not being operated.

17 **SECTION 17.** 30.66 (3) (b) of the statutes is renumbered 30.66 (3) (b) (intro.) and
18 amended to read:

19 30.66 (3) (b) (intro.) No person may operate a personal watercraft at a speed
20 in excess of slow-no-wake ~~within 100 feet of any other boat. This paragraph does~~
21 ~~not apply if s. 30.69 (3) (a), (c) or (d) applies to the operation of the personal~~
22 ~~watercraft.~~ in any of the following areas:

23 **SECTION 18.** 30.66 (3) (b) 1. to 3. of the statutes are created to read:

24 30.66 (3) (b) 1. Within 100 feet of any dock, raft, pier or buoyed restricted area
25 on any lake.

1 2. Within 100 feet of the shoreline of any lake.

2 3. Within 100 feet of any boat, regardless of whether the boat is being operated.

3 **SECTION 19.** 30.66 (3) (c) of the statutes is created to read:

4 30.66 (3) (c) Notwithstanding pars. (a) and (b), if a person who is operating a
5 motorboat is towing a person who is engaged in water skiing, as defined in s. 30.69
6 (1), the provisions under s. 30.69 (3) (a) and (c) shall apply to the extent that they are
7 more restrictive than the provisions under pars. (a) and (b).

8 **SECTION 20.** 30.66 (3) (d) of the statutes is created to read:

9 30.66 (3) (d) The distance restrictions in pars. (a) to (c) do not apply to a person
10 who is water skiing, as defined in s. 30.69 (1), or a motorboat towing that person, in
11 an area that is marked with regulatory markers and that is open to the person or
12 motorboat for pickup or drop-off purposes.

13 **SECTION 21.** 30.68 (title) of the statutes is amended to read:

14 **30.68 (title) Prohibited and restricted operation.**

15 **SECTION 22.** 30.68 (2) of the statutes is amended to read:

16 30.68 (2) **NEGLIGENT OPERATION.** No person may operate or use any boat, or
17 ~~manipulate any water skis, aquaplane or similar device~~ engage in water skiing, as
18 defined in s. 30.69 (1), upon the waters of this state in a careless, negligent or reckless
19 manner so as to endanger ~~that person's~~ his or her life, property or person or the life,
20 property or person of another.

21 **SECTION 23.** 30.68 (3) (a) (title) of the statutes is created to read:

22 30.68 (3) (a) (title) *Incapacitated persons.*

23 **SECTION 24.** 30.68 (3) (b) of the statutes is amended to read:

24 30.68 (3) (b) (title) Minors under age 16; motorboats other than personal
25 watercraft. No person under the age of 10 years may operate a motorboat. ~~Persons~~

1 ~~No person who is at least 10 and years of age but less than 12 years of age may operate~~
2 ~~a motorboat only if they are~~ unless he or she is either accompanied in the boat
3 motorboat by a parent or guardian or a person at least 18 years of age designated by
4 a parent or guardian. ~~Persons~~ No person who is at least 12 and years of age but less
5 than 16 years of age may operate a motor of any horsepower, but only if they are
6 motorboat unless he or she is either accompanied in the motorboat by a parent or
7 guardian or a person at least 18 years of age designated by a parent or guardian, or
8 unless he or she is in possession of a valid certificate issued under s. 30.74 (1). This
9 paragraph does not apply to personal watercraft.

10 **SECTION 25.** 30.68 (3) (b) of the statutes, as affected by 1995 Wisconsin Act
11 (this act), is repealed and recreated to read:

12 30.68 (3) (b) *Minors under age 16; motorboats other than personal watercraft.*

13 No person under the age of 10 years may operate a motorboat. No person who is at
14 least 10 years of age but less than 12 years of age may operate a motorboat unless
15 he or she holds a valid certificate issued under s. 30.74 (1) and is accompanied in the
16 motorboat by a parent or guardian or a person at least 18 years of age designated by
17 a parent or guardian. No person who is at least 12 years of age but less than 16 years
18 of age may operate a motorboat unless he or she holds a valid certificate issued under
19 s. 30.74 (1). This paragraph does not apply to personal watercraft.

