



## 2009 ASSEMBLY BILL 841

March 11, 2010 – Introduced by Representatives MOLEPSKE JR., MILROY, TURNER, HUBLER, ZIGMUNT, STASKUNAS and CLARK, cosponsored by Senator TAYLOR. Referred to Committee on Public Safety.

1     **AN ACT** *to repeal* 23.33 (13) (br); *to renumber* 30.80 (6) (c); *to renumber and*  
2     *amend* 23.33 (1) (jm), 23.33 (13) (b) 4., 23.33 (13) (d), 30.50 (9x), 350.01 (10r),  
3     350.11 (3) (a) 4. and 350.11 (3) (c); *to amend* 23.33 (4c) (a) 3., 23.33 (4c) (a) 4.,  
4     23.33 (4c) (b) 3., 23.33 (4t), 23.33 (13) (b) 1., 23.33 (13) (b) 2., 23.33 (13) (b) 3.,  
5     23.33 (13) (bg), 23.33 (13) (cm), 23.33 (13) (dm), 30.681 (1) (bn), 30.681 (1) (c),  
6     30.681 (2) (c), 30.681 (2) (d) 1. a., 30.686, 30.74 (1) (bn), 30.80 (6) (a) 1., 30.80  
7     (6) (a) 2., 30.80 (6) (a) 3., 30.80 (6) (a) 4., 30.80 (6) (a) 5., 30.80 (6) (a) 6., 30.80  
8     (6) (e), 59.54 (14) (g), 350.101 (1) (c), 350.101 (1) (d), 350.101 (2) (c), 350.106,  
9     350.11 (3) (a) 1., 350.11 (3) (a) 2., 350.11 (3) (a) 3., 350.11 (3) (bm), 350.11 (3) (cm),  
10    350.12 (4) (bg) 2., 940.09 (1m) (b) and 940.25 (1m) (b); and *to create* 23.33 (1)  
11    (ib), 23.33 (1) (im), 23.33 (1) (jc), 23.33 (1) (jh), 23.33 (1) (jk), 23.33 (4y), 23.33  
12    (13) (b) 4b., 23.33 (13) (b) 5., 23.33 (13) (bm), 23.33 (13) (ce), 23.33 (13) (d) 2.,  
13    23.33 (13) (eg), 30.50 (4n), 30.50 (4v), 30.50 (9m), 30.50 (9s), 30.50 (9t), 30.688,  
14    30.80 (6) (am), 30.80 (6) (ar), 30.80 (6) (bg), 30.80 (6) (bn), 30.80 (6) (c) 2., 30.80

**ASSEMBLY BILL 841**

1 (6) (cm), 350.01 (9b), 350.01 (9j), 350.01 (10p), 350.01 (10q), 350.1075, 350.11  
2 (3) (a) 4b., 350.11 (3) (a) 5., 350.11 (3) (am), 350.11 (3) (ar), 350.11 (3) (bg), 350.11  
3 (3) (c) 2. and 350.11 (3) (e) of the statutes; **relating to:** intoxicated operation of  
4 all-terrain vehicles, snowmobiles, motorboats, and motor vehicles, the  
5 calculation of the amount of moneys to be expended from the snowmobile  
6 account in the conservation fund for certain activities relating to snowmobile  
7 trails and routes, and providing penalties.

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***Analysis by the Legislative Reference Bureau***

Under current law, a person may not operate a snowmobile, an all-terrain vehicle (ATV), or a motorboat while under the influence of alcohol or a controlled substance to a degree that he or she cannot operate the vehicle or boat safely. Under current law, a personal watercraft is included in the definition of “motorboat.” Current law also prohibits the operation of an ATV, a recreational motorboat, or a snowmobile by a person who has an alcohol concentration of 0.08 or more. For motorboats being operated on a commercial basis, the maximum alcohol concentration is 0.04. These laws are respectively referred to under current law as the intoxicated operation of an ATV law, the intoxicated boating law, and the intoxicated snowmobiling law. Under current law, a person who refuses to submit to a legal request for a breath, blood, or urine sample pursuant to an arrest for operating a snowmobile, an ATV, or a recreational motorboat while under the influence is in violation of what is known as the refusal law.

Under current law, in imposing a penalty for a violation of the intoxicated operation of an ATV, the intoxicated boating, or the intoxicated snowmobiling law, a court may only count as a previous conviction of the same law, or the applicable refusal law. For example, if a person is before the court for violating the intoxicated snowmobiling law or the snowmobile refusal law, the court may count only previous convictions of the intoxicated snowmobiling law and the snowmobile refusal law as prior convictions. Previous convictions of the intoxicated operation of an ATV law or of the intoxicated boating law or of the applicable refusal laws may not be counted. Under the bill, a court must count previous convictions of any of these intoxicated operation or refusal laws that occurred within the previous five years when imposing a penalty for a violation of any of these laws.

The bill makes the provisions of the intoxicated operation of an ATV, the intoxicated boating, and the intoxicated snowmobiling laws more consistent. These changes include:

1. Raising the age of absolute sobriety for the operation of snowmobiles and ATVs to 21. Current law requires absolute sobriety for persons under the age of 19

**ASSEMBLY BILL 841**

who are operating snowmobiles and ATVs and for persons under the age of 21 for motorboats.

2. Adopting the higher penalties for various violations where the penalties for violations of the intoxicated operation of an ATV law, the intoxicated boating law, the intoxicated snowmobiling law, and the refusal law conflict.

3. Imposing increased penalties for violating the intoxicating boating law or the intoxicated snowmobiling law or related refusal law if the motorboat or snowmobile is operated with a passenger under 16 years of age. The increased penalty already exists for a violation of the intoxicated operation of an ATV law and the ATV refusal law.

4. Repealing the provisions that imposed increased penalties for operating an ATV with an alcohol concentration level that is 0.17 or more. Under current law, these increased penalties are not imposed for violations of the intoxicated boating or the intoxicated snowmobiling laws.

The bill provides that when counting the number of convictions within the previous five years, the previous convictions for intoxicated operation of that same type of recreational vehicle or the related refusal law that occurred before the effective date of this bill are counted, but previous convictions for the other two types of recreational vehicles that occurred before the effective date of this bill are not counted.

The bill also requires a court to enter an order to suspend the person's privilege to operate a snowmobile, an ATV, and a motorboat for a period of not less than 12 months and not more than 16 months if the court imposes a penalty for a violation of the intoxicated operation of an ATV, the intoxicated boating, or the intoxicated snowmobiling law or the related refusal law. The bill also provides a forfeiture and additional six-month period of operating privilege suspension for violating the order of suspension.

If the person is found guilty of a violation of the intoxicated operation of an ATV, the intoxicated boating, or the intoxicated snowmobiling law or the related refusal law and has, within the previous five years, violated one of these laws, the bill requires the court to revoke the person's privilege to operate a motor vehicle for not less than six months and not more than 12 months.

Under the bill, if a person has had his or her privilege to operate a motor vehicle suspended or revoked for a violation of a prohibition against operating a motor vehicle while intoxicated, the person may not operate a snowmobile, an ATV, or a motorboat during the period of that motor vehicle operating privilege suspension or revocation. The bill also provides a forfeiture and an additional six-month period of operating privilege suspension for violating the order of suspension.

