

Insert 8-5 (page 1 of 5)

SECTION #, CR; 110.07 (7)

110.07 (7) This section does not apply to subch.

II of ch. 350 as it relates to any type of
motorboat.

Insert 8-5 (page 2 of 5)

Section #. 281.31 (9) of the statutes is amended to read:

281.31 (9) Sections 30.50 to 30.80 are not affected or superseded by this section.

History: 1975 c. 232; 1977 c. 29; 1981 c. 330, 339; 1983 a. 189, 416; 1993 a. 246; 1995 a. 201; 1995 a. 227 s. 432;

Stats. 1995 s. 281.31.

and subch. II of ch. 350 ✓

Insert 8-5 (page 3 of 5)

Section #. 341.055 of the statutes is amended to read:

341.055 Snowmobiles. Snowmobiles shall not be registered under this chapter but shall be registered under ch. 350.

History: 1971 c. 277.

✓
subch. I of

Insert 8-5 (page 4 of 5)

Section #. 345.11 (1m) of the statutes is amended to read:

345.11 (1m) ~~The~~ uniform traffic citation or the citation form under s. 23.54 shall be used for violations of ch. 350 relating to highway use or ordinances in conformity therewith when committed on the highway, but no points may be assessed against the driving record of the operator of a snowmobile. When the uniform traffic citation is used, the report of conviction shall be forwarded to the department. When the citation form under s. 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

History: 1971 c. 164 s. 81; 1971 c. 277; 1973 c. 218; 1975 c. 41; 1977 c. 29 ss. 1468, 1654 (7) (a), (c); 1977 c. 273; 1979 c. 34, 257; 1985 a. 29, 36, 145, 309; 1989 a. 31, 105, 170, 335; 1993 a. 436, 437; 1995 a. 227; 1997 a. 120; 1999 a. 31, 140.

With respect to snowmobiles, the

Insert 8-5 (page 5 of 5)

Section #. 345.11 (1r) of the statutes is amended to read:

345.11 (1r) ~~The~~ uniform traffic citation or the citation form under s. 23.54 shall be used for violations of s. 23.33 relating to highway use or ordinances in conformity with that section if the violation is committed on a highway, but no points may be assessed against the driving record of the operator of an all-terrain vehicle. When the uniform traffic citation is used, the report of conviction shall be forwarded to the department. When the citation form under s. 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

History: 1971 c. 164 s. 81; 1971 c. 277; 1973 c. 218; 1975 c. 41; 1977 c. 29 ss. 1468, 1654 (7) (a), (c); 1977 c. 273; 1979 c. 34, 257; 1985 a. 29, 36, 145, 309; 1989 a. 31, 105, 170, 335; 1993 a. 436, 437; 1995 a. 227; 1997 a. 120; 1999 a. 31, 140.

With respect to all-terrain vehicles, the

(end of insert)

Insert 15-15

(B)
(15)

"Intoxicated operation of a commercial motorboat law" means, if the operation of a commercial motorboat is involved, s. 350.52 or a local ordinance in conformity with that section or s. 940.09 or 940.25.

Insert 23-20

2. If the person being informed under subd. 1, was arrested for a violation of the intoxicated operation of a commercial motorboat law, the law enforcement shall, in lieu of the first paragraph of the information provided under subd. 1., inform the person of the following:

a.
"You have been arrested for an offense that involves operating a commercial motorboat while under the influence of an intoxicant."

officer

Insert 33-18

~~Not~~ (a) The court shall include the following convictions in determining the number of previous convictions under sub. (1) ^(b) to (e):

1. The intoxicated operation of an all-terrain vehicle law and refusal law, as defined in s. 23.33 (1) (ic) and (jm), 1999 stats.

2. The intoxicated boating law and refusal law, as defined in s. 30.50 (4m) and (9x), 1999 stats.

3. The intoxicated snowmobiling law and refusal law, as defined in s. 350.01 (9c) and (10r), 1999 stats.

(b) Previous convictions under par. (a) apply only to convictions occurring on or after January 1, 1998.

~~(c)~~

Insert 38-14 (page 1 of 3)

Section #. 800.001 of the statutes is amended to read:

800.001 Definition. In this chapter, "general statutory counterpart ordinance" means an ordinance which prohibits conduct which is the same as or similar to conduct prohibited by state statute, but does not include an ordinance enacted by a local authority in accordance with s. 30.77 ~~or~~ 349.06.

History: 1987 a. 389.

or 350.72

Insert 38-14 (page 2 of 3)

Section #. 800.02 (2) (b) of the statutes is amended to read:

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

History: 1977 c. 305; 1979 c. 22; 1979 c. 32 s. 68; 1979 c. 266; Stats. 1979 s. 800.02; 1981 c. 317; 1983 a. 535; 1987 a. 27; 1987 a. 200 s. 4; 1987 a. 389; 1989 a. 170; 1991 a. 39, 40; 1993 a. 16, 112, 320, 437; 1997 a. 27; 1999 a. 9.

or 350.72,

Insert 38-14 (page 3 of 3)

Section #. 938.343 (9) of the statutes is amended to read:

938.343 (9) If the violation is one under s. 23.33 or under an ordinance enacted in conformity with s. 23.33 concerning the use of all-terrain vehicles, order the juvenile to enroll and participate in an all-terrain vehicle safety course.

History: 1995 a. 77, 352, 448; 1997 a. 84, 183, 197, 198, 205, 248; 1999 a. 9, 32, 185.

or enacted under
s. 350.72,

or subch. II of ch. 350,

(end of insert)

BILL

1 967.055 (2) (a) Notwithstanding s. 971.29, if the prosecutor seeks to dismiss
 2 or amend a charge under s. 346.63 (1) or (5) or a local ordinance in conformity
 3 therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the
 4 use of a vehicle or an improper refusal under s. 343.305, the prosecutor shall apply
 5 to the court. The application shall state the reasons for the proposed amendment or
 6 dismissal. The court may approve the application only if the court finds that the
 7 proposed amendment or dismissal is consistent with the public's interest in deterring
 8 the operation of motor vehicles by persons who are under the influence of an
 9 intoxicant, a controlled substance, a controlled substance analog or any combination
 10 of an intoxicant, controlled substance and controlled substance analog, under the
 11 influence of any other drug to a degree which renders him or her incapable of safely
 12 driving, or under the combined influence of an intoxicant and any other drug to a
 13 degree which renders him or her incapable of safely driving as defined in s. 340.01
 14 (25d), or in deterring the operation of commercial motor vehicles by persons with an
 15 alcohol concentration of 0.04 or more. The court may not approve an application to
 16 amend the vehicle classification from a commercial motor vehicle to a noncommercial
 17 motor vehicle unless there is evidence in the record that the motor vehicle being
 18 operated by the defendant at the time of his or her arrest was not a commercial motor
 19 vehicle.

SECTION 60. Initial applicability.

21 (1) This act first applies to violations committed or refusals occurring on the
 22 effective date of this subsection, but does not preclude the counting of other
 23 convictions, ~~suspensions, or revocations~~ as prior convictions, ~~suspensions, or~~

24 revocations for purposes of ~~administrative action by the department of~~

that occurred after December 31, 1996,

BILL Insert 40-17 (page 2 of 2)

1 the ~~transportation~~ sentencing by a court or revocation or suspension of ~~motor vehicle~~
 2 ~~operating~~ privileges.

3 ~~SECTION 61. Effective date.~~

4 ~~(1) This act takes effect on January 1, 2003.~~

5 ~~(END)~~

to operate a sport
recreational vehicle
or commercial motorboat

(end of insert)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2892/P2

TNF:kgjf

Wanted 11/26 pm

Changes
from Ron Stankusky,
Leg. Council
11/20/01

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen. Cat.

1 AN ACT to repeal 23.33 (1) (am), (ar), (dm), (e) and (f), 23.33 (1) (i), (ic), (je), (jm)
2 and (js), 23.33 (4c) to (4z), 23.33 (13) (c) and (cm) to (e), 30.50 (1e), (1g), (1m) and
3 (3d), 30.50 (3g), (3h), (3r) and (4m), 30.50 (9g), (9x) and (13m), 30.681 to 30.687,
4 350.01 (1g), (1h) and (1i), 350.01 (2), (2d) and (3m), 350.01 (9), (9c), (10g) and
5 (10r), 350.01 (21) and 350.101 to 350.108; to renumber and amend 350.99;
6 to amend 20.370 (5) (es), 23.33 (5) (d), 23.33 (9) (c), 23.33 (13) (a), 23.50 (1),
7 23.53 (1), 23.56 (1), 23.57 (1) (intro.), 23.58, 23.62 (1) (intro.), 30.204 (5), 30.74
8 (1) (bn), 30.74 (3), 30.79 (1) (b) 1., 30.79 (2), 30.79 (3), 30.79 (4), 30.79 (5), 46.03
9 (18) (f), 59.54 (14) (g), 281.31 (9), 341.055, 345.11 (1m), 345.11 (1r), chapter 350
10 (title), 350.01 (intro.), 350.01 (16), 350.045, 350.055, 350.11 (1), 350.115 (1) (a),
11 350.12 (3) (b) and (4) (a) 4., 350.12 (4) (b) 3., 350.17 (1), 350.17 (3), 350.18 (2),
12 350.19, 885.235 (1m) and (4), 800.001, 800.02 (2) (b), 938.343 (9), 940.09 (1m)
13 and (3), 940.25 (1m) and (3) and 967.055 (2) (b); to repeal and recreate 23.33
14 (12) (b), 23.33 (13) (b), 30.64 (3), 30.80 (6), 350.11 (3) and 350.17 (2); and to
15 create 110.07 (7), subchapter I (title) of chapter 350 [precedes 350.01] and

1 subchapter II of chapter 350 [precedes 350.50] of the statutes; relating to: the
2 intoxicated operation of an all-terrain vehicle, motorboat, or snowmobile.