20 **SECTION 26.** 30.68 (3) (c) (title) of the statutes is created to read:

21 30.68 (3) (c) (title) *Minors under age 16; personal watercraft.*

22 **SECTION 27.** 30.68 (3) (cg) of the statutes is created to read:

23 30.68 (3) (cg) *Minors ages 16 and 17; motorboats other than personal*
24 *watercraft.* No person who is 16 or 17 years of age may operate a motorboat unless

1 the person holds a valid certificate issued under par. (e) or s. 30.74 (1). This
2 paragraph does not apply to personal watercraft.

3 **SECTION 28.** 30.68 (3) (cr) of the statutes is created to read:

4 30.68 (3) (cr) *Minors ages 16 and 17; personal watercraft.* No person who is 16
5 or 17 years of age may operate, lease or rent a personal watercraft unless the person
6 holds a valid certificate issued under par. (e) or s. 30.74 (1).

7 **SECTION 29.** 30.68 (3) (d) of the statutes is amended to read:

8 30.68 (3) (d) (title) *Parental responsibility.* A violation of under par. (b) or (c)
9 done with the knowledge of a parent or guardian shall be deemed considered a
10 violation by the parent or guardian, and is punishable under s. 30.80.

11 **SECTION 30.** 30.68 (3) (d) of the statutes, as affected by 1995 Wisconsin Act
12 (this act), is repealed and recreated to read:

13 30.68 (3) (d) *Parental responsibility.* A violation under pars. (b) to (cr) done
14 with the knowledge of a parent or guardian shall be considered a violation by the
15 parent or guardian and is punishable under s. 30.80.

16 **SECTION 31.** 30.68 (3) (dm) of the statutes is created to read:

17 30.68 (3) (dm) *Adults born on or after January 1, 1979.* No person who was born
18 on or after January 1, 1979, and who is 18 years of age or older may operate a
19 motorboat unless the person holds a valid certificate issued under par. (e) or s. 30.74
20 (1).

21 **SECTION 32.** 30.68 (3) (e) of the statutes is created to read:

22 30.68 (3) (e) *Boating safety examination.* 1. The department shall administer
23 an examination on boating safety and operation. The department may promulgate
24 rules for administration of the examination under this subdivision, including rules
25 that specify the content of the examination, the score that constitutes satisfactory

1 completion of the examination and the minimum amount of time that a person must
2 wait to retake the examination. The department shall issue a certificate to any
3 person who satisfactorily completes the examination and who is either 16 or 17 years
4 old or is at least 18 years old and was born on or after January 1, 1979.

5 2. A valid certificate issued by another state or a province of Canada may be
6 used by the holder of the certificate in lieu of a certificate issued under subd. 1. if the
7 examination content substantially meets that established by the department.

8 **SECTION 33.** 30.68 (5m) of the statutes is amended to read:

9 30.68 **(5m)** TOWING BY A PERSONAL WATERCRAFT. ~~A No person may use a personal~~
10 watercraft to tow any other watercraft or object except a stranded or disabled boat
11 ~~if, during towing, the speed of the personal watercraft does not exceed. No person~~
12 may use a personal watercraft to tow a stranded or disabled boat at a speed in excess
13 of slow-no-wake.

14 **SECTION 34.** 30.68 (9) and (10) of the statutes are amended to read:

15 30.68 **(9)** OVERLOADING. ~~No person may operate a boat shall be that is~~ loaded
16 with passengers or cargo beyond its safe carrying capacity, taking into consideration
17 weather and other existing operating conditions.

18 **(10)** OVERPOWERING. ~~No person may equip or operate a boat shall be equipped~~
19 with any motor or other propulsion machinery beyond its safe power capacity, taking
20 into consideration the type and construction of such watercraft and other existing
21 operating conditions.

22 **SECTION 35.** 30.68 (13) of the statutes is created to read:

23 30.68 **(13)** EYESIGHT RESTRICTIONS. (a) No person may operate a motorboat
24 without using corrective lenses if the person is required by the department of

1 transportation or by another state to use corrective lenses while operating a motor
2 vehicle.

3 (b) No person may operate a motorboat during nighttime hours if the person
4 is prohibited by the department of transportation or by another state from operating
5 a motor vehicle during nighttime hours.