Under current law, as amended by 2009 Wisconsin Act 100, the sentences of persons who are convicted of certain second or third offenses involving the operation of a motor vehicle while under the influence of an intoxicant may be reduced if the violator successfully completes a period of probation that includes alcohol and other drug treatment. A person may complete a treatment program and receive a reduced period of imprisonment only once. This bill allows this option to be used for persons

**ASSEMBLY BILL 841**

convicted of a violation of the intoxicated operation of an ATV, the intoxicated boating, the intoxicated snowmobiling law, or the applicable refusal law.

A snowmobile trail use sticker issued by the Department of Natural Resources is required on all snowmobiles that are operated in this state but that are not registered in this state. Current law requires that \$15 of each fee collected for a trail use sticker be credited to an appropriation to provide funding for the development and maintenance of snowmobile trails and routes. This bill increases the \$15 of each fee collected to \$32.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 23.33 (1) (ib) of the statutes is created to read:

2           23.33 (1) (ib) “Intoxicated operating law” means the intoxicated operation of  
3 an all-terrain vehicle law, the intoxicated boating law, as defined in s. 30.50 (4m),  
4 or the intoxicated snowmobiling law, as defined in s. 350.01 (9c).

5           **SECTION 2.** 23.33 (1) (im) of the statutes is created to read:

6           23.33 (1) (im) “Legal drinking age” means 21 years of age.

7           **SECTION 3.** 23.33 (1) (jc) of the statutes is created to read:

8           23.33 (1) (jc) “Public premises” means all premises held out to the public for use  
9 of a motor vehicle, including highways, all premises provided by employers to  
10 employees for the use of their motor vehicles, and all premises provided to tenants  
11 of rental housing in buildings of 4 or more units for the use of their motor vehicles,  
12 whether such premises are publicly or privately owned and whether or not a fee is  
13 charged for the use of those premises.

14           **SECTION 4.** 23.33 (1) (jh) of the statutes is created to read:

**ASSEMBLY BILL 841**

1           23.33 (1) (jh) “Recreational vehicle” means an all-terrain vehicle, a  
2 recreational motorboat as defined in s. 30.50 (9m), or a snowmobile as defined in s.  
3 340.01 (58a).

4           **SECTION 5.** 23.33 (1) (jk) of the statutes is created to read:

5           23.33 (1) (jk) “Recreational vehicle and boating refusal law” means the  
6 all-terrain vehicle refusal law, the boating refusal law, as defined in s. 30.50 (2c), or  
7 the snowmobiling refusal law, as defined in s. 350.01 (15c).

8           **SECTION 6.** 23.33 (1) (jm) of the statutes is renumbered 23.33 (1) (br) and  
9 amended to read:

10           23.33 (1) (br) “~~Refusal~~ All-terrain vehicle refusal law” means sub. (4p) (e) or  
11 a local ordinance in conformity therewith.

12           **SECTION 7.** 23.33 (4c) (a) 3. of the statutes is amended to read:

13           23.33 (4c) (a) 3. ‘Operating with alcohol concentrations at specified levels;  
14 below legal drinking age 19.’ ~~If a~~ A person who has not attained the legal drinking  
15 ~~age of 19, the person~~ may not engage in the operation of an all-terrain vehicle while  
16 he or she has an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

17           **SECTION 8.** 23.33 (4c) (a) 4. of the statutes is amended to read:

18           23.33 (4c) (a) 4. ‘Related charges.’ A person may be charged with and a  
19 prosecutor may proceed upon a complaint based upon a violation of any combination  
20 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the  
21 person is charged with violating any combination of subd. 1., 2., or 2m., the offenses  
22 shall be joined. If the person is found guilty of any combination of subd. 1., 2., or 2m.  
23 for acts arising out of the same incident or occurrence, there shall be a single  
24 conviction for purposes of sentencing and for purposes of counting convictions under

**ASSEMBLY BILL 841**

1 sub. (13) (b) 2. ~~and 3. to 5.~~ Subdivisions 1., 2., and 2m. each require proof of a fact  
2 for conviction which the others do not require.

3 **SECTION 9.** 23.33 (4c) (b) 3. of the statutes is amended to read:

4 23.33 **(4c)** (b) 3. ‘Related charges.’ A person may be charged with and a  
5 prosecutor may proceed upon a complaint based upon a violation of any combination  
6 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the  
7 person is charged with violating any combination of subd. 1., 2., or 2m. in the  
8 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty  
9 of any combination of subd. 1, 2., or 2m. for acts arising out of the same incident or  
10 occurrence, there shall be a single conviction for purposes of sentencing and for  
11 purposes of counting convictions under sub. (13) (b) 2. ~~and 3. to 5.~~ Subdivisions 1.,  
12 2., and 2m. each require proof of a fact for conviction which the others do not require.

13 **SECTION 10.** 23.33 (4t) of the statutes is amended to read:

14 23.33 **(4t)** REPORT ARREST TO DEPARTMENT. If a law enforcement officer arrests  
15 a person for a violation of the intoxicated operation of an all-terrain vehicle law or  
16 the all-terrain vehicle refusal law, the law enforcement officer shall notify the  
17 department of the arrest as soon as practicable.

18 **SECTION 11.** 23.33 (4y) of the statutes is created to read:

19 23.33 **(4y)** SUSPENSION OR REVOCATION OF OPERATING PRIVILEGES. (a) *Orders to*  
20 *suspend or revoke.* 1. If a court imposes a penalty for a violation of the intoxicated  
21 operation of an all-terrain vehicle law or the all-terrain vehicle refusal law, the court  
22 shall order the suspension of the person’s privilege to operate a recreational vehicle  
23 for a period of not less than 12 months and not more than 16 months. Whenever a  
24 court suspends an operating privilege under this subdivision, the court shall notify  
25 the department of that action.

**ASSEMBLY BILL 841**

1           2. In addition to the order under subd. 1., the court shall also order the  
2 revocation of the person's privilege to operate a motor vehicle on a public premises  
3 if the person, within 5 years prior to the arrest for the current violation of the  
4 intoxicated operation of an all-terrain vehicle law or the all-terrain vehicle refusal  
5 law, violated the intoxicated operating law or the recreational vehicle and boating  
6 refusal law. The period of revocation shall be not less than 6 months and not more  
7 than 12 months. Whenever a court revokes an operating privilege under this  
8 subdivision, the court may take possession of the revoked license. If the court takes  
9 possession of the revoked license, the court shall destroy the license. The court shall  
10 forward to the department of transportation the record of the conviction and notice  
11 of revocation.

12           (b) *Operating while suspended or revoked.* 1. No person may operate a  
13 recreational vehicle in violation of a suspension order imposed under par. (a) 1.

14           2. No person may operate an all-terrain vehicle during the time that the  
15 person's motor vehicle operating privilege is suspended or revoked for a conviction  
16 counted under s. 343.307 (1).

17           **SECTION 12.** 23.33 (13) (b) 1. of the statutes is amended to read:

18           23.33 (13) (b) 1. Except as provided under subds. 2. and ~~3.~~ 5., a person who  
19 violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) shall forfeit not less than \$150 \$400 nor  
20 more than ~~\$300~~ \$550.