Analysis by the Legislative Reference Bureau

~~THIS IS A PRELIMINARY DRAFT.~~ Insert 20 April

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

PREFATORY NOTE: This bill is recommended by the joint legislative council's special committee on recodification of operating while intoxicated and safety laws pertaining to motor vehicle, all-terrain vehicle, boat or snowmobile operation. The special committee was directed to study current statutes relating to operating a vehicle while under the influence of an intoxicant or drug and to reorganize, simplify, modernize and clarify these statutes and make minor substantive changes necessary to effect these goals. In addition, the special committee was directed to study, with respect to an all-terrain vehicle, a boat or a snowmobile, whether enforcement mechanisms need to be increased or created to ensure compliance with the law.

This bill consolidates statutory provisions regarding the intoxicated operation of all-terrain vehicles, motorboats and snowmobiles into one subchapter of the statutes. In general, a number of policies expressed in the motor vehicle code with respect to the issue of operating a motor vehicle while intoxicated are applied to the operation of all-terrain vehicles, motorboats and snowmobiles, which are collectively referred to as sport recreational vehicles. The special committee explicitly intends that, unless expressly noted, the bill makes no substantive changes in the statutory provisions treated by the bill. Substantive changes in the bill are identified in notes to the provisions substantively affected. The notes also describe the derivation of the provisions contained in newly created subchapter II of chapter 350.

except for commercial motor boats,

3 SECTION 1. 20.370 (5) (es) of the statutes is amended to read:

4 20.370 (5) (es) *Enforcement aids — snowmobiling enforcement.* The amounts
5 in the schedule from the snowmobile account in the conservation fund to provide law
6 enforcement aids to counties as authorized under s. 350.12 (4) (a) 4. to be used
7 exclusively for the enforcement of subch. I of ch. 350 and of subch. II of ch. 350 as it
8 relates to snowmobiles.

9 SECTION 2. 23.33 (1) (am), (ar), (dm), (e) and (f) of the statutes are repealed.

10 SECTION 3. 23.33 (1) (i), (ic), (je), (jm) and (js) of the statutes are repealed.

11 SECTION 4. 23.33 (4c) to (4z) of the statutes are repealed.

1 **SECTION 5.** 23.33 (5) (d) of the statutes is amended to read:

2 23.33 (5) (d) *Safety certification program established.* The department shall
3 establish or supervise the establishment of a program of instruction on all-terrain
4 vehicle laws, including the intoxicated operation of an ~~all-terrain~~ a sport
5 recreational vehicle law, as defined in s. 350.50 (16), regulations, safety and related
6 subjects. The department shall establish by rule an instruction fee for this program.
7 An instructor conducting the program of instruction under this paragraph shall
8 collect the fee from each person who receives instruction. The department may
9 determine the portion of this fee, which may not exceed 50%, that the instructor may
10 retain to defray expenses incurred by the instructor in conducting the program. The
11 instructor shall remit the remainder of the fee or, if nothing is retained, the entire
12 fee to the department.

13 **SECTION 6.** 23.33 (9) (c) of the statutes is amended to read:

14 23.33 (9) (c) *Signs.* In addition to the projects listed in par. (b), the department
15 may provide aid under this subsection to a town, village, city or county for up to 100%
16 of the cost of placing signs developed under ~~sub. (4z) (a) 2~~ s. 350.66 (1) (b).

17 **SECTION 7.** 23.33 (12) (b) of the statutes is repealed and recreated to read:

18 23.33 (12) (b) No operator of an all-terrain vehicle may do any of the following:

- 19 1. Fail or refuse to comply with any lawful order, signal, or direction of a law
20 enforcement officer.
- 21 2. Disobey the instructions of any official traffic sign or signal unless otherwise
22 directed by a law enforcement officer.
- 23 3. After having received a visual or audible signal to stop his or her all-terrain
24 vehicle from a law enforcement officer, or marked police vehicle, knowingly resist the

1 law enforcement officer by failing to stop the all-terrain vehicle as promptly as safety
2 reasonably permits.

3 4. After having received a visual or audible signal from a law enforcement
4 officer, or marked police vehicle, knowingly flee or attempt to elude any law
5 enforcement officer by willful or wanton disregard of such signal so as to interfere
6 with or endanger the operation of the police vehicle, or the law enforcement officer
7 or other vehicles or pedestrians, nor may the operator increase the speed of the
8 operator's all-terrain vehicle or extinguish the lights of the all-terrain vehicle in an
9 attempt to elude or flee.

NOTE: Current law provides that no operator of an all-terrain vehicle, a boat or a snowmobile may refuse to stop after being requested or signaled to do so by a law enforcement officer. This SECTION and SECTION 6 specify that no operator of these vehicles may refuse to comply with orders or instructions of a law enforcement officer, resist a law enforcement by failing to stop or flee from a law enforcement officer. The penalties for these increasingly serious offenses range from a forfeiture not exceeding \$40 for the first offense and not exceeding \$100 for the second or subsequent conviction within a year to a fine of not less \$1,100 nor more than \$10,000 and imprisonment for not more than 7 years and 6 months. These provisions are taken directly from ss. 346.04 and 346.17, stats., relating to obedience to traffic officers, signs and signals and to fleeing from an officer. The provisions also are repeated as necessary in this bill in SECTIONS 8, 9, 10 and 11 and in ss. 350.68 (2) and 350.74 (5) as created in this bill.

9

X

→ 21, 30, 50,

X

10 SECTION 8. 23.33 (13) (a) of the statutes is amended to read:

11 23.33 (13) (a) *Generally.* Except as provided in pars. (am) to (e), (b), and (cg),
12 any person who violates this section shall forfeit not more than \$250.

13 SECTION 9. 23.33 (13) (b) of the statutes is repealed and recreated to read:

14 23.33 (13) (b) *Penalties for refusal to obey law enforcement officers, signs, and*
15 *signals.* 1. A person who violates sub. (12) (b) 1. or 2. may be required to forfeit not
16 less than \$20 nor more than \$40 for the first conviction and not less than \$50 nor
17 more than \$100 for the 2nd or subsequent conviction within a year.

18 2. A person who violates sub. (12) (b) 3. may be fined not more than \$10,000 or
19 imprisoned for not more than 9 months or both.

1 3. a. Except as provided in subd. 3. b., c., or d., a person who violates sub. (12)
2 (b) 4. shall be fined not less than \$600 nor more than \$10,000 and may be imprisoned
3 for not more than 3 years.

4 b. If the violation results in bodily harm, as defined in s. 939.22 (4), to another,
5 or causes damage to the property of another, as defined in s. 939.22 (28), the person
6 shall be fined not less than \$1,000 nor more than \$10,000 and may be imprisoned for
7 not more than 3 years.

8 c. If the violation results in great bodily harm, as defined in s. 939.22 (14), to
9 another, the person shall be fined not less than \$1,100 nor more than \$10,000 and
10 may be imprisoned for not more than 3 years.

11 d. If the violation results in the death of another, the person shall be fined not
12 less than \$1,100 nor more than \$10,000 and may be imprisoned for not more than
13 7 years and 6 months.

NOTE: Current law provides that an operator of an all-terrain vehicle who refuses
to stop after being requested or signaled to do so by a law enforcement officer must forfeit
not more than \$250. The violation and penalties are altered as described in SECTION 10
of the bill.

14 SECTION 10. 23.33 (13) (c) and (cm) to (e) of the statutes are repealed. (7) X

15 SECTION 11. 23.50 (1) of the statutes is amended to read:

16 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
17 court to recover forfeitures, penalty assessments, jail assessments, applicable
18 weapons assessments, applicable environmental assessments, applicable wild
19 animal protection assessments, applicable natural resources assessments,
20 applicable fishing shelter removal assessments, applicable snowmobile registration
21 restitution payments and applicable natural resources restitution payments for
22 violations of ss. 77.09, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57
23 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2), subch. VI of ch.

1 77, this chapter and chs. 26 to 31 and of ch. 350, and any administrative rules
2 promulgated thereunder, violations specified under s. 285.86, violations of rules of
3 the Kickapoo reserve management board under s. 41.41 (7) (k) or violations of local
4 ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) ~~or~~,
5 30.77, or 350.72.

6 **SECTION 12.** 23.53 (1) of the statutes is amended to read:

7 23.53 (1) The citation created under this section shall, in all actions to recover
8 forfeitures, penalty assessments, jail assessments, applicable weapons assessments,
9 applicable environmental assessments, applicable wild animal protection
10 assessments, applicable natural resources assessments, applicable fishing shelter
11 removal assessments, applicable snowmobile registration restitution payments and
12 applicable natural resources restitution payments for violations of those statutes
13 enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, and
14 any rule of the Kickapoo reserve management board under s. 41.41 (7) (k) be used
15 by any law enforcement officer with authority to enforce those laws, except that the
16 uniform traffic citation created under s. 345.11 may be used by a traffic officer
17 employed under s. 110.07 in enforcing s. 167.31 or by an officer of a law enforcement
18 agency of a municipality or county or a traffic officer employed under s. 110.07 in
19 enforcing s. 287.81. In accordance with s. 345.11 (1m), the citation shall not be used
20 for violations of ch. 350 relating to highway use. The citation may be used for
21 violations of local ordinances enacted by any local authority in accordance with s.
22 23.33 (11) (am) ~~or~~, 30.77, or 350.72.

