

2/9
State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4163/P2
MGG&RPN:nwn:jf

TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV

→ *reg lⁿ*

1 AN ACT *to repeal* 23.33 (13) (br); *to renumber and amend* 23.33 (1) (jm), 23.33
2 (13) (b) 4., 30.50 (9x), 350.01 (10r) and 350.11 (3) (a) 4.; *to amend* 23.33 (4c) (a)
3 3., 23.33 (4c) (a) 4., 23.33 (4c) (b) 3., 23.33 (4t), 23.33 (13) (b) 1., 23.33 (13) (b)
4 2., 23.33 (13) (b) 3., 23.33 (13) (bg), 23.33 (13) (cm), 23.33 (13) (d), 23.33 (13)
5 (dm), 30.681 (1) (bn), 30.681 (1) (c), 30.681 (2) (c), 30.681 (2) (d) 1. a., 30.686,
6 30.74 (1) (bn), 30.80 (6) (a) 1., 30.80 (6) (a) 2., 30.80 (6) (a) 3., 30.80 (6) (a) 4., 30.80
7 (6) (a) 5., 30.80 (6) (a) 6., 30.80 (6) (e), 59.54 (14) (g), 350.101 (1) (c), 350.101 (1)
8 (d), 350.101 (2) (c), 350.106, 350.11 (3) (a) 1., 350.11 (3) (a) 2., 350.11 (3) (a) 3.,
9 350.11 (3) (bm), 350.11 (3) (c), 350.11 (3) (cm), 940.09 (1m) (b) and 940.25 (1m)
10 (b); and *to create* 23.33 (1) (ib), 23.33 (1) (im), 23.33 (1) (jk), 23.33 (1) (jr), 23.33
11 (4y), 23.33 (13) (b) 4b., 23.33 (13) (b) 5., 23.33 (13) (ce), 23.33 (13) (eg), 30.50 (4n),
12 30.50 (4v), 30.50 (9m), 30.50 (9y), 30.50 (12m), 30.688, 30.80 (6) (am), 30.80 (6)
13 (bg), 30.80 (6) (bn), 30.80 (6) (cm), 343.307 (1) (h), 343.307 (1) (i), 343.307 (1) (k),
14 343.307 (2) (i), 343.307 (2) (k), 343.307 (2) (m), 350.01 (9b), 350.01 (9j), 350.01
15 (10s), 350.01 (17m), 350.1075, 350.11 (3) (a) 4b., 350.11 (3) (a) 5., 350.11 (3) (am),

1 350.11 (3) (bg) and 350.11 (3) (e) of the statutes; relating to: intoxicated
2 operation of all-terrain vehicles, snowmobiles, motorboats, and motor vehicles,
3 and providing penalties.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

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

5 23.33 (1) (ib) "intoxicated operating law" means the intoxicated operation of

6 an all-terrain vehicle law, the intoxicated boating law, as defined in s. 30.50 (4m),
7 the intoxicated snowmobiling law, as defined in s. 350.01 (9c) or an offense that

8 results in a suspension, revocation, or conviction counted under s. 343.307 (1).

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

10 23.33 (1) (im) "Legal drinking age" means 21 years of age.

11 SECTION 3. 23.33 (1) (jk) of the statutes is created to read:

12 23.33 (1) (jk) "refusal law" means the all-terrain vehicle refusal law, the
13 boating refusal law, as defined in s. 30.50 (2c), the snowmobiling refusal law, as
14 defined in s. 350.01 (15c) or the motor vehicle refusal law under s. 343.305.

15 SECTION 4. 23.33 (1) (jm) of the statutes is renumbered 23.33 (1) (br) and

16 amended to read:

17 23.33 (1) (br) "Refusal All-terrain vehicle refusal law" means sub. (4p) (e) or
18 a local ordinance in conformity therewith.

19 SECTION 5. 23.33 (1) (j) of the statutes is created to read:

move to p 2, 6, 13

move to p 3, 13

ins 2-18

(ji) (ji)

(jk)

(jk)

(jk)

move to p. 3.

(j)

(jh)

of the statutes are renumbered 23.33 (i) (jf) and (jz) (jg)

1 23.33 (1) (j) ^h "Sports 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.
340.01 (58a).

K IRS from P. 52
→ SECTION 6. 23.33 (4c) (a) 3. of the statutes is amended to read:

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

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

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

SECTION 8. 23.33 (4c) (b) 3. of the statutes is amended to read:

23.33 (4c) (b) 3. 'Related charges.' A person may be charged with and a
20 prosecutor may proceed upon a complaint based upon a violation of any combination
21 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the
22 person is charged with violating any combination of subd. 1., 2., or 2m. in the
23 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty
24 of any combination of subd. 1., 2., or 2m. for acts arising out of the same incident or
25

1 occurrence, there shall be a single conviction for purposes of sentencing and for
 2 purposes of counting convictions under sub. (13) (b) 2. ~~and 3. to 5.~~ Subdivisions 1.,
 3 2., and 2m. each require proof of a fact for conviction which the others do not require.

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

5 23.33 (4t) REPORT ARREST TO DEPARTMENT. If a law enforcement officer arrests
 6 a person for a violation of the intoxicated operation of an all-terrain vehicle law or
 7 the all-terrain vehicle refusal law, the law enforcement officer shall notify the
 8 department of the arrest as soon as practicable.

9 **SECTION 10.** 23.33 (4y) of the statutes is created to read:

10 23.33 (4y) SUSPENSION OF OPERATING PRIVILEGES. (a) *Suspension orders.* 1. If a
 11 court imposes a penalty for a violation of the intoxicated operation of an all-terrain
 12 vehicle law or the all-terrain vehicle refusal law, the court shall order the suspension
 13 of the person's privilege to operate a sports recreational vehicle for a period of not less
 14 than 12 months and not more than 16 months.

15 2. In addition to the order under subd. 1., the court shall also order the
 16 suspension of the person's privilege to operate a motor vehicle ^{premises} if the person, within
 17 5 years prior to the arrest for the current violation of the intoxicated operation of an
 18 all-terrain vehicle law or the all-terrain vehicle refusal law, was previously found
 19 in violation of the intoxicated operating law or the refusal law ^{on public premises} and the previous
 20 violation involved the operation of a sports recreational vehicle. ^{sports recreational vehicle} The period of
 21 suspension shall be not less than 6 months and not more than 12 months. ^{16.5 1-21}

22 (b) *Operation while suspended or revoked.* 1. No person may operate a sports
 23 recreational vehicle in violation of a suspension order imposed under par. (a) 1.

24 2. No person may operate a motor vehicle in violation of a suspension order
 25 imposed under par. (a) 2.

1 3. No person ^{person's} whose motor vehicle operating privilege ^{is} has been suspended or
 2 revoked for a conviction counted under s. 343.307 (1) may operate an all-terrain
 3 vehicle during the time that the operating privilege is suspended or revoked.