21           **SECTION 13.** 23.33 (13) (b) 2. of the statutes is amended to read:

22           23.33 (13) (b) 2. ~~Except as provided under subd. 3., a~~ A person who violates sub.  
23 (4c) (a) 1., 2., or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the  
24 current violation, was convicted one time previously under the intoxicated ~~operation~~  
25 ~~of an all-terrain vehicle operating law or the recreational vehicle and boating refusal~~



**ASSEMBLY BILL 841**

1 law shall be fined not less than \$300 nor more than \$1,100 and shall be imprisoned  
2 not less than 5 days nor more than ~~6 months~~ one year in the county jail.

3 **SECTION 14.** 23.33 (13) (b) 3. of the statutes is amended to read:

4 23.33 **(13)** (b) 3. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and  
5 who, within 5 years prior to the arrest for the current violation, was convicted 2 or  
6 more times previously under the intoxicated ~~operation of an all-terrain vehicle~~  
7 operating law or, the recreational vehicle and boating refusal law, or a combination  
8 of these laws, shall be fined not less than \$600 nor more than \$2,000 and shall be  
9 imprisoned not less than 30 days nor more than one year in the county jail.

10 **SECTION 15.** 23.33 (13) (b) 4. of the statutes is renumbered 23.33 (13) (b) 6. and  
11 amended to read:

12 23.33 **(13)** (b) 6. A person who violates sub. (4c) (a) 3. or who violates (4p) (e)  
13 and who has not attained the legal drinking age of 19 shall forfeit ~~not more than~~ \$50.

14 **SECTION 16.** 23.33 (13) (b) 4b. of the statutes is created to read:

15 23.33 **(13)** (b) 4b. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and  
16 who, within 5 years prior to the arrest for the current violation, was convicted 3 times  
17 previously under the intoxicated operating law, the recreational vehicle and boating  
18 refusal law, or any combination of these laws, shall be fined not less than \$600 nor  
19 more than \$2,000 and shall be imprisoned not less than 60 days nor more than one  
20 year in the county jail.

21 **SECTION 17.** 23.33 (13) (b) 5. of the statutes is created to read:

22 23.33 **(13)** (b) 5. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and  
23 who, within 5 years prior to the arrest for the current violation, was convicted 4 or  
24 more times previously under the intoxicated operating law, the recreational vehicle  
25 and boating refusal law, or any combination of these laws, shall be fined not less than



**ASSEMBLY BILL 841**

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

3 **SECTION 18.** 23.33 (13) (bg) of the statutes is amended to read:

4 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*  
5 *vehicle; underage passengers.* If there is a passenger under 16 years of age on the  
6 all-terrain vehicle at the time of a violation that gives rise to a conviction under sub.  
7 (4c) (a) 1. ~~or~~ 2., or 2m. or (4p) (e), the applicable minimum and maximum forfeitures,  
8 fines, and terms of imprisonment under ~~pars.~~ par. (b) 1., 2., ~~and~~ 3., 4b., and 5. for the  
9 conviction are doubled.

10 **SECTION 19.** 23.33 (13) (bm) of the statutes is created to read:

11 23.33 (13) (bm) *Alcohol and drug treatment alternatives.* 1. In any county that  
12 opts to offer a reduced minimum period of imprisonment for the successful  
13 completion of a probation period that includes alcohol and other drug treatment, if  
14 the number of suspensions, revocations, and convictions for a violation of the  
15 intoxicated operation of an all-terrain vehicle law or of the all-terrain vehicle refusal  
16 law within a 5-year period, equals 2, except that suspensions, revocations, or  
17 convictions arising out of the same incident or occurrence shall be counted as one, the  
18 fine shall be the same as under par. (b) 2., but the period of imprisonment shall be  
19 not less than 5 days, except that if the person successfully completes a period of  
20 probation that includes alcohol and other drug treatment, the period of  
21 imprisonment shall be not less than 5 nor more than 7 days.

22 2. In any county that opts to offer a reduced minimum period of imprisonment  
23 for the successful completion of a probation period that includes alcohol and other  
24 drug treatment, if the number of suspensions, revocations, and convictions for a  
25 violation of the intoxicated operation of an all-terrain vehicle law or of the

**ASSEMBLY BILL 841**

1 all-terrain vehicle refusal law within a 5-year period equals 3, except that  
2 suspensions, revocations, or convictions arising out of the same incident or  
3 occurrence shall be counted as one, the fine shall be the same as under par. (b) 3., but  
4 the period of imprisonment shall be not less than 30 days, except that if the person  
5 successfully completes a period of probation that includes alcohol and other drug  
6 treatment, the period of imprisonment shall be not less than 14 days.

7 3. In any county that opts to offer a reduced minimum period of imprisonment  
8 for the successful completion of a probation period that includes alcohol and other  
9 drug treatment, if the number of suspensions, revocations, and convictions for a  
10 violation of the intoxicated operation of an all-terrain vehicle law or of the  
11 all-terrain vehicle refusal law within a 5-year period equals 4, except that  
12 suspensions, revocations, or convictions arising out of the same incident or  
13 occurrence shall be counted as one, the fine shall be the same as under par. (b) 4b.,  
14 but the period of imprisonment shall be not less than 60 days, except that if the  
15 person successfully completes a period of probation that includes alcohol and other  
16 drug treatment, the period of imprisonment shall be not less than 29 days.

17 4. A person may be sentenced under this paragraph or under s. 30.80 (6) (ar)  
18 or 350.11 (3) (ar) once in his or her lifetime.

19 **SECTION 20.** 23.33 (13) (br) of the statutes is repealed.

20 **SECTION 21.** 23.33 (13) (ce) of the statutes is created to read:

21 23.33 **(13)** (ce) *Penalties related to suspension; intoxication.* 1. A person who  
22 operates a recreational vehicle in violation of sub. (4y) (b) 1. is subject to a forfeiture  
23 of not less than \$50 nor more than \$250. In addition, for each violation under this  
24 subdivision, the court may suspend the person's privilege to operate a recreational  
25 vehicle for a period of not more than 6 months. Whenever a court suspends an

**ASSEMBLY BILL 841**

1 operating privilege under this subdivision, the court shall notify the department of  
2 that action.

3 2. A person who operates an all-terrain vehicle in violation of sub. (4y) (b) 2.  
4 is subject to a forfeiture of not less than \$150 nor more than \$300. In addition, the  
5 court may suspend the person's privilege to operate a recreational vehicle for a period  
6 of not more than 6 months. Whenever a court suspends an operating privilege under  
7 this subdivision, the court shall notify the department of that action.

8 **SECTION 22.** 23.33 (13) (cm) of the statutes is amended to read:

9 23.33 (13) (cm) *Sentence of detention.* The legislature intends that courts use  
10 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject  
11 to par. (b) 2. ~~or 3.~~ 4b., or 5. or (c). The use of this option can result in significant cost  
12 savings for the state and local governments.

13 **SECTION 23.** 23.33 (13) (d) of the statutes is renumbered 23.33 (13) (d) 1. and  
14 amended to read:

15 23.33 (13) (d) 1. In determining the number of previous convictions under par.  
16 (b) 2. ~~and 3.~~ to 5., convictions arising out of the same incident or occurrence shall be  
17 counted as one previous conviction.