23 **SECTION 13.** 23.56 (1) of the statutes is amended to read:

24 23.56 (1) A person may be arrested for a violation of those statutes enumerated
25 in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the

1 Kickapoo reserve management board under s. 41.41 (7) (k), or any local ordinances
2 enacted by any local authority in accordance with s. 23.33 (11) (am) ~~or~~, 30.77, or
3 350.72 after a warrant that substantially complies with s. 968.04 has been issued.
4 Except as provided in sub. (2), the person arrested shall be brought without
5 unreasonable delay before a court having jurisdiction to try the action.

6 **SECTION 14.** 23.57 (1) (intro.) of the statutes is amended to read:

7 23.57 (1) (intro.) A person may be arrested without a warrant when the
8 arresting officer has probable cause to believe that the person is committing or has
9 committed a violation of those statutes enumerated in s. 23.50 (1), any
10 administrative rules promulgated thereunder, any rule of the Kickapoo reserve
11 management board under s. 41.41 (7) (k), or any local ordinances enacted by any local
12 authority in accordance with s. 23.33 (11) (am) ~~or~~, 30.77, or 350.72; and:

13 **SECTION 15.** 23.58 of the statutes is amended to read:

14 **23.58 Temporary questioning without arrest.** After having identified
15 himself or herself as an enforcing officer, an enforcing officer may stop a person in
16 a public place for a reasonable period of time when the officer reasonably suspects
17 that such person is committing, is about to commit or has committed a violation of
18 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated
19 thereunder, any rule of the Kickapoo reserve management board under s. 41.41 (7)
20 (k), or any local ordinances enacted by any local authority in accordance with s. 23.33
21 (11) (am) ~~or~~, 30.77, or 350.72. Such a stop may be made only where the enforcing
22 officer has proper authority to make an arrest for such a violation. The officer may
23 demand the name and address of the person and an explanation of the person's
24 conduct. Such detention and temporary questioning shall be conducted in the
25 vicinity where the person was stopped.

1 **SECTION 16.** 23.62 (1) (intro.) of the statutes is amended to read:

2 23.62 (1) (intro.) Whenever an enforcing officer has probable cause to believe
3 that a person subject to his or her authority is committing or has committed a
4 violation of those statutes enumerated in s. 23.50 (1), any administrative rules
5 promulgated thereunder, any rule of the Kickapoo reserve management board under
6 s. 41.41 (7) (k), or any local ordinances enacted by any local authority in accordance
7 with s. 23.33 (11) (am) ~~or~~, 30.77, or 350.72, the officer may proceed in the following
8 manner:

9 **SECTION 17.** 30.204 (5) of the statutes is amended to read:

10 **30.204 (5) EXEMPTION FROM CERTAIN STATUTES AND RULES.** Activities of the
11 department in conducting the lake acidification experiment are exempt from any
12 prohibition, restriction, requirement, permit, license, approval, authorization, fee,
13 notice, hearing, procedure or penalty specified under s. 29.601 (3), 30.01 to 30.03,
14 30.06 to 30.16, 30.18 to 30.29, 30.50 to 30.99, 59.692, 87.30, 287.81, 299.15 to 299.23,
15 299.91, 299.95, or 299.97 or chs. 281, 283, or 289 to 292, or subch. II of ch. 350 as it
16 relates to any type of motorboat, or specified in any rule promulgated, order issued,
17 or ordinance adopted under any of those sections or chapters.

18 **SECTION 18.** 30.50 (1e), (1g), (1m) and (3d) of the statutes are repealed.

19 **SECTION 19.** 30.50 (3g), (3h), (3r) and (4m) of the statutes are repealed.

20 **SECTION 20.** 30.50 (9g), (9x) and (13m) of the statutes are repealed.

21 **SECTION 21.** 30.64 (3) of the statutes is repealed and recreated to read:

22 30.64 (3) No operator of a boat may do any of the following:

23 (a) Fail or refuse to comply with any lawful order, signal, or direction of a law
24 enforcement officer.

1 (b) Disobey the instructions of any official traffic sign or signal unless otherwise
2 directed by a law enforcement officer.

3 (c) After having received a visual or audible signal to stop his or her boat from
4 a law enforcement officer, or marked police vehicle, knowingly resist the law
5 enforcement officer by failing to stop the boat as promptly as safety reasonably
6 permits.

7 (d) After having received a visual or audible signal from a law enforcement
8 officer, or marked police vehicle, knowingly flee or attempt to elude any law
9 enforcement officer by willful or wanton disregard of such signal so as to interfere
10 with or endanger the operation of the police vehicle, or the law enforcement officer
11 or other vehicles or individuals, nor may the operator increase the speed of the
12 operator's boat or extinguish the lights of the boat in an attempt to elude or flee.

NOTE: See the note to SECTION ~~22~~ (7) X

13 SECTION 22. 30.681 to 30.687 of the statutes are repealed.

14 SECTION 23. 30.74 (1) (bn) of the statutes is amended to read:

15 30.74 (1) (bn) A certificate issued to a person under this subsection is valid for
16 life unless revoked by a court under s. 30.80 (2m) ~~or (6) (e)~~, 350.74 (10), or 938.343
17 (5).

18 SECTION 24. 30.74 (3) of the statutes is amended to read:

19 30.74 (3) ENFORCEMENT. The department shall assist in the enforcement of ss.
20 30.50 to 30.80 and of subch. II of ch. 350 as it relates to any type of motorboat, and
21 in connection therewith maintain patrol boats and operate such patrol boats at such
22 times and places as the department deems necessary in the interest of boating safety
23 and the effective enforcement of boating laws.

24 SECTION 25. 30.79 (1) (b) 1. of the statutes is amended to read:

1 30.79 (1) (b) 1. A unit within an existing municipal law enforcement agency or
2 a separate municipal agency, created by a municipality or by a number of
3 municipalities riparian to a single body of water for the purpose of enforcing ss. 30.50
4 to 30.80 and any rules promulgated and ordinances enacted under ss. 30.50 to 30.80,
5 for the purpose of enforcing subch. II of ch. 350 and any ordinances enacted under
6 s. 350.72 as the subchapter or ordinances relate to any type of motorboat, and for the
7 purpose of conducting search and rescue operations.

8 **SECTION 26.** 30.79 (2) of the statutes is amended to read:

9 30.79 (2) STATE AID. In order to protect public rights in navigable waters and
10 to promote public health, safety and welfare and the prudent and equitable use of the
11 navigable waters of the state, a system of state aids for local enforcement of ss. 30.50
12 to 30.80 and ordinances enacted under ss. 30.50 to 30.80, for local enforcement of
13 subch. II of ch. 350 and ordinances enacted under s. 350.72 as the subchapter and
14 ordinances relate to any type of motorboat, and for conducting search and rescue
15 operations is established.

16 **SECTION 27.** 30.79 (3) of the statutes is amended to read:

17 30.79 (3) ENFORCEMENT POWERS. Officers patrolling the waters as part of a
18 water safety patrol unit may stop and board any boat for the purpose of enforcing ss.
19 30.50 to 30.80 or any rules promulgated or ordinances enacted under ss. 30.50 to
20 30.80, for the purpose of enforcing subch. II of ch. 350 or any ordinances enacted
21 under s. 350.72 as the subchapter or ordinances relate to any type of motorboat, and
22 for conducting search and rescue operations, if the officers have reasonable cause
23 to believe there is a violation of the sections, rules or ordinances or the stopping and
24 boarding of any boat is essential to conduct a search and rescue operation.

25 **SECTION 28.** 30.79 (4) of the statutes is amended to read:

1 **30.79 (4) JURISDICTION.** Upon petition by any local governmental unit or group
2 of local governmental units operating or intending to operate a water safety patrol
3 unit, the department shall, if it finds that it is in the interest of efficient and effective
4 enforcement to do so, by rule define the waters which may be patrolled by the unit,
5 including waters lying within the territorial jurisdiction of some other town, village
6 or city if the town, village or city consents to the patrol of its waters. Such consent
7 is not required if the petitioner is a local governmental unit containing a population
8 of 5,000 or more, bordering upon the waters to be affected by the rule in counties
9 having a population of less than 500,000. Officers patrolling the waters as part of
10 the water safety patrol unit shall have the powers of sheriff in enforcing ss. 30.50 to
11 30.80, or rules promulgated or ordinances enacted under ss. 30.50 to 30.80, in
12 enforcing subch. II of ch. 350, or ordinances enacted under s. 350.72, as the
13 subchapter or ordinances relate to any type of motorboat, and in conducting search
14 and rescue operations, on any of the waters so defined, whether or not the waters are
15 within the jurisdiction of the local governmental unit for other purposes.