4 → SECTION 11. 23.33 (13) (b) 1. of the statutes is amended to read:

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

8 SECTION 12. 23.33 (13) (b) 2. of the statutes is amended to read:

9 23.33 (13) (b) 2. ~~Except as provided under subd. 3., a~~ A person who violates sub.
 10 (4c) (a) 1., 2., or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the
 11 current violation, was convicted one time previously under the intoxicated operation
 12 of an all-terrain vehicle operating law or the refusal law ^{sports recreational vehicle} shall be fined not less than
 13 \$300 nor more than \$1,100 and shall be imprisoned not less than 5 days nor more
 14 than ~~6 months~~ one year in the county jail.

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

16 23.33 (13) (b) 3. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
 17 who, within 5 years prior to the arrest for the current violation, was convicted 2 or
 18 more times previously under the intoxicated operation of an all-terrain vehicle
 19 operating law ^{sports recreational vehicle} ~~or, the refusal law, or a combination of these laws,~~ shall be fined not
 20 less than \$600 nor more than \$2,000 and shall be imprisoned not less than 30 days
 21 nor more than one year in the county jail.

22 SECTION 14. 23.33 (13) (b) 4. of the statutes is renumbered 23.33 (13) (b) 6. and
 23 amended to read:

24 23.33 (13) (b) 6. A person who violates sub. (4c) (a) 3. or who violates (4p) (e)
 25 and who has not attained the legal drinking age of 19 shall forfeit ~~not more than~~ \$50.

1 SECTION 15. 23.33 (13) (b) 4b. of the statutes is created to read:

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

7 SECTION 16. 23.33 (13) (b) 5. of the statutes is created to read:

8 23.33 (13) (b) 5. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
9 who, within 5 years prior to the arrest for the current violation, was convicted 4 or
10 more times previously under the intoxicated operating law, the refusal law, or any
11 combination of these laws, shall be fined not less than \$600 nor more than \$2,000 and
12 shall be imprisoned not less than 6 months nor more than one year in the county jail.

13 SECTION 17. 23.33 (13) (bg) of the statutes is amended to read:

14 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*
15 *vehicle; underage passengers.* If there is a passenger under 16 years of age on the
16 all-terrain vehicle at the time of a violation that gives rise to a conviction under sub.
17 (4c) (a) 1. or 2. or (4p) (e), the applicable minimum and maximum forfeitures, fines,
18 and terms of imprisonment under ~~pars.~~ par. (b) 1., 2., and, 3., 4b., and 5. for the
19 conviction are doubled.

20 SECTION 18. 23.33 (13) (br) of the statutes is repealed.

21 SECTION 19. 23.33 (13) (ce) of the statutes is created to read:

22 23.33 (13) (ce) *Penalties related to suspension or revocation; intoxication.* 1.
23 A person who operates a sports recreational vehicle in violation of sub. (4y) (b) 1. is
24 subject to *C.I.A.S. 6-24*

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****NOTE: Please decide whether you want a forfeiture or fine and the maximum and minimum amount. Also if you want imprisonment, please decide the maximum and minimum term.

1 2. A person who operates a motor vehicle in violation of sub. (4y) (b) 2. is subject
2 to

****NOTE: Please decide whether you want a forfeiture or fine and the maximum and minimum amount. Also if you want imprisonment, please decide the maximum and minimum term.

3 2~~3~~. A person who operates an all-terrain vehicle in violation of sub. (4y) (b) ~~3~~.
4 is subject to *insert 7-4*

****NOTE: Please decide whether you want a forfeiture or fine and the maximum and minimum amount. Also if you want imprisonment, please decide the maximum and minimum term.

5 SECTION 20. 23.33 (13) (cm) of the statutes is amended to read:

6 23.33 (13) (cm) *Sentence of detention*. The legislature intends that courts use
7 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
8 to par. (b) 2. ~~or~~ 3., 4b., or 5., or (c). The use of this option can result in significant cost
9 savings for the state and local governments.

10 SECTION 21. 23.33 (13) (d) of the statutes is amended to read:

11 23.33 (13) (d) *Calculation of previous convictions*. In determining the number
12 of previous convictions under par. (b) 2. ~~and 3.~~ to 5., convictions arising out of the
13 same incident or occurrence shall be counted as one previous conviction.

14 SECTION 22. 23.33 (13) (dm) of the statutes is amended to read:

15 23.33 (13) (dm) *Reporting convictions to the department*. Whenever a person
16 is convicted of a violation of the intoxicated operation of an all-terrain vehicle law,
17 the ~~clerk of the~~ court in which the conviction occurred, ~~or the justice, judge or~~
18 ~~magistrate of a court not having a clerk,~~ shall forward to the department the record
19 of such conviction. The record of conviction forwarded to the department shall state
20 whether the offender was involved in an accident at the time of the offense.

1 SECTION 23. 23.33 (13) (eg) of the statutes is created to read:

2 23.33 (13) (eg) *Certificate of completion of safety program.* In addition to any
3 other penalty or order, a person who for the first time violates the intoxicated
4 operation of an all-terrain vehicle law or the all-terrain vehicle refusal law, shall be
5 ordered by the court to obtain a certificate of satisfactory completion of a safety
6 program established under s. 23.33 (5) (d). If the person has a valid certificate at the
7 time that the court imposes sentence for such a violation, the court shall
8 permanently revoke the certificate and order the person to obtain another certificate
9 of satisfactory completion of the safety program.

Ins 8-9

10 SECTION 24. 30.50 (4n) of the statutes is created to read:

this is
Ins 9-7A

11 move after
p 12
line 9

11 30.50 (4m) ^{(22) sports recreational vehicle} "Intoxicated operating law" means the intoxicated operation of an
12 all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated boating law, ^{or} the
13 intoxicated snowmobiling law, as defined in s. 350.01 (9c), or an offense that results
14 in a suspension, revocation, or conviction counted under s. 343.307 (1)

15 SECTION 25. 30.50 (4v) of the statutes is created to read:

16 30.50 (4v) "Legal drinking age" means 21 years of age.

17 SECTION 26. 30.50 (9m) of the statutes is created to read:

18 30.50 (9m) "Recreational motorboat" means a motorboat that is not a
19 commercial motorboat.

20 SECTION 27. 30.50 (9x) of the statutes is renumbered 30.50 (2c) and amended
21 to read:

22 30.50 (2c) "~~Refusal Boating refusal law~~" means s. 30.684 (5) or a local ordinance
23 in conformity with that subsection.

24 SECTION 28. 30.50 (9y) of the statutes is created to read:

This is
Ins 9-7B

24
move
to p 9, L. 7

Ins 9-7 cont'd

~~12d13p~~ ^(B) Sports recreational vehicle

1

30.50 (9y) "Refusal law" means the all-terrain vehicle refusal law, as defined

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in s. 23.33 (1) (br), the boating refusal law, ^{or} the snowmobiling refusal law, as defined

3

in s. 350.01 (15e), or the motor vehicle refusal law under s. 343.305.

SECTION 29. 30.50 (12m) of the statutes is created to read:

Ins 9-7A

5

30.50 (12m) "Sports recreational vehicle" means an all-terrain vehicle, as

6

defined in s. 340.01 (2g), a recreational motorboat, or a snowmobile as defined in s.

340.01 (58a).