18 **SECTION 24.** 23.33 (13) (d) 2. of the statutes is created to read:

19 23.33 (13) (d) 2. In determining the number of previous convictions under par.  
20 (b) 2. to 5., previous convictions under the intoxicated operation of an all-terrain  
21 vehicle law or under the all-terrain vehicle refusal law that occurred before, on, or  
22 after the effective date of this subdivision .... [LRB inserts date], and previous  
23 convictions under the intoxicated boating law, as defined in s. 30.50 (4m), the boating  
24 refusal law, as defined in s. 30.50 (2c), the intoxicated snowmobiling law, as defined  
25 in s. 350.01 (9c), or the snowmobiling refusal law, as defined in s. 350.01 (15c), that

**ASSEMBLY BILL 841**

1 occur after the effective date of this subdivision .... [LRB inserts date], shall count as  
2 previous convictions.

3 **SECTION 25.** 23.33 (13) (dm) of the statutes is amended to read:

4 23.33 **(13)** (dm) *Reporting convictions to the department.* Whenever a person  
5 is convicted of a violation of the intoxicated operation of an all-terrain vehicle law  
6 or the all-terrain vehicle refusal law, the ~~clerk of the court in which the conviction~~  
7 ~~occurred, or the justice, judge or magistrate of a court not having a clerk~~, shall  
8 forward to the department the record of such conviction. The record of conviction  
9 forwarded to the department shall state whether the offender was involved in an  
10 accident at the time of the offense.

11 **SECTION 26.** 23.33 (13) (eg) of the statutes is created to read:

12 23.33 **(13)** (eg) *Certificate of completion of safety program.* In addition to any  
13 other penalty or order, a person who for the first time violates the intoxicated  
14 operation of an all-terrain vehicle law or the all-terrain vehicle refusal law, shall be  
15 ordered by the court to obtain a certificate of satisfactory completion of a safety  
16 program established under s. 23.33 (5) (d). If the person has a valid certificate at the  
17 time that the court imposes sentence for such a violation, the court shall  
18 permanently revoke the certificate and order the person to obtain another certificate  
19 of satisfactory completion of the safety program.

20 **SECTION 27.** 30.50 (4n) of the statutes is created to read:

21 30.50 **(4n)** “Intoxicated operating law” means the intoxicated operation of an  
22 all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated boating law, or  
23 the intoxicated snowmobiling law, as defined in s. 350.01 (9c).

24 **SECTION 28.** 30.50 (4v) of the statutes is created to read:

25 30.50 **(4v)** “Legal drinking age” means 21 years of age.

**ASSEMBLY BILL 841**

1           **SECTION 29.** 30.50 (9m) of the statutes is created to read:

2           30.50 **(9m)** “Recreational motorboat” means a motorboat that is not a  
3 commercial motorboat.

4           **SECTION 30.** 30.50 (9s) of the statutes is created to read:

5           30.50 **(9s)** “Recreational vehicle” means an all-terrain vehicle, as defined in s.  
6 340.01 (2g), a recreational motorboat, or a snowmobile as defined in s. 340.01 (58a).

7           **SECTION 31.** 30.50 (9t) of the statutes is created to read:

8           30.50 **(9t)** “Recreational vehicle and boating refusal law” means the all-terrain  
9 vehicle refusal law, as defined in s. 23.33 (1) (br), the boating refusal law, or the  
10 snowmobiling refusal law, as defined in s. 350.01 (15c).

11           **SECTION 32.** 30.50 (9x) of the statutes is renumbered 30.50 (2c) and amended  
12 to read:

13           30.50 **(2c)** “~~Refusal~~ Boating refusal law” means s. 30.684 (5) or a local ordinance  
14 in conformity with that subsection.

15           **SECTION 33.** 30.681 (1) (bn) of the statutes is amended to read:

16           30.681 **(1)** (bn) *Operating with alcohol concentrations at specified levels; below*  
17 *legal drinking age.* A person who has not attained the legal drinking age, ~~as defined~~  
18 ~~in s. 125.02 (8m),~~ may not engage in the operation of a motorboat while he or she has  
19 ~~a blood~~ an alcohol concentration of more than 0.0 but less than 0.08.

20           **SECTION 34.** 30.681 (1) (c) of the statutes is amended to read:

21           30.681 **(1)** (c) *Related charges.* A person may be charged with and a prosecutor  
22 may proceed upon a complaint based upon a violation of any combination of par. (a)  
23 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person  
24 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2., the offenses  
25 shall be joined. If the person is found guilty of any combination of par. (a) or (b) 1.,

**ASSEMBLY BILL 841**

1 1m., or 2. for acts arising out of the same incident or occurrence, there shall be a  
2 single conviction for purposes of sentencing and for purposes of counting convictions  
3 under s. 30.80 (6) (a) 2. ~~and 3.~~ to 5. Paragraphs (a) and (b) 1., 1m., and 2. each require  
4 proof of a fact for conviction which the others do not require.

5 **SECTION 35.** 30.681 (2) (c) of the statutes is amended to read:

6 30.681 (2) (c) *Related charges.* A person may be charged with and a prosecutor  
7 may proceed upon a complaint based upon a violation of any combination of par. (a)  
8 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person  
9 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2. in the  
10 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty  
11 of any combination of par. (a) or (b) 1., 1m., or 2. for acts arising out of the same  
12 incident or occurrence, there shall be a single conviction for purposes of sentencing  
13 and for purposes of counting convictions under s. 30.80 (6) (a) 2. ~~and 3.~~ to 5.  
14 Paragraphs (a) and (b) 1., 1m., and 2. each require proof of a fact for conviction which  
15 the others do not require.

16 **SECTION 36.** 30.681 (2) (d) 1. a. of the statutes is amended to read:

17 30.681 (2) (d) 1. a. In an action under this subsection for a violation of the  
18 intoxicated boating law where the defendant was operating a recreational motorboat  
19 ~~that is not a commercial motorboat~~, the defendant has a defense if he or she proves  
20 by a preponderance of the evidence that the injury would have occurred even if he  
21 or she had been exercising due care and he or she had not been under the influence  
22 of an intoxicant or did not have an alcohol concentration of 0.08 or more or a  
23 detectable amount of a restricted controlled substance in his or her blood.

24 **SECTION 37.** 30.686 of the statutes is amended to read:

**ASSEMBLY BILL 841**

1           **30.686 Report arrest to department.** If a law enforcement officer arrests  
2 a person for a violation of the intoxicated boating law or the boating refusal law, the  
3 law enforcement officer shall notify the department of the arrest as soon as  
4 practicable.

5           **SECTION 38.** 30.688 of the statutes is created to read:

6           **30.688 Suspension or revocation of operating privileges. (1) ORDERS TO**  
7 **SUSPEND OR REVOKE.** (a) If a court imposes a penalty for a violation of the intoxicated  
8 boating law or the boating refusal law and if the violation involved the operation of  
9 a recreational motorboat, the court shall order the suspension of the person's  
10 privilege to operate a recreational vehicle for a period of not less than 12 months and  
11 not more than 16 months. Whenever a court suspends an operating privilege under  
12 this paragraph, the court shall notify the department of that action.

13           (b) In addition to the order under par. (a), the court shall also order the  
14 revocation of the person's privilege to operate a motor vehicle on public premises, as  
15 defined in s. 23.33 (1) (jc), if the person, within 5 years prior to the arrest for the  
16 current violation subject to the order under par. (a), violated the intoxicated  
17 operating law or the recreational vehicle and boating refusal law. The period of  
18 revocation shall be not less than 6 months and not more than 12 months. Whenever  
19 a court revokes an operating privilege under this paragraph, the court may take  
20 possession of the revoked license. If the court takes possession of the revoked license,  
21 the court shall destroy the license. The court shall forward to the department of  
22 transportation the record of the conviction and notice of revocation.