16 **SECTION 29.** 30.79 (5) of the statutes is amended to read:

17 **30.79 (5) PAYMENT OF AIDS.** On or before January 31 of the year following the
18 year in which a local governmental unit operated a water safety patrol unit, it shall
19 file with the department on the forms prescribed by it a detailed statement of the
20 costs incurred by the local governmental unit in the operation of the water safety
21 patrol unit during the past calendar year and of the receipts resulting from fines or
22 forfeitures imposed upon persons convicted of violations of ordinances enacted under
23 s. 30.77 or of ordinances enacted under s. 350.72 as they relate to any type of
24 motorboat. The department shall audit the statement and determine the net costs
25 that are directly attributable to the operation and maintenance of the water safety

1 patrol unit, including a reasonable amount for depreciation of equipment. In
2 calculating the net costs, the department shall deduct any fines or forfeitures
3 imposed on persons convicted of violations of ordinances under s. 30.77 and any costs
4 that do not comply with the rules promulgated under sub. (2m). The department
5 shall compute the state aids on the basis of 75% of these net costs and shall cause the
6 aids to be paid on or before April 1 of the year in which the statements are filed. If
7 the state aids payable to local governmental units exceed the moneys available for
8 such purpose, the department shall prorate the payments. No local governmental
9 unit may receive state aid amounting to more than 20% of the funds available.

10 **SECTION 30.** 30.80 (6) of the statutes is repealed and recreated to read:

11 30.80 (6) (a) A person who violates s. 30.64 (3) (a) or (b) may be required to
12 forfeit not less than \$20 nor more than \$40 for the first conviction and not less than
13 \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

14 (b) A person who violates s. 30.64 (3) (c) may be fined not more than \$10,000
15 or imprisoned for not more than 9 months or both.

16 (c) 1. Except as provided in subd. 2., 3., or 4., a person who violates s. 30.64 (3)
17 (d) shall be fined not less than \$600 nor more than \$10,000 and may be imprisoned
18 for not more than 3 years.

19 2. If the violation results in bodily harm, as defined in s. 939.22 (4), to another,
20 or causes damage to the property of another, as defined in s. 939.22 (28), the person
21 shall be fined not less than \$1,000 nor more than \$10,000 and may be imprisoned for
22 not more than 3 years.

23 3. If the violation results in great bodily harm, as defined in s. 939.22 (14), to
24 another, the person shall be fined not less than \$1,100 nor more than \$10,000 and
25 may be imprisoned for not more than 3 years.

1 4. If the violation results in the death of another, the person shall be fined not
2 less than \$1,100 nor more than \$10,000 and may be imprisoned for not more than
3 7 years and 6 months.

NOTE: Current law provides that an operator of a boat who refuses to stop after
being requested or signaled to do so by a law enforcement officer must forfeit not more
than \$50 for the first offense and must forfeit not more than \$100 upon conviction of the
same offense a second or subsequent time within one year. The violation and penalties
are altered as described in SECTION 4 of the bill. See also SECTION 21

4 SECTION 31. 46.03 (18) (f) of the statutes is amended to read:

5 46.03 (18) (f) Notwithstanding par. (a), any person who submits to an
6 assessment or driver safety plan under s. ~~23.33 (13) (e), 30.80 (6) (d), 343.16 (5) (a),~~
7 343.30 (1q), 343.305 (10) or 350.11 (3) (d), or 350.74 (9) shall pay a reasonable fee
8 therefor to the appropriate county department under s. 51.42 or traffic safety school
9 under s. 345.60. A county may allow the person to pay the assessment fee in 1, 2, 3,
10 or 4 equal instalments. The fee for the driver safety plan may be reduced or waived
11 if the person is unable to pay the complete fee, but no fee for assessment or
12 attendance at a traffic safety school under s. 345.60 may be reduced or waived.
13 Nonpayment of the assessment fee is noncompliance with the court order that
14 required completion of an assessment and driver safety plan. Upon a finding that
15 the person has the ability to pay, nonpayment of the driver safety plan fee is
16 noncompliance with the court order that required completion of an assessment and
17 driver safety plan.

18 SECTION 32. 59.54 (14) (g) of the statutes is amended to read:

19 59.54 (14) (g) A county may establish extensions of the jail, which need not be
20 at the county seat, to serve as places of temporary confinement. No person may be
21 detained in such an extension for more than 24 consecutive hours, except that a court
22 may order that a person subject to imprisonment under s. ~~23.33 (13) (b) 2. or 3. or (c)~~

1 ~~or 350.11 (3) (a) 2. or 3. or (b) 350.74 (1) (b) to (e) or (3)~~ be imprisoned for more than
2 24 consecutive hours in such an extension. Jail extensions shall be subject to plans
3 and specifications approval by the department of corrections and shall conform to
4 other requirements imposed by law on jails, except that cells may be designed and
5 used for multiple occupancy.

6 SECTION 33. 110.07 (7) of the statutes is created to read:

7 110.07 (7) This section does not apply to subch. II of ch. 350 as it relates to any
8 type of motorboat.

9 SECTION 34. 281.31 (9) of the statutes is amended to read:

10 281.31 (9) Sections 30.50 to 30.80 and subch. II of ch. 350 are not affected or
11 superseded by this section.

12 SECTION 35. 341.055 of the statutes is amended to read:

13 341.055 **Snowmobiles.** Snowmobiles shall not be registered under this
14 chapter but shall be registered under subch. I of ch. 350.

15 SECTION 36. 345.11 (1m) of the statutes is amended to read:

16 345.11 (1m) ~~The~~ With respect to snowmobiles, the uniform traffic citation or
17 the citation form under s. 23.54 shall be used for violations of ch. 350 relating to
18 highway use or ordinances in conformity therewith when committed on the highway,
19 but no points may be assessed against the driving record of the operator of a
20 snowmobile. When the uniform traffic citation is used, the report of conviction shall
21 be forwarded to the department. When the citation form under s. 23.54 is used, the
22 procedure in ss. 23.50 to 23.85 applies.

23 SECTION 37. 345.11 (1r) of the statutes is amended to read:

24 345.11 (1r) ~~The~~ With respect to all-terrain vehicles, the uniform traffic citation
25 or the citation form under s. 23.54 shall be used for violations of s. 23.33 relating to

1 highway use or ordinances in conformity with that section if the violation is
2 committed on a highway, but no points may be assessed against the driving record
3 of the operator of an all-terrain vehicle. When the uniform traffic citation is used,
4 the report of conviction shall be forwarded to the department. When the citation
5 form under s. 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

6 SECTION 38. Chapter 350 (title) of the statutes is amended to read:

7 **CHAPTER 350**

8 **SNOWMOBILES AND INTOXICATED**

9 **OPERATION OF SPORT**

10 **RECREATIONAL VEHICLES AND**

11 **COMMERCIAL MOTORBOATS**

12 SECTION 39. Subchapter I (title) of chapter 350 [precedes 350.01] of the statutes
13 is created to read:

14 **CHAPTER 350**

15 **SUBCHAPTER I**

16 **REGULATION OF SNOWMOBILES**

17 SECTION 40. 350.01 (intro.) of the statutes is amended to read:

18 **350.01 Definitions.** (intro.) In this chapter subchapter:

19 SECTION 41. 350.01 (1g), (1h) and (1i) of the statutes are repealed.

20 SECTION 42. 350.01 (2), (2d) and (3m) of the statutes are repealed.

21 SECTION 43. 350.01 (9), (9c), (10g) and (10r) of the statutes are repealed.

22 SECTION 44. 350.01 (16) of the statutes is amended to read:

23 350.01 (16) "Snowmobile route" means a highway or sidewalk designated for
24 use by snowmobile operators by the governmental agency having jurisdiction as
25 authorized under this chapter subchapter.

1 **SECTION 45.** 350.01 (21) of the statutes is repealed.

2 **SECTION 46.** 350.045 of the statutes is amended to read:

3 **350.045 Public utility exemption.** So that public utilities may effectively
4 carry out their obligations to the public, the restrictions imposed by this chapter
5 subchapter relating to use on, near or adjacent to highways shall not apply to
6 snowmobiles operated to fulfill the corporate function of the public utility in those
7 cases where safety does not require strict adherence to the regulations related to
8 snowmobiles in general. However, snowmobiles operated by public utilities must be
9 operated in a safe manner at all times.

10 **SECTION 47.** 350.055 of the statutes is amended to read:

11 **350.055 Safety certification program established.** The department shall
12 establish a program of instruction on snowmobile laws, including the intoxicated
13 snowmobiling-law operation of a sport recreational vehicle law, as defined in s. 350.50
14 (16), regulations, safety, and related subjects. The program shall be conducted by
15 instructors certified by the department. The department may procure liability
16 insurance coverage for certified instructors for work within the scope of their duties
17 under this section. Each person satisfactorily completing this program shall receive
18 a snowmobile safety certificate from the department. The department shall
19 establish by rule an instruction fee for this program. An instructor conducting a
20 program of instruction under this section shall collect the instruction fee from each
21 person who receives instruction. The department may determine the portion of this
22 fee, which may not exceed 50%, that the instructor may retain to defray expenses
23 incurred by the instructor in conducting the program. The instructor shall remit the
24 remainder of the fee or, if nothing is retained, the entire fee to the department. A
25 person who is required to hold a valid snowmobile safety certificate may operate a

1 snowmobile in this state if the person holds a valid snowmobile safety certificate
2 issued by another state or province of the Dominion of Canada and if the course
3 content of the program in such other state or province substantially meets that
4 established by the department under this section.