8

SECTION 30. 30.681 (1) (bn) of the statutes is amended to read:

9

30.681 (1) (bn) *Operating with alcohol concentrations at specified levels; below*

10

legal drinking age. A person who has not attained the legal drinking age, ~~as defined~~

11

~~in s. 125.02 (8m),~~ may not engage in the operation of a motorboat while he or she has

12

~~a blood~~ an alcohol concentration of more than 0.0 but less than 0.08.

13

SECTION 31. 30.681 (1) (c) of the statutes is amended to read:

14

30.681 (1) (c) *Related charges.* A person may be charged with and a prosecutor

15

may proceed upon a complaint based upon a violation of any combination of par. (a)

16

or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person

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is charged with violating any combination of par. (a) or (b) 1., 1m., or 2., the offenses

18

shall be joined. If the person is found guilty of any combination of par. (a) or (b) 1.,

19

1m., or 2. for acts arising out of the same incident or occurrence, there shall be a

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single conviction for purposes of sentencing and for purposes of counting convictions

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under s. 30.80 (6) (a) 2. ~~and 3.~~ to 5. Paragraphs (a) and (b) 1., 1m., and 2. each require

22

proof of a fact for conviction which the others do not require.

23

SECTION 32. 30.681 (2) (c) of the statutes is amended to read:

24

30.681 (2) (c) *Related charges.* A person may be charged with and a prosecutor

25

may proceed upon a complaint based upon a violation of any combination of par. (a)

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1 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person
2 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2. in the
3 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty
4 of any combination of par. (a) or (b) 1., 1m., or 2. for acts arising out of the same
5 incident or occurrence, there shall be a single conviction for purposes of sentencing
6 and for purposes of counting convictions under s. 30.80 (6) (a) 2. ~~and 3.~~ to 5.
7 Paragraphs (a) and (b) 1., 1m., and 2. each require proof of a fact for conviction which
8 the others do not require.

9 **SECTION 33.** 30.681 (2) (d) 1. a. of the statutes is amended to read:

10 30.681 (2) (d) 1. a. In an action under this subsection for a violation of the
11 intoxicated boating law where the defendant was operating a recreational motorboat
12 ~~that is not a commercial motorboat~~, the defendant has a defense if he or she proves
13 by a preponderance of the evidence that the injury would have occurred even if he
14 or she had been exercising due care and he or she had not been under the influence
15 of an intoxicant or did not have an alcohol concentration of 0.08 or more or a
16 detectable amount of a restricted controlled substance in his or her blood.

17 **SECTION 34.** 30.686 of the statutes is amended to read:

18 **30.686 Report arrest to department.** If a law enforcement officer arrests
19 a person for a violation of the intoxicated boating law or the boating refusal law, the
20 law enforcement officer shall notify the department of the arrest as soon as
21 practicable.

22 **SECTION 35.** 30.688 of the statutes is created to read:

23 **30.688 Suspension of operation privileges. (1) SUSPENSION OF OPERATING**
24 **PRIVILEGES.** (a) If a court imposes a penalty for a violation of the intoxicated boating
25 law or the boating refusal law and if the violation involved the operation of a

1 recreational motorboat, the court shall order the suspension of the person's privilege
2 to operate a sports recreational vehicle for a period of not less than 12 months and
3 not more than 16 months.

4 (b) In addition to the order under par. (a), the court shall also order the
5 suspension of the person's privilege to operate a motor vehicle ^{on public premises, as defined in s. 23.33(1)} if the person, within
6 5 years prior to the arrest for the current violation subject to the order under par. (a),
7 was previously found in violation of the ^{sports recreational vehicle (use 2x)} intoxicated operating law or the refusal law
8 and the previous violation involved the operation of a sports recreational vehicle.

9 The period of suspension shall be not less than 6 months and not more than 12
10 months. ^{insert 11-10}

11 (2) OPERATION WHILE SUSPENDED OR REVOKED. (a) No person may operate a
12 sports recreational vehicle in violation of a suspension order imposed under sub. (1)

13 (a).

14 (b) No person may operate a motor vehicle in violation of a suspension order
15 imposed under sub (1) (b). ^{covered by (343.44)}

16 ^b (c) No person ^{g person} whose motor vehicle operating privilege has been ^{is} suspended or
17 revoked for a conviction counted under s. 343.307 (1) may operate a recreational
18 motorboat during the time that the operating privilege is suspended or revoked.

19 SECTION 36. 30.74 (1) (bn) of the statutes is amended to read:

20 30.74 (1) (bn) A certificate issued to a person under this subsection is valid for
21 life unless the certificate or the person's privilege to operate a motorboat is
22 suspended or revoked by a court under s. 30.80 (2m) or (6) (e), 30.688 (1) (a), or
23 938.343 (5).

24 SECTION 37. 30.80 (6) (a) 1. of the statutes is amended to read:

1 30.80 (6) (a) 1. Except as provided under subds. 2. to 5., a person who violates
2 s. 30.681 (1) (a) or (b), ~~a local ordinance in conformity with s. 30.681 (1) (a) or (b) or~~
3 ~~the refusal law~~ 30.684 (5) shall forfeit not less than \$150 \$400 nor more than \$300
4 \$550.

5 **SECTION 38.** 30.80 (6) (a) 2. of the statutes is amended to read:

6 30.80 (6) (a) 2. 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 one time
9 previously under the ~~intoxicated boating operating law~~ sports recreational vehicle ~~or the refusal law~~ shall be ~~(use &x)~~
10 fined not less than \$300 nor more than \$1,000 \$1,100 and shall be imprisoned for not
11 less than 5 days nor more than ~~6 months~~ one year in the county jail.

12 **SECTION 39.** 30.80 (6) (a) 3. of the statutes is amended to read:

13 30.80 (6) (a) 3. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
14 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law~~ or 30.684 (5) and who,
15 within 5 years prior to the arrest for the current violation, was convicted 2 times
16 previously under the ~~intoxicated boating operating law~~ or, the refusal law, or a
17 combination of these laws, shall be fined not less than \$600 nor more than \$2,000 and
18 shall be imprisoned for not less than 30 days nor more than one year in the county
19 jail.

20 **SECTION 40.** 30.80 (6) (a) 4. of the statutes is amended to read:

21 30.80 (6) (a) 4. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
22 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law~~ or 30.684 (5) and who,
23 within 5 years prior to the arrest for the current violation, was convicted 3 times
24 previously under the ~~intoxicated boating operating law~~ or, the refusal law, or any
25 combination of these laws, shall be fined not less than \$600 nor more than \$2,000 and

1 shall be imprisoned for not less than 60 days nor more than one year in the county
2 jail.

sports recreational vehicle

3 SECTION 41. 30.80 (6) (a) 5. of the statutes is amended to read:

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

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

12 30.80 (6) (a) 6. A person who violates s. 30.681 (1) (bn) or ~~a local ordinance in~~
13 ~~conformity with s. 30.681 (1) (bn)~~ who violates 30.684 (5) and has not attained the
14 legal drinking age shall forfeit \$50.