23           **(2) OPERATING WHILE SUSPENDED OR REVOKED.** (a) No person may operate a  
24 recreational vehicle in violation of a suspension order imposed under sub. (1) (a).



**ASSEMBLY BILL 841**

1 (b) No person may operate a recreational motorboat during the time that the  
2 person's motor vehicle operating privilege is suspended or revoked for a conviction  
3 counted under s. 343.307 (1).

4 **SECTION 39.** 30.74 (1) (bn) of the statutes is amended to read:

5 30.74 (1) (bn) A certificate issued to a person under this subsection is valid for  
6 life unless the certificate or the person's privilege to operate a motorboat is  
7 suspended or revoked by a court under s. 30.688 (1) (a), 30.80 (2m) or (6) (e), or  
8 938.343 (5).

9 **SECTION 40.** 30.80 (6) (a) 1. of the statutes is amended to read:

10 30.80 (6) (a) 1. Except as provided under subds. 2. to 5., a person who violates  
11 s. 30.681 (1) (a) or (b), ~~a local ordinance in conformity with s. 30.681 (1) (a) or (b) or~~  
12 ~~the refusal law~~ 30.684 (5) shall forfeit not less than \$150 \$400 nor more than \$300  
13 \$550.

14 **SECTION 41.** 30.80 (6) (a) 2. of the statutes is amended to read:

15 30.80 (6) (a) 2. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~  
16 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law~~ or 30.684 (5) and who,  
17 within 5 years prior to the arrest for the current violation, was convicted one time  
18 previously under the intoxicated boating operating law or the recreational vehicle  
19 and boating refusal law shall be fined not less than \$300 nor more than ~~\$1,000~~ \$1,100  
20 and shall be imprisoned for not less than 5 days nor more than ~~6 months~~ one year  
21 in the county jail.

22 **SECTION 42.** 30.80 (6) (a) 3. of the statutes is amended to read:

23 30.80 (6) (a) 3. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~  
24 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law~~ or 30.684 (5) and who,  
25 within 5 years prior to the arrest for the current violation, was convicted 2 times

**ASSEMBLY BILL 841**

1 previously under the intoxicated boating operating law or, the recreational vehicle  
2 and boating refusal law, or a combination of these laws, shall be fined not less than  
3 \$600 nor more than \$2,000 and shall be imprisoned for not less than 30 days nor more  
4 than one year in the county jail.

5 **SECTION 43.** 30.80 (6) (a) 4. of the statutes is amended to read:

6 30.80 (6) (a) 4. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~  
7 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,  
8 within 5 years prior to the arrest for the current violation, was convicted 3 times  
9 previously under the intoxicated boating operating law or, the recreational vehicle  
10 and boating refusal law, or any combination of these laws, shall be fined not less than  
11 \$600 nor more than \$2,000 and shall be imprisoned for not less than 60 days nor more  
12 than one year in the county jail.

13 **SECTION 44.** 30.80 (6) (a) 5. of the statutes is amended to read:

14 30.80 (6) (a) 5. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~  
15 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,  
16 within 5 years prior to the arrest for the current violation, was convicted 4 or more  
17 times previously under the intoxicated boating operating law or, the recreational  
18 vehicle and boating refusal law, or any combination of these laws, shall be fined not  
19 less than \$600 nor more than \$2,000 and shall be imprisoned for not less than 6  
20 months nor more than one year in the county jail.

21 **SECTION 45.** 30.80 (6) (a) 6. of the statutes is amended to read:

22 30.80 (6) (a) 6. A person who violates s. 30.681 (1) (bn) or ~~a local ordinance in~~  
23 ~~conformity with s. 30.681 (1) (bn)~~ who violates 30.684 (5) and has not attained the  
24 legal drinking age shall forfeit \$50.

25 **SECTION 46.** 30.80 (6) (am) of the statutes is created to read:

**ASSEMBLY BILL 841**

1           30.80 (6) (am) *Penalties related to operating with underage passengers.* If there  
2 is a passenger under 16 years of age in a motorboat at the time of a violation that  
3 gives rise to a conviction under s. 30.681 (1) (a) or (b) 1. or 1m. or 30.684 (5), the  
4 applicable minimum and maximum forfeitures, fines, and terms of imprisonment  
5 under par. (a) 1., 2., 3., 4., and 5. for the conviction are doubled.

6           **SECTION 47.** 30.80 (6) (ar) of the statutes is created to read:

7           30.80 (6) (ar) *Alcohol and drug treatment alternatives.* 1. In any county that  
8 opts to offer a reduced minimum period of imprisonment for the successful  
9 completion of a probation period that includes alcohol and other drug treatment, if  
10 the number of suspensions, revocations, and convictions for a violation of the  
11 intoxicated boating law or the boating refusal law within a 5-year period, equals 2,  
12 except that suspensions, revocations, or convictions arising out of the same incident  
13 or occurrence shall be counted as one, the fine shall be the same as under par. (a) 2.,  
14 but the period of imprisonment shall be not less than 5 days, except that if the person  
15 successfully completes a period of probation that includes alcohol and other drug  
16 treatment, the period of imprisonment shall be not less than 5 nor more than 7 days.

17           2. In any county that opts to offer a reduced minimum period of imprisonment  
18 for the successful completion of a probation period that includes alcohol and other  
19 drug treatment, if the number of suspensions, revocations, and convictions for a  
20 violation of the intoxicated boating law or the boating refusal law within a 5-year  
21 period equals 3, except that suspensions, revocations, or convictions arising out of  
22 the same incident or occurrence shall be counted as one, the fine shall be the same  
23 as under par. (a) 3., but the period of imprisonment shall be not less than 30 days,  
24 except that if the person successfully completes a period of probation that includes

**ASSEMBLY BILL 841**

1 alcohol and other drug treatment, the period of imprisonment shall be not less than  
2 14 days.

3 3. In any county that opts to offer a reduced minimum period of imprisonment  
4 for the successful completion of a probation period that includes alcohol and other  
5 drug treatment, if the number of suspensions, revocations, and convictions for a  
6 violation of the intoxicated boating law or the boating refusal law within a 5-year  
7 period equals 4, except that suspensions, revocations, or convictions arising out of  
8 the same incident or occurrence shall be counted as one, the fine shall be the same  
9 as under par. (a) 4., but the period of imprisonment shall be not less than 60 days,  
10 except that if the person successfully completes a period of probation that includes  
11 alcohol and other drug treatment, the period of imprisonment shall be not less than  
12 29 days.

13 4. A person may be sentenced under this paragraph or under s. 23.33 (13) (bm)  
14 or 350.11 (3) (ar) once in his or her lifetime.

15 **SECTION 48.** 30.80 (6) (bg) of the statutes is created to read:

16 30.80 (6) (bg) *Penalties related to suspension; intoxication.* 1. A person who  
17 operates a recreational vehicle in violation of s. 30.688 (2) (a) is subject to a forfeiture  
18 of not less than \$50 nor more than \$250. In addition, for each violation under this  
19 subdivision, the court may suspend the person's privilege to operate a recreational  
20 vehicle for a period of not more than 6 months. Whenever a court suspends an  
21 operating privilege under this subdivision, the court shall notify the department of  
22 that action.