5 SECTION 48. 350.101 to 350.108 of the statutes are repealed.

6 SECTION 49. 350.11 (1) of the statutes is amended to read:

7 350.11 (1) (a) Except as provided in par. (b) and subs. (2g), (2m), and (3), any
8 person who violates any provision of this ~~chapter~~ subchapter shall forfeit not more
9 than \$250.

10 (b) Except as provided in subs. (2g), (2m), and (3), any person who violates any
11 provision of this ~~chapter~~ subchapter and who, within the last 3 years prior to the
12 conviction for the current violation, was 2 or more times previously convicted for
13 violating the same provision of this ~~chapter~~ subchapter shall forfeit not more than
14 \$500.

15 SECTION 50. 350.11 (3) of the statutes is repealed and recreated to read:

16 350.11 (3) (a) A person who violates s. 350.17 (2) (a) or (b) may be required to
17 forfeit not less than \$20 nor more than \$40 for the first conviction and not less than
18 \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

19 (b) A person who violates s. 350.17 (2) (c) may be fined not more than \$10,000
20 or imprisoned for not more than 9 months or both.

21 (c) 1. Except as provided in subs. 2., 3., or 4., a person who violates s. 350.17
22 (2) (d) shall be fined not less than \$600 nor more than \$10,000 and may be imprisoned
23 for not more than 3 years.

24 2. If the violation results in bodily harm, as defined in s. 939.22 (4), to another,
25 or causes damage to the property of another, as defined in s. 939.22 (28), the person

1 shall be fined not less than \$1,000 nor more than \$10,000 and may be imprisoned for
2 not more than 3 years.

3 3. If the violation results in great bodily harm, as defined in s. 939.22 (14), to
4 another, the person shall be fined not less than \$1,100 nor more than \$10,000 and
5 may be imprisoned for not more than 3 years.

6 4. If the violation results in the death of another, the person shall be fined not
7 less than \$1,100 nor more than \$10,000 and may be imprisoned for not more than
8 7 years and 6 months.

NOTE: Current law provides that a snowmobile operator who refuses to stop after
being requested or signaled to do so by a law enforcement officer must be fined not less
than \$300 nor more than \$2,000 and may be imprisoned for not less than 30 days nor more
than one year in the county jail. The violation and penalties are altered as described in
SECTION ⁽⁷⁾ of the bill. See also SECTION ⁽⁵⁵⁾

9 SECTION 51. 350.115 (1) (a) of the statutes is amended to read:

10 350.115 (1) (a) If a court imposes a forfeiture for a violation of a provision of this
11 ~~chapter~~ subchapter where the payment of a registration fee is required, the court
12 shall impose a snowmobile registration restitution payment equal to the amount of
13 the fee that was required and should have been obtained.

14 SECTION 52. 350.12 (3) (b) and (4) (a) 4. of the statutes are amended to read:

15 350.12 (3) (b). Any person who is a resident of this state and the owner of a
16 snowmobile which has a model year of 1966 or earlier may, upon application, register
17 the snowmobile as an antique snowmobile. Upon payment of a fee of \$20, the
18 applicant shall be furnished a registration certificate and decals of a distinctive
19 design, in lieu of the design on the decals issued under par. (d). The design shall show
20 that the snowmobile is an antique. The registration shall be valid without payment
21 of any additional registration fee while the snowmobile is owned by the applicant.

1 Unless inconsistent with this paragraph, the provisions of this ~~chapter~~ subchapter
2 applicable to other snowmobiles shall apply to antique snowmobiles.

3 (4) (a) 4. An amount necessary to pay the cost of law enforcement aids to
4 counties as appropriated under s. 20.370 (5) (es). On or before June 1, a county shall
5 file with the department on forms prescribed by the department a detailed statement
6 of the costs incurred by the county in the enforcement of this ~~chapter~~ subchapter
7 during the preceding May 1 to April 30. The department shall audit the statements
8 and determine the county's net costs for enforcement of this ~~chapter~~ subchapter. The
9 department shall compute the state aids on the basis of 100% of these net costs and
10 shall pay these aids on or before October 1. If the state aids payable to counties
11 exceed the moneys available for such purpose, the department shall prorate the
12 payments.

13 **SECTION 53.** 350.12 (4) (b) 3. of the statutes is amended to read:

14 350.12 (4) (b) 3. Not more than \$30,000 for a route signing program of aids to
15 cities, villages, towns or counties of up to 100% of the cost of initial signing of
16 snowmobile routes which connect authorized trails or which offer entrance to or exit
17 from trails leading to such municipalities. Aid may be provided under this
18 subdivision to cities, villages, towns and counties for up to 100% of the cost of placing
19 signs developed under s. ~~350.108~~ 350.66 (1) (b) which briefly explain the intoxicated
20 snowmobiling operation of a sport recreational vehicle law along snowmobile routes.
21 Applications and documentation shall be submitted to the department by April 15
22 of each year on forms prescribed by departmental rule.

23 **SECTION 54.** 350.17 (1) of the statutes is amended to read:

1 350.17 (1) Any officer of the state traffic patrol under s. 110.07 (1), inspector
2 under s. 110.07 (3), warden of the department under s. 23.10, county sheriff, or
3 municipal peace officer may enforce the provisions of this ~~chapter~~ subchapter.

4 SECTION 55. 350.17 (2) of the statutes is repealed and recreated to read:

5 350.17 (2) No operator of a snowmobile may do any of the following:

6 (a) Fail or refuse to comply with any lawful order, signal, or direction of a law
7 enforcement officer.

8 (b) Disobey the instructions of any official traffic sign or signal unless otherwise
9 directed by a law enforcement officer.

10 (c) After having received a visual or audible signal to stop his or her snowmobile
11 from a law enforcement officer, or marked police vehicle, knowingly resist the law
12 enforcement officer by failing to stop the snowmobile as promptly as safety
13 reasonably permits.

14 (d) After having received a visual or audible signal from a law enforcement
15 officer, or marked police vehicle, knowingly flee or attempt to elude any law
16 enforcement officer by willful or wanton disregard of such signal so as to interfere
17 with or endanger the operation of the police vehicle, or the law enforcement officer
18 or other vehicles or pedestrians, nor may the operator increase the speed of the
19 operator's snowmobile or extinguish the lights of the snowmobile in an attempt to
20 elude or flee.

NOTE: See the note to SECTION ~~(4)~~ (7)

21 SECTION 56. 350.17 (3) of the statutes is amended to read:

22 350.17 (3) Notwithstanding subs. (1) and (2), no law enforcement officer may
23 stop a snowmobile operator for a violation of a statutory provision under this ~~chapter~~
24 subchapter or a rule promulgated or an ordinance adopted under this ~~chapter~~

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1 subchapter unless the law enforcement officer has reasonable cause to believe the
2 snowmobile operator has committed such a violation.

3 SECTION 57. 350.18 (2) of the statutes is amended to read:

4 350.18 (2) Any county, town, city or village may enact an ordinance that is in
5 strict conformity with ss. 350.02 to 350.05, 350.07 to ~~350.107~~, 350.11, 350.12, 350.13,
6 350.135, 350.15 to 350.17, 350.19, and ~~350.99~~ 350.21.

7 SECTION 58. 350.19 of the statutes is amended to read:

8 **350.19 Liability of landowners.** Section 895.52 applies to this chapter
9 subchapter.

10 SECTION 59. Subchapter II of chapter 350 [precedes 350.50] of the statutes is
11 created to read:

12 CHAPTER 350

13 SUBCHAPTER II

14 INTOXICATED OPERATION OF 15 SPORT RECREATIONAL VEHICLES 16 AND COMMERCIAL MOTORBOATS

17 **350.50 Definitions.** In this subchapter:

- 18 (1) "Alcohol" has the meaning given in s. 340.01 (1q).
19 (2) "Alcohol concentration" has the meaning given in s. 340.01 (1v).
20 (3) "All-terrain vehicle" has the meaning given in s. 340.01 (2g).
21 (4) "All-terrain vehicle trail" has the meaning given in s. 23.33 (1) (d).
22 (5) "Approved public treatment facility" has the meaning given in s. 51.45 (2)
23 (c).

1 (6) “Boat” means every description of watercraft used or capable of being used
2 as a means of transportation on water, except a seaplane on the water and a fishing
3 raft.

4 (7) “Bodily harm” means physical pain or injury, illness, or any impairment of
5 physical condition.

6 (8) “Commercial motorboat” means a motorboat while it is being operated to
7 transport property or passengers for hire or while it is being used by its operator or
8 owner to earn a livelihood or to gain a profit or both.

9 (9) “Controlled substance” has the meaning given in s. 961.01 (4).

10 (10) “Controlled substance analog” has the meaning given in s. 961.01 (4m).

11 (11) “Department” means the department of natural resources.

12 (12) “Drug” has the meaning given in s. 450.01 (10).

13 (13) “Highway” has the meaning given in s. 340.01 (22).

14 (14) “Intoxicant” means any of the following:

15 (a) Alcohol, a controlled substance, a controlled substance analog, any other
16 drug, or a vapor-releasing substance.

17 (b) Any combination of alcohol, a controlled substance, a controlled substance
18 analog, any other drug, or a vapor-releasing substance.

