



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2007 Senate Bill 454

**Senate Substitute
Amendment 1**

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This Memo analyzes Senate Substitute Amendment 1 to 2007 Senate Bill 454, relating to the operation on highways of motor vehicles and recreational trailers with aquatic plants attached and providing a penalty.

The following definitions are applicable to new s. 346.94 (6), created by the Substitute Amendment:

1. “Law enforcement officer” has the meaning given in s. 23.33 (1) (ig), Stats. (i.e., includes any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce, and includes a person appointed as a conservation warden by the Department of Natural Resources under s. 23.10 (1), Stats.).

2. “Personal watercraft” means a motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designed to be operated by a person standing on, kneeling on or sitting astride the watercraft (i.e., this definition is found in s. 30.50 (9d), Stats.).

3. “Recreational trailer” means a trailer designed for carrying a boat or personal watercraft.

Under Substitute Amendment 1:

1. No person may operate a motor vehicle or a recreational trailer on a highway if any aquatic plants are attached to any of the following:

- a. The *exterior of the motor vehicle or recreational trailer*.
- b. The *tires* of the motor vehicle or recreational trailer.

c. The *exterior of any boat or personal watercraft* being carried upon the recreational trailer.

2. Any law enforcement officer may, with respect to any aquatic plants attached in violation of item 1., above, do any of the following:

- a. Require the operator of the motor vehicle or recreational trailer to remove and appropriately dispose of the aquatic plants.
- b. Prohibit the operator of the motor vehicle or recreational trailer from proceeding until the aquatic plants have been removed and appropriately disposed of.

3. No person may fail or refuse to comply with any requirement or directive of a law enforcement officer under item 2., above.

4. Any person violating item 3., above, must be fined not less than \$50 nor more than \$250. ***There is no penalty for a violation of item 1., above,*** and the general penalty provision under s. 939.61, Stats., does not apply to a violation of item 1. That is, there is no violation (and penalty) except under item 3., above, for failing or refusing to comply with any requirement of a law enforcement officer under item 2., above.

Legislative History

In executive session on February 27, 2008, the Senate Committee on Transportation and Tourism voted to introduce and adopt Senate Substitute Amendment 1, and to recommend passage of the bill, as amended, on votes of Ayes, 7; and Noes, 0.

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