23 2. A person who operates a recreational motorboat in violation of s. 30.688 (2)  
24 (b) is subject to a forfeiture of not less than \$150 nor more than \$300. In addition,  
25 the court may suspend the person's privilege to operate a recreational vehicle for a

**ASSEMBLY BILL 841**

1 period of not more than 6 months. Whenever a court suspends an operating privilege  
2 under this subdivision, the court shall notify the department of that action.

3 **SECTION 49.** 30.80 (6) (bn) of the statutes is created to read:

4 30.80 (6) (bn) *Sentence of detention.* The legislature intends that courts use the  
5 sentencing option under s. 973.03 (4) whenever appropriate for persons subject to  
6 par. (a) 2., 3., 4., or 5. or (b). The use of this option can result in significant cost savings  
7 for the state and local governments.

8 **SECTION 50.** 30.80 (6) (c) of the statutes is renumbered 30.80 (6) (c) 1.

9 **SECTION 51.** 30.80 (6) (c) 2. of the statutes is created to read:

10 30.80 (6) (c) 2. In determining the number of previous convictions under par.  
11 (a) 2. to 5., previous convictions under the the intoxicated boating law or the boating  
12 refusal law that occurred before, on, or after the effective date of this subdivision ....  
13 [LRB inserts date], and previous convictions under the intoxicated operation of an  
14 all-terrain vehicle law, as defined ins s. 23.33 (1) (ic), the all-terrain vehicle refusal  
15 law, as defined in s. 23.33 (1) (br), the intoxicated snowmobiling law, as defined in s.  
16 350.01 (9c), or the snowmobiling refusal law, as defined in s. 350.01 (15c), that occur  
17 after the effective date of this subdivision .... [LRB inserts date], shall count as  
18 previous convictions.

19 **SECTION 52.** 30.80 (6) (cm) of the statutes is created to read:

20 30.80 (6) (cm) *Reporting convictions to the department.* Whenever a person is  
21 convicted of a violation of the intoxicated boating law or the boating refusal law, the  
22 court in which the conviction occurred shall forward to the department the record of  
23 such conviction. The record of conviction forwarded to the department shall state  
24 whether the offender was involved in an accident at the time of the offense.

25 **SECTION 53.** 30.80 (6) (e) of the statutes is amended to read:

**ASSEMBLY BILL 841**

1           30.80 (6) (e) *Certificate of satisfactory completion of safety course.* In addition  
2 to any other penalty or order, a person who for the first time violates s. 30.681 (1) or  
3 (2) or 30.684 (5) or who violates s. 940.09 or 940.25 if the violation involves the  
4 operation of a motorboat, the intoxicated boating law or the boating refusal law shall  
5 be ordered by the court to obtain a certificate of satisfactory completion of a safety  
6 course under s. 30.74 (1). If the person has a valid certificate at the time that the  
7 court imposes sentence for a such a violation, the court shall permanently revoke the  
8 certificate and order the person to obtain ~~a~~ another certificate of satisfactory  
9 completion of ~~a~~ the safety course ~~under s. 30.74 (1)~~.

10           **SECTION 54.** 59.54 (14) (g) of the statutes is amended to read:

11           59.54 (14) (g) A county may establish extensions of the jail, which need not be  
12 at the county seat, to serve as places of temporary confinement. No person may be  
13 detained in such an extension for more than 24 consecutive hours, except that a court  
14 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. ~~or~~ 3., 4b.  
15 or 5. or (c), 30.80 (6) (a) 2., 3., 4., or 5. or (b) or 350.11 (3) (a) 2. ~~or~~ 3., 4b., or 5. or (b)  
16 be imprisoned for more than 24 consecutive hours in such an extension. Jail  
17 extensions shall be subject to plans and specifications approval by the department  
18 of corrections and shall conform to other requirements imposed by law on jails,  
19 except that cells may be designed and used for multiple occupancy.

20           **SECTION 55.** 350.01 (9b) of the statutes is created to read:

21           350.01 (9b) “Intoxicated operating law” means the intoxicated operation of an  
22 all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated boating law, as  
23 defined in s. 30.50 (4m), or the intoxicated snowmobiling law.

24           **SECTION 56.** 350.01 (9j) of the statutes is created to read:

25           350.01 (9j) “Legal drinking age” means 21 years of age.

**ASSEMBLY BILL 841**

1           **SECTION 57.** 350.01 (10p) of the statutes is created to read:

2           350.01 **(10p)** “Recreational vehicle” means an all-terrain vehicle, as defined  
3 in s. 340.01 (2g), a recreational motorboat, as defined in s. 30.50 (9m), or a  
4 snowmobile.

5           **SECTION 58.** 350.01 (10q) of the statutes is created to read:

6           350.01 **(10q)** “Recreational vehicle and boating refusal law” means the  
7 all-terrain vehicle refusal law, as defined in s. 23.33 (1) (br), the boating refusal law,  
8 as defined in s. 30.50 (2c), or the snowmobiling refusal law.

9           **SECTION 59.** 350.01 (10r) of the statutes is renumbered 350.01 (15c) and  
10 amended to read:

11           350.01 **(15c)** “Refusal Snowmobiling refusal law” means s. 350.104 (5) or a local  
12 ordinance in conformity therewith.

13           **SECTION 60.** 350.101 (1) (c) of the statutes is amended to read:

14           350.101 **(1)** (c) *Operating with alcohol concentrations at specified levels; below*  
15 *legal drinking age 19.* ~~If a~~ A person who has not attained the legal drinking age of  
16 ~~19, the person~~ may not engage in the operation of a snowmobile while he or she has  
17 an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

18           **SECTION 61.** 350.101 (1) (d) of the statutes is amended to read:

19           350.101 **(1)** (d) *Related charges.* A person may be charged with and a prosecutor  
20 may proceed upon a complaint based upon a violation of any combination of par. (a),  
21 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is  
22 charged with violating any combination of par. (a), (b), or (bm), the offenses shall be  
23 joined. If the person is found guilty of any combination of par. (a), (b), or (bm) for acts  
24 arising out of the same incident or occurrence, there shall be a single conviction for  
25 purposes of sentencing and for purposes of counting convictions under s. 350.11 (3)



**ASSEMBLY BILL 841**

1 (a) ~~2. and 3. to 5.~~ Paragraphs (a), (b), and (bm) each require proof of a fact for  
2 conviction which the others do not require.

3 **SECTION 62.** 350.101 (2) (c) of the statutes is amended to read:

4 350.101 **(2)** (c) *Related charges.* A person may be charged with and a prosecutor  
5 may proceed upon a complaint based upon a violation of any combination of par. (a),  
6 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is  
7 charged with violating any combination of par. (a), (b), or (bm) in the complaint, the  
8 crimes shall be joined under s. 971.12. If the person is found guilty of any  
9 combination of par. (a), (b), or (bm) for acts arising out of the same incident or  
10 occurrence, there shall be a single conviction for purposes of sentencing and for  
11 purposes of counting convictions under s. 350.11 (3) (a) ~~2. and 3. to 5.~~ Paragraphs  
12 (a), (b), and (bm) each require proof of a fact for conviction which the others do not  
13 require.