19 (15) “Intoxicated operation of a commercial motorboat law” means, if the
20 operation of a commercial motorboat is involved, s. 350.52 or a local ordinance in
21 conformity with that section or s. 940.09 or 940.25.

22 (16) “Intoxicated operation of a sport recreational vehicle law” means, if the
23 operation of a sport recreational vehicle is involved, s. 350.52 or a local ordinance in
24 conformity with that section or s. 940.09 or 940.25.

25 (17) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

1 (18) “Motorboat” means any boat equipped with propulsion machinery,
2 whether or not the machinery is the principal source of propulsion, but does not
3 include a commercial motorboat.

4 (19) “Operate” means to exercise physical control over the speed or direction
5 of a sport recreational vehicle or commercial motorboat, or to physically manipulate
6 or activate any of the controls of a sport recreational vehicle or commercial motorboat
7 necessary to put it in motion.

8 (20) “Operation” means the exercise of physical control over the speed or
9 direction of a sport recreational vehicle or commercial motorboat, or the physical
10 manipulation or activation of any of the controls of a sport recreational vehicle or
11 commercial motorboat necessary to put it in motion. “Operation,” with respect to a
12 motorboat, does not include a sailboat operating under sail alone.

13 (21) “Operator” means a person who operates a sport recreational vehicle or
14 commercial motorboat, who is responsible for the operation of a sport recreational
15 vehicle or commercial motorboat or who is supervising the operation of a sport
16 recreational vehicle or commercial motorboat.

17 (22) (a) “Prohibited alcohol concentration” means, with respect to convictions
18 under laws listed in par. (b), one of the following:

19 1. If the person has one or no prior convictions within 10 years prior to the arrest
20 for the current violation, an alcohol concentration of 0.1 or more.

21 2. If the person has 2 prior convictions within 10 years prior to the arrest for
22 the current violation, an alcohol concentration of 0.08 or more.

23 3. If the person has 3 or more prior convictions within 10 years prior to the
24 arrest for the current violation, an alcohol concentration of more than 0.02.

1 (b) The laws covered under par. (a) are the intoxicated operation of an
2 all-terrain vehicle law and refusal law, as defined in s. 23.33 (1) (ic) and (jm), 1999
3 stats.; the intoxicated boating law and refusal law, as defined in s. 30.50 (4m) and
4 (9x), 1999 stats.; the intoxicated snowmobiling law and refusal law, as defined in s.
5 350.01 (9c) and (10r), 1999 stats.; the intoxicated operation of a sport recreational
6 vehicle law; and the intoxicated operation of a commercial motorboat law.

7 (23) "Purpose of authorized analysis" means for the purpose of determining or
8 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a
9 person's breath, blood, or urine.

10 (24) "Refusal law" means s. 350.58 (5) or a local ordinance in conformity with
11 that subsection.

12 (25) "Sport recreational vehicle" means an all-terrain vehicle, a motorboat, or
13 a snowmobile.

14 (26) "Snowmobile" has the meaning given in s. 340.01 (58a).

15 (27) "Snowmobile trail" has the meaning given in s. 350.01 (17).

16 (28) "Test facility" means a test facility or agency prepared to administer tests
17 under s. 343.305 (2).

18 (29) "Under the influence of an intoxicant" means a condition in which a
19 person's ability to operate a sport recreational vehicle or commercial motorboat,
20 because of the consumption ^{or use} of an intoxicant, is impaired to the extent that the person
21 is less able to exercise the clear judgment and steady hand necessary to handle and
22 control a sport recreational vehicle or commercial motorboat.

23 (30) "Waters of this state" has the meaning given in s. 30.50 (14).

NOTE: This section restates definitions from ss. 23.33 (1), 30.50 and 350.01, stats.
For purposes of consolidated treatment, the term "sport recreational vehicle" is created

The term does not include a commercial motorboat
to mean an all-terrain vehicle, a motorboat or a snowmobile. See, also, with respect to the definition of the term "prohibited alcohol concentration", the note following s. 350.52.

Also, this section creates a definition for the term "under the influence of an intoxicant". The term is defined to mean a condition in which a person's ability to operate a sport recreational vehicle, because of the consumption of an intoxicant, is impaired to the extent that the person is less able to exercise the clear judgment and steady hand necessary to handle and control a sport recreational vehicle. This definition codifies language contained in Wisconsin criminal jury instructions, s. 2663, with respect to a person operating a motor vehicle while under the influence of an intoxicant. The new standard replaces the phrase "incapable of safe operation" that currently applies to all-terrain vehicles, motorboats and snowmobiles. In addition, the bill adds to the definition of the term "intoxicant" by including the term "a vapor-releasing substance".

1 **350.52 Intoxicated operation of a sport recreational vehicle or**
2 **commercial motorboat. (1) OPERATION. (a) *Operating while under the influence***
3 ***of an intoxicant.* No person may operate a sport recreational vehicle or commercial**
4 **motorboat while under the influence of an intoxicant.**

5 **(b) *Operating with alcohol concentrations at or above specified levels.* 1. No**
6 **person may operate a sport recreational vehicle while the person has a prohibited**
7 **alcohol concentration.**

8 **2. No person may operate a commercial motorboat while the person has an**
9 **alcohol concentration of 0.04 or more.**

10 **(c) *Operating with alcohol concentrations at specified levels; under age 21.* If**
11 **a person has not attained the age of 21, the person may not operate a sport**
12 **recreational vehicle or commercial motorboat while he or she has an alcohol**
13 **concentration of more than 0.0 but not more than 0.1.**

14 **(d) *Related charges.* A person may be charged with and a prosecutor may**
15 **proceed upon a complaint based upon a violation of par. (a) or (b) or both for acts**
16 **arising out of the same incident or occurrence. If the person is charged with violating**
17 **both pars. (a) and (b), the offenses shall be joined. If the person is found guilty of**
18 **violating both pars. (a) and (b) for acts arising out of the same incident or occurrence,**
19 **there shall be a single conviction for purposes of sentencing and for purposes of**

1 counting convictions under s. 350.74 (1) (b) to (e). Paragraphs (a) and (b) each require
2 proof of a fact for conviction which the other does not require.

3 (2) CAUSING BODILY HARM. (a) *Causing bodily harm while under the influence*
4 *of an intoxicant.* No person while under the influence of an intoxicant may cause
5 bodily harm to another person by the operation of a sport recreational vehicle or
6 commercial motorboat.

7 (b) *Causing bodily harm with alcohol concentrations at or above specified levels.*

8 1. No person who has a prohibited alcohol concentration may cause bodily harm to
9 another person by the operation of a sport recreational vehicle.

10 2. No person who has an alcohol concentration of 0.04 or more may cause bodily
11 harm to another person by the operation of a commercial motorboat.

12 (c) *Related charges.* A person may be charged with and a prosecutor may
13 proceed upon a complaint based upon a violation of par. (a) or (b) or both for acts
14 arising out of the same incident or occurrence. If the person is charged with violating
15 both pars. (a) and (b) in the complaint, the crimes shall be joined under s. 971.12.
16 If the person is found guilty of violating both pars. (a) and (b) for acts arising out of
17 the same incident or occurrence, there shall be a single conviction for purposes of
18 sentencing and for purposes of counting convictions under s. 350.74 (1) (b) to (e).
19 Paragraphs (a) and (b) each require proof of a fact for conviction which the other does
20 not require.

21 (d) *Defenses.* 1. Except as provided in subd. 2., in an action under this
22 subsection, the defendant has a defense if he or she proves by a preponderance of the
23 evidence that the bodily harm would have occurred even if he or she had been
24 exercising due care and he or she had not been under the influence of an intoxicant
25 or did not have a prohibited alcohol concentration.

1 2. In an action under this subsection for a violation of the intoxicated operation
2 of a commercial motorboat law, the defendant has a defense if he or she proves by a
3 preponderance of the evidence that the bodily harm would have occurred even if he
4 or she had been exercising due care and he or she had not been under the influence
5 of an intoxicant or did not have an alcohol concentration of 0.04 or more.

NOTE: This SECTION restates ss. 23.33 (4c), 30.681 and 350.101, stats., with the following exceptions:

1. Under current law, a person under the age of 19 may not operate an all-terrain vehicle or a snowmobile if the person has alcohol in his or her system. Also, under current law, a person under the age of 21 may not operate a motorboat if the person has alcohol in his or her system. This bill uniformly provides that persons under the age of 21 must maintain absolute sobriety when operating any type of sport recreational vehicle →

2. Current law generally provides that a person may not operate a sport recreational vehicle, or cause injury to another by operation of a sport recreational vehicle, when the person has an alcohol concentration of 0.1 or more. This bill makes use of the definition of the term "prohibited alcohol concentration" as used in the motor vehicle code. Thus, in general, no person may operate a sport recreational vehicle, or cause injury to another person by operation of a sport recreational vehicle, with alcohol concentrations listed below:

a. If the person has one or no prior convictions within 10 years prior to the arrest for the current violation, an alcohol concentration of 0.1 or more.

b. If the person has 2 prior convictions within 10 years prior to the arrest for the current violation, an alcohol concentration of 0.08 or more.

c. If the person has 3 or more prior convictions within 10 years prior to the arrest for the current violation, an alcohol concentration of more than 0.02.