6 **SECTION 36.** 30.681 (1) (bn) of the statutes is created to read:

7 30.681 (1) (bn) *Operating with alcohol concentrations at specified levels; below*
8 *age 19.* A person who has not attained the age of 19 may not engage in the operation
9 of a motorboat while he or she has a blood alcohol concentration of more than 0.0%
10 but not more than 0.1% by weight of alcohol in his or her blood or more than 0.0 grams
11 but not more than 0.1 grams of alcohol in 210 liters of his or her breath.

12 **SECTION 37.** 30.69 (1) of the statutes is renumbered 30.69 (1m), and 30.69 (1m)
13 (a) and (c), as renumbered, are amended to read:

14 30.69 (1m) (a) Except as provided in par. (b), no person may operate a
15 motorboat towing a person ~~on water skis, aquaplane or similar device~~ who is engaged
16 in water skiing unless there is in the ~~boat~~ motorboat a competent person in addition
17 to the operator in a position to observe the progress of the person being towed. An
18 observer shall be considered competent if that person can in fact observe the person
19 being towed and relay any signals to the operator. ~~This observer requirement does~~
20 ~~not apply to motorboats classified as Class A motorboats by the department actually~~
21 ~~operated by the persons being towed and so constructed as to be incapable of carrying~~
22 ~~the operator in or on the motorboat.~~ No person may engage in water skiing,
23 ~~aquaplaning or similar activity,~~ at any time from sunset to sunrise. This restriction
24 of the hours of water skiing does not prevent restrictions of the hours of water skiing

1 between sunrise and sunset by local ordinances enacted pursuant to s. 30.77 (3) or
2 regulations imposed pursuant to s. 30.771.

3 (c) In addition to complying with par. (a), no person may operate a personal
4 watercraft that is towing a person who is ~~on water skis, an aquaplane or similar~~
5 ~~device~~ engaged in water skiing unless the personal watercraft is designed to seat at
6 least 3 persons.

7 **SECTION 38.** 30.69 (1) of the statutes is created to read:

8 30.69 (1) DEFINITION. In this section, “water skiing” includes water skiing using
9 water skis, an aquaplane or a similar device and barefoot water skiing.

10 **SECTION 39.** 30.69 (2) of the statutes is amended to read:

11 30.69 (2) CAREFUL AND PRUDENT OPERATION. A person operating a motorboat
12 having in tow a person ~~on water skis, aquaplane or similar device~~ who is engaged in
13 water skiing shall operate ~~such boat~~ the motorboat in a careful and prudent manner
14 and at a reasonable distance from persons and property so as not to endanger the life
15 or property of any person.

16 **SECTION 40.** 30.69 (3) (a) of the statutes is amended to read:

17 30.69 (3) (a) No person operating a motorboat that is towing persons engaged
18 in water skiing, ~~aquaplaning or similar activity~~ may operate the motorboat within
19 100 feet of any occupied anchored boat, any personal watercraft or any marked
20 swimming area or public boat landing.

21 **SECTION 41.** 30.69 (3) (b) of the statutes is amended to read:

22 30.69 (3) (b) No person who is engaged in water skiing, ~~aquaplaning or similar~~
23 ~~activity~~ may get within 100 feet of a personal watercraft or allow the tow rope while
24 in use to get within 100 feet of a personal watercraft.

25 **SECTION 42.** 30.69 (3) (c) 1. of the statutes is amended to read:

1 30.69 (3) (c) 1. A motorboat towing a person who is engaged in water skiing,
2 ~~aquaplaning or similar activity.~~

3 **SECTION 43.** 30.69 (3) (c) 2. of the statutes is amended to read:

4 30.69 (3) (c) 2. The tow rope of a motorboat towing a person who is engaged in
5 water skiing, ~~aquaplaning or similar activity.~~

6 **SECTION 44.** 30.69 (3) (c) 3. of the statutes is amended to read:

7 30.69 (3) (c) 3. A person who is engaged in water skiing, ~~aquaplaning or similar~~
8 ~~activity.~~

9 **SECTION 45.** 30.69 (3) (d) of the statutes is amended to read:

10 30.69 (3) (d) Paragraphs (a) to (c) do not apply to ~~pickup or drop areas that are~~
11 a person who is water skiing or a motorboat towing that person in an area that is
12 marked with regulatory markers and that are is open to operators of personal
13 watercraft and to persons and motorboats engaged in water skiing the person or
14 motorboat for pickup or drop-off purposes.