14 **SECTION 63.** 350.106 of the statutes is amended to read:

15 **350.106 Report arrest to department.** If a law enforcement officer arrests  
16 a person for a violation of the intoxicated snowmobiling law or the snowmobiling  
17 refusal law, the law enforcement officer shall notify the department of the arrest as  
18 soon as practicable.

19 **SECTION 64.** 350.1075 of the statutes is created to read:

20 **350.1075 Suspension or revocation of operating privileges. (1) ORDERS**  
21 **TO SUSPEND OR REVOKE.** (a) If a court imposes a penalty for a violation of the  
22 intoxicated snowmobiling law or the snowmobiling refusal law, the court shall order  
23 the suspension of the person's privilege to operate a recreational vehicle for a period  
24 of not less than 12 months and not more than 16 months. Whenever a court suspends

**ASSEMBLY BILL 841**

1 an operating privilege under this paragraph, the court shall notify the department  
2 of that action.

3 (b) In addition to the order under par. (a), the court shall also order the  
4 revocation of the person's privilege to operate a motor vehicle on public premises, as  
5 defined in s. 23.33 (1) (jc), if the person, within 5 years prior to the arrest for the  
6 current violation of the intoxicated snowmobiling law or the snowmobiling refusal  
7 law, violated the intoxicated operating law or the recreational vehicle and boating  
8 refusal law. The period of revocation shall be not less than 6 months and not more  
9 than 12 months. Whenever a court revokes an operating privilege under this  
10 paragraph, the court may take possession of the revoked license. If the court takes  
11 possession of the revoked license, the court shall destroy the license. The court shall  
12 forward to the department of transportation the record of the conviction and notice  
13 of revocation.

14 **(2) OPERATING WHILE SUSPENDED OR REVOKED.** (a) No person may operate a  
15 recreational vehicle in violation of a suspension order imposed under sub. (1) (a).

16 (b) No person may operate a snowmobile during the time that the person's  
17 motor vehicle operating privilege is suspended or revoked for a conviction counted  
18 under s. 343.307 (1).

19 **SECTION 65.** 350.11 (3) (a) 1. of the statutes is amended to read:

20 350.11 **(3)** (a) 1. Except as provided under subds. 2. ~~and 3.~~ to 5., a person who  
21 violates s. 350.101 (1) (a), (b), or (bm) or s. 350.104 (5) shall forfeit not less than \$400  
22 nor more than \$550.

23 **SECTION 66.** 350.11 (3) (a) 2. of the statutes is amended to read:

24 350.11 **(3)** (a) 2. ~~Except as provided under subd. 3., a~~ A person who violates  
25 s. 350.101 (1) (a), (b), or (bm) or 350.104 (5) and who, within 5 years prior to the arrest

**ASSEMBLY BILL 841**

1 for the current violation, was convicted one time previously under the intoxicated  
2 snowmobiling operating law or the recreational vehicle and boating refusal law shall  
3 be fined not less than \$300 nor more than ~~\$1,000~~ \$1,100 and shall be imprisoned not  
4 less than 5 days nor more than ~~6 months~~ one year in the county jail.

5 **SECTION 67.** 350.11 (3) (a) 3. of the statutes is amended to read:

6 350.11 **(3)** (a) 3. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104  
7 (5) and who, within 5 years prior to the arrest for the current violation, was convicted  
8 ~~2 or more~~ times previously under the intoxicated snowmobiling operating law ~~or, the~~  
9 recreational vehicle and boating refusal law, or any combination of these laws, shall  
10 be fined not less than \$600 nor more than \$2,000 and shall be imprisoned not less  
11 than 30 days nor more than one year in the county jail.

12 **SECTION 68.** 350.11 (3) (a) 4. of the statutes is renumbered 350.11 (3) (a) 6. and  
13 amended to read:

14 350.11 **(3)** (a) 6. A person who violates s. 350.101 (1) (c) or who violates 350.104  
15 (5) and ~~who~~ has not attained the legal drinking age ~~of 19~~ shall forfeit ~~not more than~~  
16 \$50.

17 **SECTION 69.** 350.11 (3) (a) 4b. of the statutes is created to read:

18 350.11 **(3)** (a) 4b. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104  
19 (5) and who, within 5 years prior to the arrest for the current violation, was convicted  
20 3 times previously under the intoxicated operating law, the recreational vehicle and  
21 boating refusal law, or any combination of these laws, shall be fined not less than  
22 \$600 nor more than \$2,000 and shall be imprisoned not less than 60 days nor more  
23 than one year in the county jail.

24 **SECTION 70.** 350.11 (3) (a) 5. of the statutes is created to read:

**ASSEMBLY BILL 841**

1           350.11 (3) (a) 5. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104  
2 (5) and who, within 5 years prior to the arrest for the current violation, was convicted  
3 4 or more times previously under the intoxicated operating law, the recreational  
4 vehicle and boating refusal law, or any combination of these laws, shall be fined not  
5 less than \$600 nor more than \$2,000 and shall be imprisoned not less than 6 months  
6 nor more than one year in the county jail.

7           **SECTION 71.** 350.11 (3) (am) of the statutes is created to read:

8           350.11 (3) (am) *Penalties related to operating with underage passengers.* If  
9 there is a passenger under 16 years of age on a snowmobile at the time of a violation  
10 that gives rise to a conviction under s. 350.101 (1) (a), (b), or (bm) or 350.104 (5), the  
11 applicable minimum and maximum forfeitures, fines, and terms of imprisonment  
12 under par. (a) 1., 2., 3., 4b., and 5. for the conviction are doubled.

13           **SECTION 72.** 350.11 (3) (ar) of the statutes is created to read:

14           350.11 (3) (ar) *Alcohol and drug treatment alternatives.* 1. In any county that  
15 opts to offer a reduced minimum period of imprisonment for the successful  
16 completion of a probation period that includes alcohol and other drug treatment, if  
17 the number of suspensions, revocations, and convictions for a violation of the  
18 intoxicated snowmobiling law or the snowmobiling refusal law within a 5-year  
19 period, equals 2, except that suspensions, revocations, or convictions arising out of  
20 the same incident or occurrence shall be counted as one, the fine shall be the same  
21 as under par. (a) 2., but the period of imprisonment shall be not less than 5 days,  
22 except that if the person successfully completes a period of probation that includes  
23 alcohol and other drug treatment, the period of imprisonment shall be not less than  
24 5 nor more than 7 days.

**ASSEMBLY BILL 841**

1           2. In any county that opts to offer a reduced minimum period of imprisonment  
2 for the successful completion of a probation period that includes alcohol and other  
3 drug treatment, if the number of suspensions, revocations, and convictions for a  
4 violation of the intoxicated snowmobiling law or the snowmobiling refusal law within  
5 a 5–year period equals 3, except that suspensions, revocations, or convictions arising  
6 out of the same incident or occurrence shall be counted as one, the fine shall be the  
7 same as under par. (a) 3., but the period of imprisonment shall be not less than 30  
8 days, except that if the person successfully completes a period of probation that  
9 includes alcohol and other drug treatment, the period of imprisonment shall be not  
10 less than 14 days.