3. Instead of using the term "injury", this bill refers to "bodily harm". The term "bodily harm" is defined in s. 350.50 (7) to mean physical pain or injury, illness or any impairment of physical condition. The definition is adopted from s. 939.22 (4), stats.

or commercial
motorboat

6 **350.54 Preliminary breath screening test. (1) REQUIREMENT.** A person
7 shall provide a sample of his or her breath for a preliminary breath screening test
8 if a law enforcement officer has reasonable suspicion that the person is violating or
9 has violated the intoxicated operation of a sport recreational vehicle law or the
10 intoxicated operation of a commercial motorboat law, and if, prior to an arrest, the
11 law enforcement officer requested the person to provide this sample.

12 **(2) USE OF TEST RESULTS.** A law enforcement officer may use the results of a
13 preliminary breath screening test for the purpose of deciding whether or not to arrest
14 a person for a violation of the intoxicated operation of a sport recreational vehicle law

1 or the intoxicated operation of a commercial motorboat law, or for the purpose of
2 deciding whether or not to request a chemical test under s. 350.60. Following the
3 preliminary breath screening test, chemical tests may be required of the person
4 under s. 350.60.

5 (3) **ADMISSIBILITY.** The result of a preliminary breath screening test is not
6 admissible in any action or proceeding except to show probable cause for an arrest,
7 if the arrest is challenged, to show the presence of an intoxicant in a person, or to
8 show that a chemical test was properly required of a person under s. 350.60.

9 (4) **REFUSAL.** There is no penalty for a violation of sub. (1). The general penalty
10 provision under s. 939.61 does not apply to that violation.

NOTE: This section restates ss. 23.33 (4g), 30.682 and 350.102, stats., except that
in sub. (1) a law enforcement officer may require a preliminary breath screening test if
there is a reasonable suspicion, rather than probable cause to believe, that a violation has
occurred. This change codifies the decision of the Wisconsin Supreme Court in *County
of Jefferson v. Renz*, 231 Wis. 2d 293 (1999).

In addition, current law provides that a preliminary breath screening test is not
admissible in any action or proceeding except to show probable cause for an arrest, if the
arrest is challenged, or to prove that a chemical test was properly required or requested.
This SECTION provides that the result of the preliminary breath screening test also may
be used as evidence of the presence of an intoxicant in a person.

11 **350.56 Application of intoxicated operation of a sport recreational**
12 **vehicle law. (1) MOTORBOATS.** The intoxicated operation of a sport recreational
13 vehicle law is applicable to the operation of a motorboat upon the waters of this state.

14 (2) **COMMERCIAL MOTORBOATS.** The intoxicated operation of a commercial
15 motorboat law is applicable to the operation of a commercial motorboat upon the
16 waters of this state.

17 (3) **ALL-TERRAIN VEHICLES AND SNOWMOBILES.** Except as provided in this
18 subsection, the intoxicated operation of a sport recreational vehicle law is applicable
19 to the operation of an all-terrain vehicle and a snowmobile upon frozen waters and
20 upon all property, whether the property is publicly or privately owned and whether

1 or not a fee is charged for the use of that property. The intoxicated operation of a sport
 2 recreational vehicle law does not apply to the operation of an all-terrain vehicle or
 3 a snowmobile on private land that is not designated as an all-terrain vehicle trail
 4 or a snowmobile trail unless an accident involving personal injury occurs as the
 5 result of the operation of the all-terrain vehicle or snowmobile or the all-terrain
 6 vehicle or snowmobile was operated on the private land without the consent of the
 7 owner of that land.

NOTE: Current law provides that the intoxicated operation of an all-terrain vehicle law is applicable upon all premises held out to the public for use of their all-terrain vehicles, whether the premises are publicly or privately owned and whether or not a fee is charged for use of the premises. The law also provides that the intoxicated snowmobiling law applies to all property, whether the property is publicly or privately owned and whether or not a fee is charged for the use of that property. However, the snowmobiling law does not apply to the operation of a snowmobile on private land not designated as a snowmobile trail unless an accident involving personal injury occurs and the snowmobile was operated on the private land without the owner's consent.

The bill makes the following changes:

1. The bill specifically incorporates the phrase "upon the waters of this state" from s. 30.683, stats., for the purpose of stating the place of application of the intoxicated operation of a sport recreational vehicle law to motorboats.

2. The provisions describing the applicability of the intoxicated operation of a sport recreational vehicle law are combined with respect to all-terrain vehicles and snowmobiles. The law will be applicable upon frozen waters and upon all property, whether the property is publicly or privately owned and whether or not a fee is charged for the use of that property. The factual question of whether property is held out to the public for use of an all-terrain vehicle is eliminated. The law will not apply to the operation of an all-terrain vehicle or a snowmobile on private land not designated as an all-terrain vehicle trail or as a snowmobile trail unless an accident involving personal injury occurs as the result of the operation of the all-terrain vehicle or snowmobile or the all-terrain vehicle or the snowmobile was operated on the private land without the consent of the owner of that land.

and the place
of application
of the
intoxicated
operation of
a commercial
motorboat law

8 **350.58 Implied consent.** A person who engages in the operation of a sport
 9 recreational vehicle or commercial motorboat in or on those areas enumerated in s.
 10 350.56 is considered to have given consent to provide one or more samples of his or
 11 her breath, blood, or urine for the purpose of authorized analysis as required under
 12 s. 350.60. A person who engages in the operation of a sport recreational vehicle or
 13 commercial motorboat within this state is considered to have given consent to submit

1 to one or more chemical tests of his or her breath, blood, or urine for the purpose of
2 authorized analysis as required under s. 350.60.

NOTE: This section restates ss. 23.33 (4L), 30.683 and 350.103, stats.

3 **350.60 Chemical tests. (1) REQUIREMENT. (a) *Samples; submission to tests.***

4 A person shall provide one or more samples of his or her breath, blood, or urine for
5 the purpose of authorized analysis if he or she is arrested for a violation of the
6 intoxicated operation of a sport recreational vehicle law or the intoxicated operation
7 of a commercial motorboat law, and if he or she is requested to provide the sample
8 by a law enforcement officer. A person shall submit to one or more chemical tests of
9 his or her breath, blood, or urine for the purpose of authorized analysis if he or she
10 is arrested for a violation of the intoxicated operation of a sport recreational vehicle
11 law or the intoxicated operation of a commercial motorboat law, and if he or she is
12 requested to submit to the test by a law enforcement officer.

13 (b) *Information.* 1. Except as provided in subd. 2., a law enforcement officer
14 requesting a person to provide a sample or to submit to a chemical test under par.
15 (a) shall inform the person of all of the following at the time of the request and prior
16 to obtaining the sample or administering the test:

17 “a. You have either been arrested for an offense that involves driving or
18 operating a sport recreational vehicle while under the influence of an intoxicant.

19 b. This law enforcement agency now wants to test one or more samples of your
20 breath, blood, or urine to determine the concentration of an intoxicant in your
21 system. If any test shows more alcohol in your system than the law permits while
22 operating, your operating privilege will be suspended. If you refuse to take any test
23 that this agency requests, your operating privilege will be revoked and you will be
24 subject to other penalties. The test results or the fact that you refused testing can

1 be used against you in court. The law does not provide you with a right to contact
2 an attorney before submitting to a chemical test.

3 c. If you take all of the requested tests, you may choose to take further tests.
4 You may take the alternative test that this law enforcement agency provides free of
5 charge. You also may have a test conducted by a qualified person of your choice at
6 your expense. You, however, will have to make your own arrangements for that test.”

7 2. If the person being informed under subd. 1. was arrested for a violation of
8 the intoxicated operation of a commercial motorboat law, the law enforcement officer
9 shall, in lieu of the first paragraph of the information provided under subd. 1., inform
10 the person of the following:

11 “a. You have been arrested for an offense that involves operating a commercial
12 motorboat while under the influence of an intoxicant.”

13 (c) *Unconscious person.* A person who is unconscious or otherwise not capable
14 of withdrawing consent is presumed not to have withdrawn consent under this
15 subsection, and if a law enforcement officer has probable cause to believe that the
16 person violated the intoxicated operation of a sport recreational vehicle law or the
17 intoxicated operation of a commercial motorboat law, one or more chemical tests may
18 be administered to the person without a request under par. (a) and without providing
19 information under par. (b).

20 (2) CHEMICAL TESTS. (a) *Test facility.* Upon the request of a law enforcement
21 officer, a test facility shall administer a chemical test of breath, blood, or urine for
22 the purpose of authorized analysis. A test facility shall be prepared to administer
23 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized
24 analysis. The department may enter into agreements for the cooperative use of test
25 facilities.

1 (b) *Designated chemical test.* A test facility shall designate one chemical test
2 of breath, blood, or urine which it is prepared to administer first for the purpose of
3 authorized analysis.

4 (c) *Additional chemical test.* A test facility shall specify one chemical test of
5 breath, blood, or urine, other than the test designated under par. (b), which it is
6 prepared to administer for the purpose of authorized analysis as an additional
7 chemical test.

8 (d) *Validity; procedure.* A chemical test of blood or urine conducted for the
9 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties
10 and responsibilities of the laboratory of hygiene, department of health and family
11 services, and department of transportation under s. 343.305 (6) apply to a chemical
12 test of blood or urine conducted for the purpose of authorized analysis under this
13 section. Blood may be withdrawn from a person arrested for a violation of the
14 intoxicated operation of a sport recreational vehicle law or the intoxicated operation
15 of a commercial motorboat law only by a physician, registered nurse, medical
16 technologist, physician assistant, or person acting under the direction of a physician,
17 and the person who withdraws the blood, the employer of that person, and any
18 hospital where blood is withdrawn have immunity from civil or criminal liability as
19 provided under s. 895.53.