15 **SECTION 46.** 30.69 (4) of the statutes is amended to read:

16 30.69 (4) INTOXICATED OPERATION. No person may ~~use water skis, an aquaplane~~
17 ~~or a similar device~~ engage in water skiing while under the influence of an intoxicant
18 to a degree which renders him or her incapable of safely using ~~water skis, an~~
19 ~~aquaplane or a similar device, or under the combined influence of an intoxicant and~~
20 ~~any other drug to a degree which renders him or her incapable of safely using water~~
21 ~~skis, an aquaplane or a similar device~~ water skiing.

22 **SECTION 47.** 30.74 (1) (b) of the statutes is amended to read:

23 30.74 (1) (b) The department shall prescribe the course content, and the form
24 of the certificate and may collect \$2 ~~\$5~~ from each person who enrolls in the course.
25 The department may authorize instructors conducting such courses meeting

1 standards established by it to retain \$1 \$2.50 of the fee to defray expenses incurred
2 locally to operate the program. The remaining \$1 \$2.50 of the fee shall be retained
3 by the department for the purpose of defraying a part of its expenses incurred to
4 operate the program.

5 **SECTION 48.** 30.74 (1) (c) of the statutes is amended to read:

6 30.74 (1) (c) ~~Valid certificates~~ For purposes of s. 30.68 (3), a valid certificate
7 ~~issued by other states or provinces held by persons between the ages of 10 and 16~~
8 ~~years will be honored~~ another state or a province of Canada may be used by the holder
9 of the certificate in lieu of a certificate issued under par. (a) if the course content
10 substantially meets that established by the department.

11 **SECTION 49.** 30.77 (3) (a) of the statutes is amended to read:

12 30.77 (3) (a) Any town, village or city may, in the interest of public health, safety
13 or welfare, including the public's interest in preserving the state's natural and scenic
14 resources, enact ordinances applicable on any waters of this state within its
15 jurisdiction if the ordinances are not contrary to or inconsistent with this chapter and
16 if the ordinances relate to the equipment, use or operation of boats or to any activity
17 regulated by ss. 30.60 to 30.71. Except as provided under s. 33.455 (3) (b), no such
18 ordinance that pertains to the equipment, use or operation of a boat on an inland lake
19 is valid unless all towns, cities and villages having jurisdiction on the waters of the
20 lake have enacted an identical ordinance.

21 **SECTION 50.** 30.77 (3) (am) 1. of the statutes is amended to read:

22 30.77 (3) (am) 1. A public inland lake protection and rehabilitation district may,
23 in the interest of public health, safety or welfare, including the public's interest in
24 preserving the state's natural and scenic resources, enact and enforce ordinances
25 applicable to a lake entirely within its boundaries if each town, village and city

1 having jurisdiction on the lake adopts a resolution authorizing the lake district to do
2 so.

3 **SECTION 51.** 30.77 (3) (ar) of the statutes is created to read:

4 30.77 (3) (ar) The department shall promulgate rules establishing, and make
5 available to applicable local units of government, 3 advisory model ordinances for the
6 local units of government to consider when enacting their ordinances regarding the
7 equipment, use and operation of boats on inland lakes under par. (a) or (am). The
8 model ordinances shall provide different provisions based on the density of boating
9 traffic on inland lakes.

10 **SECTION 52.** 30.77 (3) (b) of the statutes is amended to read:

11 30.77 (3) (b) Any county may, in the interest of public health, safety or welfare,
12 including the public's interest in preserving the state's natural and scenic resources,
13 enact an ordinance applicable on any river or stream within its jurisdiction if the
14 ordinance is not contrary to or inconsistent with this chapter, and if the ordinance
15 relates to the equipment, use or operation of boats or to any activity regulated by ss.
16 30.60 to 30.71. If a county enacts an ordinance under this paragraph, the county
17 ordinance supersedes all provisions of a town, village or city ordinance enacted under
18 par. (a) that is inconsistent with the county ordinance.