11           3. In any county that opts to offer a reduced minimum period of imprisonment  
12 for the successful completion of a probation period that includes alcohol and other  
13 drug treatment, if the number of suspensions, revocations, and convictions for a  
14 violation of the intoxicated snowmobiling law or the snowmobiling refusal law within  
15 a 5–year period equals 4, except that suspensions, revocations, or convictions arising  
16 out of the same incident or occurrence shall be counted as one, the fine shall be the  
17 same as under par. (a) 4b., but the period of imprisonment shall be not less than 60  
18 days, except that if the person successfully completes a period of probation that  
19 includes alcohol and other drug treatment, the period of imprisonment shall be not  
20 less than 29 days.

21           4. A person may be sentenced under this paragraph or under s. 23.33 (13) (bm)  
22 or 30.80 (6) (ar) once in his or her lifetime.

23           **SECTION 73.** 350.11 (3) (bg) of the statutes is created to read:

24           350.11 **(3)** (bg) *Penalties related to suspension; intoxication.* 1. A person who  
25 operates a recreational vehicle in violation of s. 350.1075 (2) (a) is subject to a

**ASSEMBLY BILL 841**

1 forfeiture of not less than \$50 nor more than \$250. In addition, for each violation  
2 under this subdivision, the court may suspend the person's privilege to operate a  
3 recreational vehicle for a period of not more than 6 months. Whenever a court  
4 suspends an operating privilege under this subdivision, the court shall notify the  
5 department of that action.

6 2. A person who operates a snowmobile in violation of s. 350.1075 (2) (b) is  
7 subject to a forfeiture of not less than \$150 nor more than \$300. In addition, the court  
8 may suspend the person's privilege to operate a recreational vehicle for a period of  
9 not more than 6 months. Whenever a court suspends an operating privilege under  
10 this subdivision, the court shall notify the department of that action.

11 **SECTION 74.** 350.11 (3) (bm) of the statutes is amended to read:

12 350.11 (3) (bm) *Sentence of detention.* The legislature intends that courts use  
13 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject  
14 to par. (a) 2. ~~or 3.~~ 4b., or 5. or (b). The use of this option can result in significant cost  
15 savings for the state and local governments.

16 **SECTION 75.** 350.11 (3) (c) of the statutes is renumbered 350.11 (3) (c) 1. and  
17 amended to read:

18 350.11 (3) (c) 1. In determining the number of previous convictions under par.  
19 (a) 2. ~~and 3. to 5.~~, convictions arising out of the same incident or occurrence shall be  
20 counted as one previous conviction.

21 **SECTION 76.** 350.11 (3) (c) 2. of the statutes is created to read:

22 350.11 (3) (c) 2. In determining the number of previous convictions under par.  
23 (a) 2. to 5., previous convictions under the intoxicated snowmobiling law or the  
24 snowmobiling refusal law that occurred before, on, or after the effective date of this  
25 subdivision .... [LRB inserts date], and previous convictions under the intoxicated

**ASSEMBLY BILL 841**

1 operation of an all-terrain vehicle law, as defined ins s. 23.33 (1) (ic), the all-terrain  
2 vehicle refusal law, as defined in s. 23.33 (1) (br), the intoxicated boating law, as  
3 defined in s. 30.50 (4m), or the boating refusal law, as defined in s. 30.50 (2c), that  
4 occur after the effective date of this subdivision .... [LRB inserts date], shall count as  
5 previous convictions.

6 **SECTION 77.** 350.11 (3) (cm) of the statutes is amended to read:

7 350.11 (3) (cm) *Reporting convictions to the department.* Whenever a person  
8 is convicted of a violation of the intoxicated snowmobiling law or the snowmobiling  
9 refusal law, the clerk of the court in which the conviction occurred, ~~or the justice,~~  
10 ~~judge or magistrate of a court not having a clerk,~~ shall forward to the department the  
11 record of such conviction. The record of conviction forwarded to the department shall  
12 state whether the offender was involved in an accident at the time of the offense.

13 **SECTION 78.** 350.11 (3) (e) of the statutes is created to read:

14 350.11 (3) (e) *Certificate of completion of safety program.* In addition to any  
15 other penalty or order, a person who for the first time violates the intoxicated  
16 snowmobiling law or the snowmobiling refusal law, shall be ordered by the court to  
17 obtain a certificate of satisfactory completion of a safety program established under  
18 s. 350.055 (1). If the person has a valid certificate at the time that the court imposes  
19 sentence for such a violation, the court shall permanently revoke the certificate and  
20 order the person to obtain another certificate of satisfactory completion of the safety  
21 program.

22 **SECTION 79.** 350.12 (4) (bg) 2. of the statutes is amended to read:

23 350.12 (4) (bg) 2. For fiscal year ~~2001-02~~ 2009-10, and for each fiscal year  
24 thereafter, the department shall calculate an amount equal to the number of trail use  
25 stickers issued under sub. (3j) in the previous fiscal year multiplied by \$~~15~~ \$32 and



**ASSEMBLY BILL 841**

1 shall credit this amount to the appropriation account under s. 20.370 (5) (cw). From  
2 the appropriation account under s. 20.370 (5) (cw), the department shall make  
3 payments to the department or a county for the purposes specified in par. (b). The  
4 department shall make payments under par. (bm) for trail maintenance costs that  
5 were incurred in the previous fiscal year and that exceed the maximum specified  
6 under par. (b) 1. before making payments for any of the other purposes specified in  
7 par. (b).

8 **SECTION 80.** 940.09 (1m) (b) of the statutes is amended to read:

9 940.09 **(1m)** (b) If a person is charged in an information with any of the  
10 combinations of crimes referred to in par. (a), the crimes shall be joined under s.  
11 971.12. If the person is found guilty of more than one of the crimes so charged for  
12 acts arising out of the same incident or occurrence, there shall be a single conviction  
13 for purposes of sentencing and for purposes of counting convictions under s. 23.33  
14 (13) (b) 2. ~~and 3. to 5.~~, under s. 30.80 (6) (a) 2. ~~and 3. to 5.~~, under s. 343.307 (1) or under  
15 s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Subsection (1) (a), (am), (b), (bm), (c), (cm), (d), and (e)  
16 each require proof of a fact for conviction which the others do not require, and sub.  
17 (1g) (a), (am), (b), (c), (cm), and (d) each require proof of a fact for conviction which  
18 the others do not require.

19 **SECTION 81.** 940.25 (1m) (b) of the statutes is amended to read:

20 940.25 **(1m)** (b) If a person is charged in an information with any of the  
21 combinations of crimes referred to in par. (a), the crimes shall be joined under s.  
22 971.12. If the person is found guilty of more than one of the crimes so charged for  
23 acts arising out of the same incident or occurrence, there shall be a single conviction  
24 for purposes of sentencing and for purposes of counting convictions under s. 23.33  
25 (13) (b) 2. ~~and 3. to 5.~~, under s. 30.80 (6) (a) 2. ~~or 3. to 5.~~, under ss. 343.30 (1q) and

**ASSEMBLY BILL 841**

1 343.305 or under s. 350.11 (3) (a) 2. ~~and 3.~~ to 5. Subsection (1) (a), (am), (b), (bm), (c),  
2 (cm), (d), and (e) each require proof of a fact for conviction which the others do not  
3 require.

4 **SECTION 82. Effective date.**

5 (1) This act takes effect on the first day of the 4th month beginning after  
6 publication.

7 (END)