15 SECTION 43. 30.80 (6) (am) of the statutes is created to read:

16 30.80 (6) (am) *Penalties related to operating with underage passengers.* If there
17 is a passenger under 16 years of age in a motorboat at the time of a violation that
18 gives rise to a conviction under s. 30.681 (1) (a) or (b) 1. or 30.684 (5), the applicable
19 minimum and maximum forfeitures, fines, and terms of imprisonment under par. (a)
20 1., 2., 3., 4., and 5. for the conviction are doubled.

21 SECTION 44. 30.80 (6) (bg) of the statutes is created to read:

22 30.80 (6) (bg) *Penalties related to suspension* ~~(or revocation)~~; intoxication. (a)

23 A person who operates a sports recreational vehicle in violation of. s. 30.688 (2) (a)
24 is subject to *ins. 13-24*

****NOTE: Please decide whether you want a forfeiture or fine and the maximum and minimum amount. Also if you want imprisonment, please decide the maximum and minimum term.

1 (b) A person who operates a motor vehicle in violation of s. 30.688 (2) (b) is
2 subject to

****NOTE: Please decide whether you want a forfeiture or fine and the maximum and minimum amount. Also if you want imprisonment, please decide the maximum and minimum term.

2
3 (c) A person who operates a recreational motorboat in violation of s. 30.688 (2)
4 (c) is subject to *has 14-4*

****NOTE: Please decide whether you want a forfeiture or fine and the maximum and minimum amount. Also if you want imprisonment, please decide the maximum and minimum term.

5 SECTION 45. 30.80 (6) (bn) of the statutes is created to read:

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

10 SECTION 46. 30.80 (6) (cm) of the statutes is created to read:

11 30.80 (6) (cm) *Reporting convictions to the department.* Whenever a person is
12 convicted of a violation of the intoxicated boating law, the clerk of the court in which
13 the conviction occurred or the judge of a court not having a clerk shall forward to
14 the department the record of such conviction. The record of conviction forwarded to
15 the department shall state whether the offender was involved in an accident at the
16 time of the offense.

17 SECTION 47. 30.80 (6) (e) of the statutes is amended to read:

18 30.80 (6) (e) *Certificate of satisfactory completion of safety course.* In addition
19 to any other penalty or order, a person who for the first time violates s. 30.681 (1) or
20 (2) or 30.684 (5) or who violates s. 940.09 or 940.25 if the violation involves the

1 ~~operation of a motorboat, the intoxicated boating law or the boating refusal law~~ shall
2 be ordered by the court to obtain a certificate of satisfactory completion of a safety
3 course under s. 30.74 (1). If the person has a valid certificate at the time that the
4 court imposes sentence for a such a violation, the court shall permanently revoke the
5 certificate and order the person to obtain ~~a~~ another certificate of satisfactory
6 completion of ~~a~~ the safety course ~~under s. 30.74 (1)~~.

7 **SECTION 48.** 59.54 (14) (g) of the statutes is amended to read:

8 59.54 (14) (g) A county may establish extensions of the jail, which need not be
9 at the county seat, to serve as places of temporary confinement. No person may be
10 detained in such an extension for more than 24 consecutive hours, except that a court
11 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. ~~or~~ 3., 4b.
12 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)
13 be imprisoned for more than 24 consecutive hours in such an extension. Jail
14 extensions shall be subject to plans and specifications approval by the department
15 of corrections and shall conform to other requirements imposed by law on jails,
16 except that cells may be designed and used for multiple occupancy.

17 **SECTION 49.** 343.307 (1) (h) of the statutes is created to read:

18 343.307 (1) (h) Convictions for a violation of s. 23.33 (4c) (a) or (4p) (e) or a local
19 ordinance in conformity therewith, or for a violation of s. 23.33 (4c) (b).

20 **SECTION 50.** 343.307 (1) (i) of the statutes is created to read:

21 343.307 (1) (i) Convictions for a violation of s. 30.681 (1) or 30.684 (5) or a local
22 ordinance in conformity therewith, ~~or~~ for a violation of s. 30.681 (2).

23 **SECTION 51.** 343.307 (1) (k) of the statutes is created to read:

24 343.307 (1) (k) Convictions for a violation of s. 350.101 (1) or 350.104 (5) or a
25 local ordinance in conformity therewith, or for a violation of s. 350.101 (2).

1 SECTION 52. 343.307 (2) (i) of the statutes is created to read:

2 343.307 (2) (i) Convictions for a violation of s. 23.33 (4c) (a) or (4p) (e) or a local
3 ordinance in conformity therewith, or for a violation of s. 23.33 (4c) (b).

4 SECTION 53. 343.307 (2) (k) of the statutes is created to read:

5 343.307 (2) (k) Convictions for a violation of s. 30.681 (1) or 30.684 (5) or a local
6 ordinance in conformity therewith, or for a violation of s. 30.681 (2).

7 SECTION 54. 343.307 (2) (m) of the statutes is created to read:

8 343.307 (2) (m) Convictions for a violation of s. 350.101 (1) or 350.104 (5) or a
9 local ordinance in conformity therewith, or for a violation of s. 350.101 (2).

****NOTE: This language counts ATV, snowmobile, and boating OWI violations for both regular and commercial driver licenses.

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

11 *17n*
17n 350.01 (9b) *Sports recreational vehicle* "intoxicated operating law" means the intoxicated operation of an
12 all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated boating law, as
13 defined in s. 30.50 (4m), *for* the intoxicated snowmobiling law, or an offense that results
14 in a suspension, revocation, or conviction counted under s. 343.307 (1).

this is Ins 17-7A

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

16 350.01 (9j) "Legal drinking age" means 21 years of age.

17 SECTION 57. 350.01 (10r) of the statutes is renumbered 350.01 (15c) and
18 amended to read:

19 350.01 (15c) "~~Refusal~~ Snowmobiling refusal law" means s. 350.104 (5) or a local
20 ordinance in conformity therewith. *(17r)*

21 SECTION 58. 350.01 (10s) of the statutes is created to read:

this is Ins 17-7B

*move to p 17
1. ?*

Ins 17-77 cont'd

Sports recreational vehicle

or

1 350.01 (10s) "Refusal law" means the all-terrain vehicle refusal law, as defined
2 in s. 23.33 (1) (br), the boating refusal law, as defined in s. 30.50 (2c), the
3 snowmobiling refusal law ~~or the motor vehicle refusal law under s. 343.305~~

4 SECTION 59. 350.01 (17m) of the statutes is created to read:

5 Ins 177A 350.01 (17m) "Sports recreational vehicle" means an all-terrain vehicle, as
6 defined in s. 340.01 (2g), a recreational motorboat, as defined in s. 30.50 (9m), or a
7 snowmobile.

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

9 350.101 (1) (c) *Operating with alcohol concentrations at specified levels; below*
10 *legal drinking age 19.* If a ~~A~~ person who has not attained the legal drinking age of
11 ~~19~~, the person may not engage in the operation of a snowmobile while he or she has
12 an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

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

14 350.101 (1) (d) *Related charges.* A person may be charged with and a prosecutor
15 may proceed upon a complaint based upon a violation of any combination of par. (a),
16 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is
17 charged with violating any combination of par. (a), (b), or (bm), the offenses shall be
18 joined. If the person is found guilty of any combination of par. (a), (b), or (bm) for acts
19 arising out of the same incident or occurrence, there shall be a single conviction for
20 purposes of sentencing and for purposes of counting convictions under s. 350.11 (3)
21 (a) 2. ~~and 3.~~ to 5. Paragraphs (a), (b), and (bm) each require proof of a fact for
22 conviction which the others do not require.