19 **SECTION 53.** 30.77 (3) (d) of the statutes is amended to read:

20 30.77 (3) (d) Ordinances pertaining to the equipment, use or operation of boats
21 on inland lakes shall be subject to advisory review by the department as provided
22 under this paragraph. Proposed ordinances subject to review under this paragraph
23 shall be submitted by the local town, village or city clerk or by a public inland lake
24 protection and rehabilitation district to the department at least 60 days prior to final
25 action thereon by the town, village or city governing body. Advisory reports

1 regarding town, village or city or lake district ordinances that regulate the
2 equipment, use or operation of boats on inland lakes shall be based on consideration
3 of the effect of the ordinance on the state from the standpoint of uniformity and
4 enforcement and the effect of the ordinance on an affected town, village, city or lake
5 district in view of pertinent local conditions. Advisory reports shall state in what
6 regard such ordinances are considered consistent or inconsistent with this chapter
7 as to public health, safety or welfare, including the public's interest in preserving the
8 state's natural and scenic resources, and shall be accompanied by suggested changes,
9 if any. No later than 20 days after receipt by the department of proposed ordinances,
10 the department shall advise the town, village, city or lake district in writing as to the
11 results of its advisory review under this paragraph. The department shall address
12 the results sent to a town, village or city to its clerk.

13 **SECTION 54.** 30.77 (3) (f) of the statutes is created to read:

14 30.77 (3) (f) In any forfeiture or criminal action for an alleged violation of a local
15 ordinance that restricts the speed of a motorboat, the defendant may not raise the
16 defense that he or she did not know how fast the motorboat was moving because the
17 motorboat lacked a speedometer.

18 **SECTION 55.** 30.771 of the statutes is created to read:

19 **30.771 Regulation by department. (1)** The department may impose a
20 regulation on any aspect of the equipment, use or operation of boats for which there
21 is no local ordinance under s. 30.77 (3) (a) or (am) on any inland lake over which 2
22 or more towns, villages or cities have jurisdiction if all of the following conditions are
23 met:

1 (a) At least one town, village or city having jurisdiction over the lake, or a public
2 inland lake protection and rehabilitation district that has the lake entirely within
3 its boundaries, requests the department to impose the regulation.

4 (b) The department determines that it would be in the interest of public health,
5 safety or welfare, including the public's interest in preserving the state's natural and
6 scenic resources, to impose the regulation requested.

7 **(2)** A regulation imposed under sub. (1) shall be enforced by wardens who are
8 employes of the department using the authority and processes under s. 29.05.

9 **(3)** Municipalities and public inland lake protection and rehabilitation
10 districts may enforce regulations imposed under sub. (1).

11 **SECTION 56.** 30.79 (1) (b) 1. of the statutes is amended to read:

12 30.79 **(1)** (b) 1. A unit within an existing municipal law enforcement agency or
13 a separate municipal agency, created by a municipality or by a number of
14 municipalities riparian to a single body of water for the purpose of enforcing ss. 30.50
15 to 30.80 and any rules promulgated and, ordinances enacted or regulations under ss.
16 30.50 to 30.80 and for the purpose of conducting search and rescue operations.

17 **SECTION 57.** 30.79 (2) of the statutes is amended to read:

18 30.79 **(2)** STATE AID. In order to protect public rights in navigable waters and
19 to promote public health, safety and welfare and the prudent and equitable use of the
20 navigable waters of the state, a system of state aids for local enforcement of ss. 30.50
21 to 30.80 and ordinances enacted or regulations under ss. 30.50 to 30.80 and for
22 conducting search and rescue operations is established.

23 **SECTION 58.** 30.79 (3) of the statutes is amended to read:

24 30.79 **(3)** ENFORCEMENT POWERS. Officers patrolling the waters as part of a
25 water safety patrol unit may stop and board any boat for the purpose of enforcing ss.