20 (e) *Report.* A test facility that administers a chemical test of breath, blood, or
21 urine for the purpose of authorized analysis under this section shall prepare a
22 written report which shall include the findings of the chemical test, the identification
23 of the law enforcement officer or the person who requested a chemical test, and the
24 identification of the person who provided the sample or submitted to the chemical

1 test. The test facility shall transmit a copy of the report to the law enforcement officer
2 and the person who provided the sample or submitted to the chemical test.

3 (3) ADDITIONAL AND OPTIONAL CHEMICAL TESTS. (a) *Additional chemical test.* If
4 a person is arrested for a violation of the intoxicated operation of a sport recreational
5 vehicle law or the intoxicated operation of a commercial motorboat law, or is the
6 operator of a sport recreational vehicle or commercial motorboat involved in an
7 accident resulting in great bodily harm to or the death of someone, and if the person
8 is requested to provide a sample or to submit to a test under sub. (1) (a), the person
9 may request the test facility to administer the additional chemical test specified
10 under sub. (2) (c) or, at his or her own expense, reasonable opportunity to have any
11 qualified person administer a chemical test of his or her breath, blood, or urine for
12 the purpose of authorized analysis.

13 (b) *Optional test.* If a person is arrested for a violation of the intoxicated
14 operation of a sport recreational vehicle law or the intoxicated operation of a
15 commercial motorboat law and if the person is not requested to provide a sample or
16 to submit to a test under sub. (1) (a), the person may request the test facility to
17 administer a chemical test of his or her breath or, at his or her own expense,
18 reasonable opportunity to have any qualified person administer a chemical test of his
19 or her breath, blood, or urine for the purpose of authorized analysis. If a test facility
20 is unable to perform a chemical test of breath, the person may request the test facility
21 to administer the designated chemical test under sub. (2) (b) or the additional
22 chemical test under sub. (2) (c).

23 (c) *Compliance with request.* A test facility shall comply with a request under
24 this subsection to administer any chemical test that it is able to perform.

1 (d) *Inability to obtain chemical test.* The failure or inability of a person to obtain
2 a chemical test at his or her own expense does not preclude the admission of evidence
3 of the results of a chemical test required and administered under subs. (1) and (2).

4 (4) **ADMISSIBILITY; EFFECT OF TEST RESULTS; OTHER EVIDENCE.** The results of a
5 chemical test required or administered under sub. (1), (2), or (3) are admissible in any
6 civil or criminal action or proceeding arising out of the acts committed by a person
7 alleged to have violated the intoxicated operation of a sport recreational vehicle law
8 or the intoxicated operation of a commercial motorboat law on the issue of whether
9 the person was under the influence of an intoxicant or the issue of whether the person
10 had alcohol concentrations at or above specified levels. Results of these chemical
11 tests shall be given the effect required under s. 885.235. This section does not limit
12 the right of a law enforcement officer to obtain evidence by any other lawful means.

13 (5) **REFUSAL.** No person may refuse a lawful request to provide one or more
14 samples of his or her breath, blood, or urine or to submit to one or more chemical tests
15 under sub. (1). A person shall not be considered to refuse to provide a sample or to
16 submit to a chemical test if it is shown by a preponderance of the evidence that the
17 refusal was due to a physical inability to provide the sample or to submit to the test
18 due to a physical disability or disease unrelated to the use of an intoxicant. Issues
19 in any action for which the penalties under s. 350.74 (1) may be imposed for a
20 violation of sub. (1) or this subsection are limited to:

21 (a) Whether the law enforcement officer had probable cause to believe that the
22 person was violating or had violated the intoxicated operation of a sport recreational
23 vehicle law or the intoxicated operation of a commercial motorboat law.

1 (b) Whether the person was lawfully placed under arrest for violating the
2 intoxicated operation of a sport recreational vehicle law or the intoxicated operation
3 of a commercial motorboat law.

4 (c) Whether the law enforcement officer requested the person to provide a
5 sample or to submit to a chemical test and provided the information required under
6 sub. (1) (b) or whether the request and information were unnecessary under sub. (1)
7 (c).

8 (d) Whether the person refused to provide a sample or to submit to a chemical
9 test.

10 **(6) ISSUES RAISED BY MOTION.** An issue raised under sub. (5) (a) or (b) shall be
11 raised by the defendant as a motion before trial contesting the validity of the arrest
12 in the same manner as motions in misdemeanor actions filed under s. 971.31.

NOTE: This section restates ss. 23.33 (4p), 30.684 and 350.104, stats. Subsection
(6) is added to clarify that issues surrounding the lawful arrest of a person are matters
to be determined by the court and not a jury.

13 **350.62 Report arrest to department.** If a law enforcement officer arrests
14 a person for a violation of the intoxicated operation of a sport recreational vehicle law,
15 the intoxicated operation of a commercial motorboat law, or the refusal law, the law
16 enforcement officer shall notify the department of the arrest as soon as practicable.

NOTE: This section restates ss. 23.33 (4t), 30.686 and 350.106, stats.

17 **350.64 Officer's action after arrest for operating a sport recreational**
18 **vehicle or commercial motorboat while under influence of intoxicant.** A
19 person arrested for a violation of s. 350.52 (1) (a) or (b) or a local ordinance in
20 conformity with those paragraphs or s. 350.52 (2) (a) or (b) may not be released until
21 12 hours have elapsed from the time of his or her arrest or unless a chemical test
22 administered under s. 350.60 (1) (a) shows that the person has an alcohol

1 concentration of less than 0.02, but the person may be released to his or her attorney,
2 spouse, relative, or other responsible adult at any time after arrest.

NOTE: This section restates ss. 23.33 (4x), 30.687 and 350.107, stats., except that the alcohol concentration level that will authorize immediate release after arrest is reduced from the current level of 0.05 or less to less than 0.02.

3 **350.66 Public education program.** (1) The department shall promulgate
4 rules to provide for a public education program to:

5 (a) Inform sport recreational vehicle operators of the prohibitions and penalties
6 included in the intoxicated operation of a sport recreational vehicle law. The
7 snowmobile recreational council may assist the department in developing the public
8 education program.

9 (b) Provide for the development of signs briefly explaining the intoxicated
10 operation of a sport recreational vehicle law.

11 (2) The department shall develop and issue an educational pamphlet on the
12 intoxicated operation of a sport recreational vehicle law to be distributed to persons
13 issued registration certificates or cards under s. 23.33 (2) or (2g), 30.52 (5) (b), 350.12,
14 or 350.122.

NOTE: This section restates ss. 23.33 (4z) and 350.108, stats. A similar provision is not found in ch. 30, stats., relating to motorboats; however, s. 30.74 (1), stats., requires the department of natural resources (DNR) to create comprehensive courses on boating safety and operation. The bill additionally requires DNR to distribute to a motorboat registrant an educational pamphlet on the intoxicated operation of a sport recreational vehicle law.

15 **350.68 Enforcement.** (1) A law enforcement officer may enforce the
16 provisions of this subchapter.

17 (2) No operator of a sport recreational vehicle ^{or a commercial motorboat} may do any of the following: X

18 (a) Fail or refuse to comply with any unlawful order, signal, or direction of a law
19 enforcement officer.

1 (b) Disobey the instructions of any official traffic sign or signal unless otherwise
2 directed by a law enforcement officer.

3 (c) After having received a visual or audible signal to stop his or her sport
4 recreational vehicle or commercial motorboat from a law enforcement officer, or
5 marked police vehicle, knowingly resist the law enforcement officer by failing to stop
6 the sport recreational vehicle or commercial motorboat as promptly as safety
7 reasonably permits.

8 (d) After having received a visual or audible signal from a law enforcement
9 officer, or marked police vehicle, knowingly flee or attempt to elude any law
10 enforcement officer by willful or wanton disregard of such signal so as to interfere
11 with or endanger the operation of the police vehicle, or the law enforcement officer
12 or other vehicles or individuals, nor may the operator increase the speed of the
13 operator's sport recreational vehicle or commercial motorboat, or extinguish the
14 lights of the sport recreational vehicle in an attempt to elude or flee.

15 (3) Notwithstanding subs. (1) and (2), no law enforcement officer may stop a
16 snowmobile operator for a violation of a statutory provision under this subchapter
17 or a rule promulgated or an ordinance adopted under this subchapter unless the law
18 enforcement officer has reasonable cause to believe that the operator has committed
19 the violation.

NOTE: This section is derived from ss. 23.33 (12), 30.64 (3) and 350.17, stats., except
that the provision explicitly provides that a law enforcement officer may enforce the
provisions of subch. II of ch. 350, stats. The current list of individuals who may enforce
the law is included in the defined term "law enforcement officer" in s. 350.50 (14). See,
also, the note to SECTION 4 and see s. 350.74 (4) with respect to the issue of refusing to stop
after being requested or signaled to do so by a law enforcement officer. X

20 **350.70 Liability of landowners.** Section 895.52 applies to this subchapter.

NOTE: This section restates ss. 23.33 (10) and 350.19, stats.