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

24 350.101 (2) (c) *Related charges.* A person may be charged with and a prosecutor
25 may proceed upon a complaint based upon a violation of any combination of par. (a),

Move to here

Ins 17-7B

1 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is
2 charged with violating any combination of par. (a), (b), or (bm) in the complaint, the
3 crimes shall be joined under s. 971.12. If the person is found guilty of any
4 combination of par. (a), (b), or (bm) for acts arising out of the same incident or
5 occurrence, there shall be a single conviction for purposes of sentencing and for
6 purposes of counting convictions under s. 350.11 (3) (a) 2. ~~and 3.~~ to 5. Paragraphs
7 (a), (b), and (bm) each require proof of a fact for conviction which the others do not
8 require.

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

10 **350.106 Report arrest to department.** If a law enforcement officer arrests
11 a person for a violation of the intoxicated snowmobiling law or the snowmobiling
12 refusal law, the law enforcement officer shall notify the department of the arrest as
13 soon as practicable.

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

15 **350.1075 Suspension of operation privileges.** (1) SUSPENSION OF
16 OPERATING PRIVILEGES. (a) If a court imposes a penalty for a violation of the
17 intoxicated snowmobiling law or the snowmobiling refusal law, the court shall order
18 the suspension of the person's privilege to operate a sports recreational vehicle for
19 a period of not less than 12 months and not more than 16 months.

20 (b) In addition to the order under par. (a), the court shall also order the
21 suspension of the person's ^{on public premises as defined in s. 22.33(1) (c)} privilege to operate a motor vehicle if the person, within
22 5 years prior to the arrest for the current violation of the intoxicated snowmobiling
23 law or the snowmobiling refusal law, was previously found in violation of the
24 sports recreational vehicle intoxicated operating law or the refusal law and the previous violation involved the

1 operation of a sports recreational vehicle. The period of suspension shall be not less
 2 than 6 months and not more than 12 months. *ins 19-2*

3 (2) OPERATION WHILE SUSPENDED OR REVOKED. (a) No person may operate a
 4 sports recreational vehicle in violation of a suspension order imposed under sub. (1)
 5 (a).

6 (b) No person may operate a motor vehicle in violation of a suspension order
 7 imposed under sub. (1) (b). *person's*

8 *b* No person whose motor vehicle operating privilege ~~has been~~^{is} suspended or
 9 revoked for a conviction counted under s. 343.307 (1) may operate a snowmobile
 10 during the time that the operating privilege is suspended or revoked.

ins-19-10 →

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

12 350.11 (3) (a) 1. Except as provided under subds. 2. ~~and 3.~~ to 5., a person who
 13 violates s. 350.101 (1) (a), (b), or (bm) or s. 350.104 (5) shall forfeit not less than \$400
 14 nor more than \$550.

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

16 350.11 (3) (a) 2. ~~Except as provided under subd. 3., a~~ A person who violates
 17 s. 350.101 (1) (a), (b), or (bm) or 350.104 (5) and who, within 5 years prior to the arrest
 18 for the current violation, was convicted one time previously under the ~~intoxicated~~^{*sports recreational vehicle*}
 19 ~~snowmobiling operating law or the refusal law~~ shall be fined not less than \$300 nor
 20 more than ~~\$1,000~~ \$1,100 and shall be imprisoned not less than 5 days nor more than
 21 ~~6 months~~ one year in the county jail.

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

23 350.11 (3) (a) 3. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104
 24 (5) and who, within 5 years prior to the arrest for the current violation, was convicted
 25 ~~2 or more times~~ previously under the ~~intoxicated snowmobiling operating law or, the~~

sports recreational vehicle

1 refusal law, or any combination of these laws, shall be fined not less than \$600 nor
2 more than \$2,000 and shall be imprisoned not less than 30 days nor more than one
3 year in the county jail.

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

6 350.11 (3) (a) 6. A person who violates s. 350.101 (1) (c) or who violates 350.104
7 (5) and ~~who~~ has not attained the legal drinking age of 19 shall forfeit ~~not more than~~
8 \$50.

sports recreational vehicle

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

10 350.11 (3) (a) 4b. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104
11 (5) and who, within 5 years prior to the arrest for the current violation, was convicted
12 3 times previously under the intoxicated operating law, the refusal law, or any
13 combination of these laws, shall be fined not less than \$600 nor more than \$2,000 and
14 shall be imprisoned not less than 60 days nor more than one year in the county jail.

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

16 350.11 (3) (a) 5. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104
17 (5) and who, within 5 years prior to the arrest for the current violation, was convicted
18 4 or more times previously under the intoxicated operating law, the refusal law, or
19 any combination of these laws, shall be fined not less than \$600 nor more than \$2,000
20 and shall be imprisoned not less than 6 months nor more than one year in the county
21 jail.

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

23 350.11 (3) (am) *Penalties related to operating with underage passengers.* If
24 there is a passenger under 16 years of age on a snowmobile at the time of a violation
25 that gives rise to a conviction under s. 350.101 (1) (a) or (b) or 350.104 (5), the

1 applicable minimum and maximum forfeitures, fines, and terms of imprisonment
2 under par. (a) 1., 2., 3., 4b., and 5. for the conviction are doubled.

3 SECTION 72. 350.11 (3) (bg) of the statutes is created to read:

(4) 350.11 (3) (bg) *Penalties related to suspension or revocation; intoxication.* 1.

5 A person who operates a sports recreational vehicle in violation of s. 350.1075 (2) (a)

(6) is subject to *125 21-6*

****NOTE: Please decide whether you want a forfeiture or fine and the maximum and minimum amount. Also if you want imprisonment, please decide the maximum and minimum term.

7 2. A person who operates a motor vehicle in violation of s. 350.1075 (2) (c) is
8 subject to

****NOTE: Please decide whether you want a forfeiture or fine and the maximum and minimum amount. Also if you want imprisonment, please decide the maximum and minimum term.

(9) *23.* A person who operates a snowmobile in violation of s. 350.1075 (2) (d) is
(10) subject to *125 21-10*

****NOTE: Please decide whether you want a forfeiture or fine and the maximum and minimum amount. Also if you want imprisonment, please decide the maximum and minimum term.

11 SECTION 73. 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 74. 350.11 (3) (c) of the statutes is amended to read:

17 350.11 (3) (c) *Calculation of previous convictions.* In determining the number
18 of previous convictions under par. (a) 2. ~~and 3.~~ to 5., convictions arising out of the
19 same incident or occurrence shall be counted as one previous conviction.

20 SECTION 75. 350.11 (3) (cm) of the statutes is amended to read:

1 350.11 (3) (cm) *Reporting convictions to the department.* Whenever a person
2 is convicted of a violation of the intoxicated snowmobiling law, the ~~clerk of the court~~
3 in which the conviction occurred, ~~or the justice, judge or magistrate of a court not~~
4 ~~having a clerk,~~ shall forward to the department the record of such conviction. The
5 record of conviction forwarded to the department shall state whether the offender
6 was involved in an accident at the time of the offense.