1 30.50 to 30.80 or any rules ~~promulgated or~~, ordinances enacted or regulations under
2 ss. 30.50 to 30.80 and for conducting search and rescue operations, if the officers have
3 reasonable cause to believe there is a violation of the sections, rules or ordinances or
4 the stopping and boarding of any boat is essential to conduct a search and rescue
5 operation.

6 **SECTION 59.** 30.79 (4) of the statutes is amended to read:

7 30.79 (4) JURISDICTION. Upon petition by any local governmental unit or group
8 of local governmental units operating or intending to operate a water safety patrol
9 unit, the department shall, if it finds that it is in the interest of efficient and effective
10 enforcement to do so, by rule define the waters which may be patrolled by the unit,
11 including waters lying within the territorial jurisdiction of some other town, village
12 or city if the town, village or city consents to the patrol of its waters. Such consent
13 is not required if the petitioner is a local governmental unit containing a population
14 of 5,000 or more, bordering upon the waters to be affected by the rule in counties
15 having a population of less than 500,000. Officers patrolling the waters as part of
16 the water safety patrol unit shall have the powers of sheriff in enforcing ss. 30.50 to
17 30.80, or rules ~~promulgated or~~, ordinances enacted or regulations under ss. 30.50 to
18 30.80 and in conducting search and rescue operations, on any of the waters so
19 defined, whether or not the waters are within the jurisdiction of the local
20 governmental unit for other purposes.

21 **SECTION 60.** 30.79 (5) of the statutes is amended to read:

22 30.79 (5) PAYMENT OF AIDS. On or before January 31 of the year following the
23 year in which a local governmental unit operated a water safety patrol unit, it shall
24 file with the department on the forms prescribed by it a detailed statement of the
25 costs incurred by the local governmental unit in the operation of the water safety

1 patrol unit during the past calendar year and of the receipts resulting from fines or
2 forfeitures imposed upon persons convicted of violations of ordinances enacted under
3 s. 30.77 or regulations imposed under s. 30.771. The department shall audit the
4 statement and determine the net costs that are directly attributable to the operation
5 and maintenance of the water safety patrol unit, including a reasonable amount for
6 depreciation of equipment. In calculating the net costs, the department shall deduct
7 any fines or forfeitures imposed on persons convicted of violations of ordinances
8 under s. 30.77 or regulations imposed under s. 30.771 and any costs that do not
9 comply with the rules promulgated under sub. (2m). The department shall compute
10 the state aids on the basis of 75% of these net costs and shall cause the aids to be paid
11 on or before April 1 of the year in which the statements are filed. If the state aids
12 payable to local governmental units exceed the moneys available for such purpose,
13 the department shall prorate the payments. No local governmental unit may receive
14 state aid amounting to more than 20% of the funds available.

15 **SECTION 61.** 30.80 (2) of the statutes is amended to read:

16 30.80 (2) Any person violating s. 30.68 (2) shall be fined not more than \$200
17 or imprisoned for not more than 6 months or both. Any person violating s. 30.68 shall
18 be required ordered by the court to obtain a certificate of satisfactory completion of
19 a complete satisfactorily the boating safety course under s. 30.74 (1) regardless of
20 whether the person has a valid boating safety certificate. If the person violating s.
21 30.68 is a resident of another state or a province of Canada, the court may order that
22 the person satisfactorily complete a boating safety course in the state or in the
23 province of Canada in which the person resides if the department has determined
24 that the course has standards that substantially meet the standards established
25 under s. 30.74 (1).

1 **SECTION 62.** 30.80 (6) (a) of the statutes is amended to read:

2 30.80 **(6)** (a) *Penalties related to prohibited operation of a motorboat;*
3 *intoxicants; refusal.* 1. Except as provided under subds. 2. ~~and 3.~~ to 5., a person who
4 violates s. 30.681 (1) (a) or (b) or 30.684 (5) shall forfeit not less than \$150 nor more
5 than \$300.

6 2. ~~Except as provided under subd. 3.,~~ a A person who violates s. 30.681 (1) (a)
7 or (b) or 30.684 (5) and who, within 5 years prior to the arrest for the current
8 violation, was convicted one time previously under the intoxicated boating law or the
9 refusal law shall be fined not less than \$300 nor more than \$1,000 and shall be
10 imprisoned for not less than 5 days nor more than 6 months.

11 3. A person who violates s. 30.681 (1) (a) or (b) or 30.684 (5) and who, within
12 5 years prior to the arrest for the current violation, was convicted 2 ~~or more~~ times
13 previously under the intoxicated boating law or refusal law shall be fined not less
14 than \$600 nor more than \$2,000 and shall be imprisoned for not less than 30 days
15 nor more than one year in the county jail.

16 **SECTION 63.** 30.80 (6) (a) 4. and 5. of the statutes are created to read:

17 30.80 **(6)** (a) 4. A person who violates s. 30.681 (1) (a) or (b) or 30.684 (5) and
18 who, within 5 years prior to the arrest for the current violation, was convicted 3 times
19 previously under the intoxicated boating law or refusal law shall be fined not less
20 than \$600 nor more than \$2,000 and shall be imprisoned for not less than 60 days
21 nor more than one year in the county jail.

22 5. A person who violates s. 30.681 (1) (a) or (b) or 30.684 (5) and who, within
23 5 years prior to the arrest for the current violation, was convicted 4 or more times
24 previously under the intoxicated boating law or refusal law shall be fined not less

1 than \$600 nor more than \$2,000 and shall be imprisoned for not less than 6 months
2 nor more than one year in the county jail.

3 **SECTION 64.** 30.80 (6) (a) 6. of the statutes is created to read:

4 30.80 (6) (a) 6. A person who violates s. 30.681 (1) (bn) shall forfeit \$50.

5 **SECTION 65.** 30.80 (6) (c) of the statutes is amended to read:

6 30.80 (6) (c) *Calculation of previous convictions.* In determining the number
7 of previous convictions under par. (a) 2. ~~and 3.~~ to 5., convictions arising out of the
8 same incident or occurrence shall be counted as one previous conviction.

9 **SECTION 66.** 30.80 (6) (e) of the statutes is amended to read:

10 30.80 (6) (e) *Certificate of satisfactory completion of safety course.* In addition
11 to any other penalty or order, a person who violates s. 30.681 (1) or (2) or 30.684 (5)
12 or who violates s. 940.09 or 940.25 if the violation involves the operation of a
13 motorboat, shall be ordered by the court to ~~obtain a certificate of satisfactory~~
14 ~~completion of a~~ complete satisfactorily the boating safety course under s. 30.74 (1)
15 regardless of whether the person has a valid boating safety certificate. If the person
16 is a resident of another state or a province of Canada, the court may order that the
17 person satisfactorily complete a boating safety course in the state or in the province
18 of Canada in which the person resides if the department has determined that the
19 course has standards that substantially meet the standards established under s.
20 30.74 (1).

21 **SECTION 67.** 30.80 (7) to (9) of the statutes are created to read:

22 30.80 (7) (a) Except as provided in pars. (b) and (c), a person who violates the
23 intoxicated boating law or the refusal law shall be ordered by the court not to engage
24 in the operation of a motorboat in this state for a period of not less than 6 months nor
25 more than 9 months.

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

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

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

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

18 **(8)** Any person operating a motorboat in violation of a court order under sub.
19 (7) shall be subject to the following penalties:

20 (a) Except as provided in pars. (b) to (e), a forfeiture of not less than \$150 nor
21 more than \$600.

22 (b) If within 5 years prior to the arrest for the current violation the person was
23 convicted one previous time for violation of an order under sub. (7), a fine of not less
24 than \$300 nor more than \$1,000 and imprisonment for not less than 10 days nor more
25 than 6 months.

1 (c) If within 5 years prior to the arrest for the current violation the person was
2 convicted 2 previous times for a violation of an order under sub. (7), a fine of not less
3 than \$1,000 nor more than \$2,000 and imprisonment for not less than 30 days nor
4 more than 9 months.

5 (d) If within 5 years prior to the arrest for the current violation the person was
6 convicted 3 previous times for a violation of an order under sub. (7), a fine of not less
7 than \$1,500 nor more than \$2,000 and imprisonment for not less than 60 days nor
8 more than one year in the county jail.