7 **SECTION 76.** 350.11 (3) (e) of the statutes is created to read:

8 350.11 (3) (e) *Certificate of completion of safety program.* In addition to any
9 other penalty or order, a person who for the first time violates the intoxicated
10 snowmobiling law or the snowmobiling refusal law, shall be ordered by the court to
11 obtain a certificate of satisfactory completion of a safety program established under
12 s. 350.055 (1). If the person has a valid certificate at the time that the court imposes
13 sentence for such a violation, the court shall permanently revoke the certificate and
14 order the person to obtain another certificate of satisfactory completion of the safety
15 program.

16 **SECTION 77.** 940.09 (1m) (b) of the statutes is amended to read:

17 940.09 (1m) (b) If a person is charged in an information with any of the
18 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
19 971.12. If the person is found guilty of more than one of the crimes so charged for
20 acts arising out of the same incident or occurrence, there shall be a single conviction
21 for purposes of sentencing and for purposes of counting convictions under s. 23.33
22 (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
23 s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Subsection (1) (a), (am), (b), (bm), (c), (cm), (d), and (e)
24 each require proof of a fact for conviction which the others do not require, and sub.

1 (1g) (a), (am), (b), (c), (cm), and (d) each require proof of a fact for conviction which
2 the others do not require.

3 SECTION 78. 940.25 (1m) (b) of the statutes is amended to read:

4 940.25 (1m) (b) If a person is charged in an information with any of the
5 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
6 971.12. If the person is found guilty of more than one of the crimes so charged for
7 acts arising out of the same incident or occurrence, there shall be a single conviction
8 for purposes of sentencing and for purposes of counting convictions under s. 23.33
9 (13) (b) 2. ~~and 3. to 5.~~, under s. 30.80 (6) (a) 2. ~~or 3. to 5.~~, under ss. 343.30 (1q) and
10 343.305 or under s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Subsection (1) (a), (am), (b), (bm), (c),
11 (cm), (d), and (e) each require proof of a fact for conviction which the others do not
12 require.

13 SECTION 79. Initial applicability.

14 (1) This act first applies to violations committed on the effective date of this
15 subsection, but does not preclude the counting of other violations or offenses as prior
16 violations for purposes of sentencing a person or for purposes of suspending or
17 revoking operating privileges.

18 → 145 23-17 (END)

or refusals that occur

violations or offenses

convictions, suspensions, or revocations

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4163/P2insrn
RPN:nwn:jf

1 insert 2-18:

2 SECTION 1. 23.33^{✓^} (1) (jc) of the statutes is created to read:

3 23.33 (1) (jc) "Public premises" means all premises held out to the public for use
4 of ~~their~~^a motor vehicles~~g~~, including highways, all premises provided by employers to
5 employees for the use of their motor vehicles[✓] and all premises provided to tenants of
6 rental housing in buildings of 4 or more units for the use of their motor vehicles[✓],
7 whether such premises are publicly or privately owned and whether or not a fee is
8 charged for the use of those premises[✓].

9

10 ins. 4-21, 11-10, 19-2:

11 Whenever a court or judge suspends an operating privilege under this
12 subsection[✓], the court or judge shall immediately take possession of any suspended
13 license[✓] and shall forward it as provided in s. 345.48[✓] to the department of
14 transportation[✓] together with the record of conviction and notice of suspension[✓].

15 *(For 4-21: subdivision[✓]; For 11-10 and 19-2: paragraph[✓])*

16 ins. 5-3:

17 2. No person may operate an all-terrain vehicle during the time that the
18 person's motor vehicle operating privilege is suspended or revoked for a conviction
19 counted under s. 343.307 (1)[✓].

20

21 Ins. 6-24, 13-24, 21-6:

22 ~~of~~^{ga} forfeiture of not less than \$50 nor more than \$250[✓]. In addition, the court may
23 suspend the person's privilege to operate a sports recreational vehicle for a period of

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

subdivision

4 Ins. 7-4 14-4, 21-10

5 of forfeiture of not less than \$150 nor more than \$300. In addition, the court
6 may suspend the person's privilege to operate a sports recreational vehicle for a
7 period of not more than 6 months. Whenever a court or judge suspends an operating
8 privilege under this subsection, the court or judge shall notify the department of that
9 action.

subdivision

11 ins. 11-18:

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

16 ins. 19-10:

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

21 Ins. 23-17:

22 **SECTION 2. Effective date.**

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

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4163/P3insnn
MGG&RPN:nwn:jf

INS 8-9

1 **SECTION 1.** 23.45 (1) (d) of the statutes is amended to read:
2 23.45 (1) (d) "Registration" means any registration documentation, as defined
3 in s. 23.33 (1) (~~jn~~) (jf) or s. 350.01 (10t), or certification or registration documentation,
4 as defined in s. 30.50 (3b), issued by the department or its agents.

History: 1999 a. 88, 186; 2001 a. 16.

END OF INS 8-9

5

Nelson, Robert P.

From: Gibson-Glass, Mary
Sent: Wednesday, February 10, 2010 4:21 PM
To: Nelson, Robert P.
Subject: FW: Snowmobile OWI update

Now you'll have something to do tomorrow. I don't know what she means about "license fees".

From: Van de Bogert, Abigail
Sent: Wednesday, February 10, 2010 4:19 PM
To: Gibson-Glass, Mary
Subject: Snowmobile OWI update

Hi Mary,

I just learned that Rep. Molepske called you directly yesterday...my apologies. I hope the discussion went okay.

Louis and Gary Eddy and I just met to talk about the bill. Rep. Molepske is comfortable going with the changes Gary has suggested (based on the snowmobile recreational council). There are three (small) details that Louis would like to make sure are part of the bill:

- (1) Regarding the five-year lookback period: can you please make it so that this period starts upon passage of the bill? In other words, we want to give everyone a clean slate so that OWIs from last year don't already count against them.
- (2) Louis would like to make sure that people sentenced under this bill can qualify for the "Oshkosh treatment program." He seemed to think you would know what that meant, but if you don't, let me know and I will probe him for more details.
- (3) He would like to change it so that licenses are revoked (instead of suspended) at the second offense.

There will be one additional update from Gary Eddy regarding the fate of license fees. I am expecting him to contact me with this change and I will pass it along to you.

Please don't hesitate to call our office (7-9649) if any of these things need further clarification. Thank you very much for your work on all this--we really appreciate it!!

Abby

except for those that
would count under
prior law

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4163/P2dn
MGG:nwn:jf

January 29, 2010

Representative Molepske:

1. This area of current law is quite challenging. Please review carefully. I'll be happy to be meet with interested parties to explain areas where there are questions.
2. Pursuant to our telephone conversation, this is a preliminary draft done under a new LRB number. Please note there are embedded four-star notes in the draft that need to be addressed. The Snowmobile Recreation Council's recommendation did not directly make it clear what penalties were desired.
3. Under current law, there are different provisions under the OWI boating law for commercial motorboats as opposed to recreational motorboats. "Commercial motorboat" is defined under current law in s. 30.50 (3d), and I have defined "recreational motorboat" in this draft. See s. 30.50 (9m). Under current law, a person operating a commercial motorboat runs afoul with the OWI law for having a blood alcohol concentration of 0.04 percent or more, as opposed to 0.08 percent or more. Under current law, prior convictions of the law applicable to the operation of commercial motorboats count as prior violations if a person is in court to be sentenced for the OWI operation of a recreational motorboat and vice versa. This draft does not affect these provisions. However, under OWI motor vehicle law, prior regular OWI convictions count when sentencing a person for OWI operation in a commercial or occupational setting, but prior commercial or occupational OWI convictions do not apply when sentencing a person for a regular OWI law violation. Apparently, the intent is to not count violations in excess of 0.04 percent when a person is being sentenced for personal behavior as opposed to behavior on the job, since 0.04 percent is almost absolute sobriety. Please let me know if you want any changes in this regard in the OWI boating laws.

Furthermore, as to the dichotomy between OWI operation of a commercial motorboat as opposed to a personal motorboat, in this draft the provisions authorizing the court to suspend motorboating or motor vehicle operating privileges of a motorboat operator under s. 30.688 apply only when the motorboat operator is in court to be sentenced for the OWI operation of a recreational motorboat, and not for the operation of commercial motorboat. Again, this is due to my understanding that the intent of this legislation is only to affect the penalties for the operation of recreational motorboats.

4. Under current law relating to the OWI operation of ATVs, motorboats, and snowmobiles the provisions for doubling the penalties when there is an underaged

leaves OWI commercial in current law

passenger do not apply to OWI violations that involve the use of a controlled substance as opposed to alcohol. Do you want to include that change in this draft? *yes*

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Gibson-Glass, Mary
Sent: Wednesday, February 10, 2010 4:21 PM
To: Nelson, Robert P.
Subject: FW: Snowmobile OWI update

From: Van de Bogert, Abigail
Sent: Wednesday, February 10, 2010 4:19 PM
To: Gibson-Glass, Mary
Subject: Snowmobile OWI update

Hi Mary,

I just learned that Rep. Molepske called you directly yesterday...my apologies. I hope the discussion went okay.

Louis and Gary Eddy and I just met to talk about the bill. Rep. Molepske is comfortable going with the changes Gary has suggested (based on the snowmobile recreational council). There are three (small) details that Louis would like to make sure are part of the bill:

Rev (1) Regarding the five-year lookback period: can you please make it so that this period starts upon passage of the bill? In other words, we want to give everyone a clean slate so that OWIs from last year don't already count against them.

Rev (2) Louis would like to make sure that people sentenced under this bill can qualify for the "Oshkosh treatment program." He seemed to think you would know what that meant, but if you don't, let me know and I will probe him for more details.

Rev (3) He would like to change it so that licenses are revoked (instead of suspended) at the second offense.

There will be one additional update from Gary Eddy regarding the fate of license fees. I am expecting him to contact me with this change and I will pass it along to you.

Please don't hesitate to call our office (7-9649) if any of these things need further clarification. Thank you very much for your work on all this--we really appreciate it!!

Abby

*** [plus penalty
enhancers
for drugs]

Gibson-Glass, Mary

From: Van de Bogert, Abigail
Sent: Friday, February 12, 2010 1:29 PM
To: Gibson-Glass, Mary
Cc: Rep.Molepske
Subject: One more item from Gary Eddy for inclusion in the snowmobile bill

Hi Mary,

Gary Eddy has submitted some language below to address the fate of trail pass fees. Rep. Molepske would like this included, please. As always, please let me know if you have any questions.

Thank you!!

Abby

From: Eddy, Gary D - DNR [mailto:Gary.Eddy@Wisconsin.gov]
Sent: Thursday, February 11, 2010 6:03 PM
To: Van de Bogert, Abigail
Subject: INFO: Proposed Language

Hello Abby,
Below is the proposed language that would fix the non-resident snowmobile trail pass issue. Similar language is found in SB 406 and AB 598, however that language relates to an all new registration/trail pass sticker that is being proposed. The language below relates to our current, existing registration/trail pass program. We also found an error in their multiplier calculation which is corrected below, so that will help also.

Also, a question on Rep. Molepske's request for a bullet point document of the existing penalties compared to the proposed. Do you think he wants that after the next draft or before? I'll be out tomorrow on a furlough day.

Have a great weekend!

Gary

350.12(4)(bg)2.

2. For fiscal year ~~2001-02~~ 2009-10, and for each fiscal year thereafter, the department shall calculate an amount equal to the number of trail use stickers issued under sub. (3j) in the previous fiscal year multiplied by ~~\$15~~ \$32.00 and shall credit this amount to the appropriation account under s. 20.370 (5) (cw). From the appropriation account under s. 20.370 (5) (cw), the department shall make payments to the department or a county for the purposes specified in par. (b). The department shall make payments under par. (bm) for trail maintenance costs that were incurred in the previous fiscal year and that exceed the maximum specified under par. (b) 1. before making payments for any of the other purposes specified in par. (b).

34.25 → ^{\$} 35

\$ 31.25



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4163/P3
MGG&RPN:nwn:rs

174

Wed
MAY 11 2009

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV

Regen.

1 AN ACT *to repeal* 23.33 (13) (br); *to renumber* 23.33 (1) (jn) and (jo); *to*
2 *renumber and amend* 23.33 (1) (jm), 23.33 (13) (b) 4., 30.50 (9x), 350.01 (10r)
3 and 350.11 (3) (a) 4.; *to amend* 23.33 (4c) (a) 3., 23.33 (4c) (a) 4., 23.33 (4c) (b)
4 3., 23.33 (4t), 23.33 (13) (b) 1., 23.33 (13) (b) 2., 23.33 (13) (b) 3., 23.33 (13) (bg),
5 23.33 (13) (cm), 23.33 (13) (d), 23.33 (13) (dm), 23.45 (1) (d), 30.681 (1) (bn),
6 30.681 (1) (c), 30.681 (2) (c), 30.681 (2) (d) 1. a., 30.686, 30.74 (1) (bn), 30.80 (6)
7 (a) 1., 30.80 (6) (a) 2., 30.80 (6) (a) 3., 30.80 (6) (a) 4., 30.80 (6) (a) 5., 30.80 (6)
8 (a) 6., 30.80 (6) (e), 59.54 (14) (g), 350.101 (1) (c), 350.101 (1) (d), 350.101 (2) (c),
9 350.106, 350.11 (3) (a) 1., 350.11 (3) (a) 2., 350.11 (3) (a) 3., 350.11 (3) (bm),
10 350.11 (3) (c), 350.11 (3) (cm), 940.09 (1m) (b) and 940.25 (1m) (b); and *to create*
11 23.33 (1) (im), 23.33 (1) (jc), 23.33 (1) (jh), 23.33 (1) (ji), 23.33 (1) (jk), 23.33 (4y),
12 23.33 (13) (b) 4b., 23.33 (13) (b) 5., 23.33 (13) (ce), 23.33 (13) (eg), 30.50 (4v),
13 30.50 (9m), 30.50 (12m), 30.50 (12n), 30.50 (12p), 30.688, 30.80 (6) (am), 30.80
14 (6) (bg), 30.80 (6) (bn), 30.80 (6) (cm), 350.01 (9j), 350.01 (17m), 350.01 (17n),
15 350.01 (17p), 350.1075, 350.11 (3) (a) 4b., 350.11 (3) (a) 5., 350.11 (3) (am),

calculation
the amount
of the amount

1 350.11 (3) (bg) and 350.11 (3) (e) of the statutes; relating to: intoxicated
2 operation of all-terrain vehicles, snowmobiles, motorboats, and motor vehicles,
3 and providing penalties. *to be expended*
of moneys from the snowmobile
account in the conservation fund

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

4 SECTION 1. 23.33 (1) (im) of the statutes is created to read:

5 23.33 (1) (im) "Legal drinking age" means 21 years of age.