9 (e) If within 5 years prior to the arrest for the current violation the person was
10 convicted 4 or more previous times for a violation of an order under sub. (7), a fine
11 of not less than \$2,000 nor more than \$2,500 and imprisonment for not less than 6
12 months nor more than one year in the county jail.

13 **(9)** (a) In addition to other penalties for engaging in the operation of a
14 motorboat in violation of an order under sub. (7), the court may order the
15 impoundment of the motorboat in which the violation occurred, if owned by the
16 violator. The court may determine the manner and period of impoundment. The cost
17 of impoundment and storage of the motorboat constitutes a lien on the motorboat.

18 (b) If a motorboat impounded under par. (a) is subject to a security agreement
19 or lease contract, the motorboat shall be released by the court to the lessor or secured
20 creditor upon the filing of an affidavit by the lessor or secured creditor that the
21 security agreement or lease contract is in default, and the motorboat shall be
22 delivered to the lessor or secured creditor upon payment of the accrued cost of
23 keeping the motorboat.

24 **SECTION 68.** 48.343 (5) of the statutes is amended to read:

1 48.343 (5) If the violation is related to unsafe use of a boat, order the child to
2 attend ~~a~~ the boating safety course under s. 30.74 (1) regardless of whether the child
3 has a valid boating safety certificate. If the child is a resident of another state or a
4 province of Canada, the court may order that the child attend a boating safety course
5 in the state or in the province of Canada in which the child resides if the department
6 of natural resources has determined that the course has standards that substantially
7 meet the standards established under s. 30.74 (1).

8 **SECTION 69.** 800.02 (2) (b) of the statutes is amended to read:

9 800.02 (2) (b) Except for parking violations, in traffic regulation actions in
10 municipal court, the uniform traffic citation specified in s. 345.11 shall be used in lieu
11 of the citation form specified in par. (a). In actions for violations of local ordinances
12 enacted in accordance with s. 23.33 (11) (am) or 30.77 or for violations of regulations
13 imposed under s. 30.771, the citation form specified in s. 23.54 shall be used in lieu
14 of the citation form specified in par. (a).

15 **SECTION 70.** 885.235 (1m) and (4) of the statutes are amended to read:

16 885.235 (1m) In any action under s. 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m)
17 or (7) or 350.101 (1) (c), evidence of the amount of alcohol in the person's blood at the
18 time in question, as shown by chemical analysis of a sample of the person's blood or
19 urine or evidence of the amount of alcohol in the person's breath, is admissible on the
20 issue of whether he or she had a blood alcohol concentration in the range specified
21 in s. 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m) or 350.101 (1) (c) or a measured
22 alcohol concentration under s. 346.63 (7) if the sample was taken within 3 hours after
23 the event to be proved. The fact that the analysis shows that there was more than
24 0.0% but not more than 0.1% by weight of alcohol in the person's blood or more than
25 0.0 grams but not more than 0.1 grams of alcohol in 210 liters of the person's breath

1 is prima facie evidence that the person had a blood alcohol concentration in the range
2 specified in s. 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m) or 350.101 (1) (c) or a
3 measured alcohol concentration under s. 346.63 (7).

4 (4) The provisions of this section relating to the admissibility of chemical tests
5 for alcohol concentration, intoxication or blood alcohol concentration shall not be
6 construed as limiting the introduction of any other competent evidence bearing on
7 the question of whether or not a person was under the influence of an intoxicant, had
8 a specified alcohol concentration or had a blood alcohol concentration in the range
9 specified in s. 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m) or 350.101 (1) (c).

10 **SECTION 71. Initial applicability.**

11 (1) The treatment of section 30.80 (6) (a) and (7) of the statutes and the
12 creation of section 30.80 (6) (a) 4. and 5. of the statutes first apply to violations
13 committed on the effective date of this subsection, but do not preclude the counting
14 of previous convictions for sentencing a person.

15 **SECTION 72. Effective dates.** This act takes effect on the day after
16 publication, except as follows:

17 (1) The treatment of section 30.68 (3) (cg), (cr), (dm) and (e) 2. of the statutes
18 and the repeal and recreation of section 30.68 (3) (b) and (d) of the statutes take effect
19 on January 1, 1997.

20 (END)