6 SECTION 2. 23.33 (1) (jc) of the statutes is created to read:

7 23.33 (1) (jc) "Public premises" means all premises held out to the public for use
8 of a motor vehicle, including highways, all premises provided by employers to
9 employees for the use of their motor vehicles, and all premises provided to tenants
10 of rental housing in buildings of 4 or more units for the use of their motor vehicles,
11 whether such premises are publicly or privately owned and whether or not a fee is
12 charged for the use of those premises.

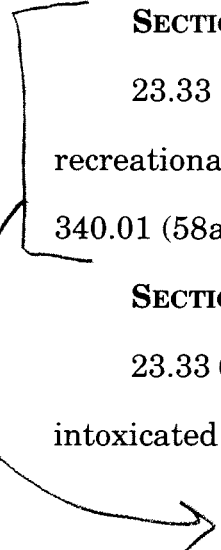
for certain
activities
relating to
snowmobile
trails and
routes

13 SECTION 3. 23.33 (1) (jh) of the statutes is created to read:

14 23.33 (1) (jh) "~~Spots~~ recreational vehicle" means an all-terrain vehicle, a
15 recreational motorboat as defined in s. 30.50 (9m), or a snowmobile as defined in s.
16 340.01 (58a).

17 SECTION 4. 23.33 (1) (ji) of the statutes is created to read:

18 23.33 (1) (ji) "~~Spots recreational vehicle~~ intoxicated operating law" means the
19 intoxicated operation of an all-terrain vehicle law, the intoxicated boating law, as



(ib)

(c)

19

1 defined in s. 30.50 (4m), or the intoxicated snowmobiling law, as defined in s. 350.01
2 (9c).

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

4 23.33 (1) (jk) "~~30.50~~ recreational vehicle refusal law" means the all-terrain
5 vehicle refusal law, the boating refusal law, as defined in s. 30.50 (2c), or the
6 snowmobiling refusal law, as defined in s. 350.01 (15c).

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

9 23.33 (1) (br) "~~Refusal~~ All-terrain vehicle refusal law" means sub. (4p) (e) or
10 a local ordinance in conformity therewith.

11 SECTION 7. 23.33 (1) (jn) and (jo) of the statutes are renumbered 23.33 (1) (jl)
12 and (jg).

13 SECTION 8. 23.33 (4c) (a) 3. of the statutes is amended to read:

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

18 SECTION 9. 23.33 (4c) (a) 4. of the statutes is amended to read:

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

SECTION 9

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 10.** 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 11.** 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 12.** 23.33 (4y) of the statutes is created to read:

19 23.33 (4y) SUSPENSION ^{or revocation (c)} OF OPERATING PRIVILEGES. (a) ~~Suspension~~ 1. If
20 a court imposes a penalty for a violation of the intoxicated operation of an all-terrain
21 vehicle law or the all-terrain vehicle refusal law, the court shall order the suspension
22 of the person's privilege to operate a sports recreational vehicle [✓] for a period of not less
23 than 12 months and not more than 16 months. [✓]

24 2. In addition to the order under subd. 1., the court shall also order the
25 suspension ^{or revocation} of the person's privilege to operate a motor vehicle on a public premises

Orders to suspend [Ⓛ] or revoke
or revoke

1 if the person, within 5 years prior to the arrest for the current violation of the
 2 intoxicated operation of an all-terrain vehicle law or the all-terrain vehicle refusal
 3 law, was previously found in violation of the ~~sports recreational vehicle~~ intoxicated
 4 operating law or the ~~sports~~ recreational vehicle refusal law. The period of ~~suspension~~ ^{revocation}

5 shall be not less than 6 months and not more than 12 months. Whenever a court
 6 ~~suspends~~ ^{revokes} an operating privilege under this subdivision, the court shall immediately
 7 take possession of any ~~suspended~~ ^{revoked} license and shall forward it as provided in s. 345.48

8 to the department of transportation together with the record of conviction and notice
 9 of ~~suspension~~ ^{revocation}

10 (b) ~~Operation~~ ^{Operative} while suspended or revoked. 1. No person may operate a ~~sports~~
 11 recreational vehicle in violation of a suspension order imposed under par. (a) 1.

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

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

16 23.33 (13) (b) 1. Except as provided under subs. 2. and 3. ~~to 5.~~, a person who
 17 violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) shall forfeit not less than \$150 ~~\$400~~ nor
 18 more than \$300 ~~\$550~~.

19 **SECTION 14.** 23.33 (13) (b) 2. of the statutes is amended to read:

20 23.33 (13) (b) 2. ~~Except as provided under subd. 3., a~~ A person who violates sub.
 21 (4c) (a) 1., 2., or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the
 22 current violation, was convicted one time previously under the ~~sports recreational~~
 23 ~~vehicle~~ intoxicated operation of an all-terrain vehicle operating law or the ~~sports~~
 24 ~~recreational vehicle~~ refusal law shall be fined not less than \$300 nor more than

and boating

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

3 SECTION 15. 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 ~~sports recreational vehicle~~ intoxicated operation of
7 ~~an all-terrain vehicle operating law~~ or, the ~~sports recreational vehicle~~ refusal law,
8 or a combination of these laws, shall be fined not less than \$600 nor more than \$2,000
9 and shall be imprisoned not less than 30 days nor more than one year in the county
10 jail.

and boating

11 SECTION 16. 23.33 (13) (b) 4. of the statutes is renumbered 23.33 (13) (b) 6. and
12 amended to read:

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

15 SECTION 17. 23.33 (13) (b) 4b. of the statutes is created to read:

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

22 SECTION 18. 23.33 (13) (b) 5. of the statutes is created to read:

23 23.33 (13) (b) 5. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
24 who, within 5 years prior to the arrest for the current violation, was convicted 4 or
25 more times previously under the ~~recreational vehicle~~ intoxicated operating law, the

1 recreational vehicle ^{and boating} refusal law, or any combination of these laws, shall be fined not
 2 less than \$600 nor more than \$2,000 and shall be imprisoned not less than 6 months
 3 nor more than one year in the county jail.

4 SECTION 19. 23.33 (13) (bg) of the statutes is amended to read:

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

cas 4-10
10a and b
11 →

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

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

13 23.33 (13) (ce) *Penalties related to suspension; intoxication.* 1. A person who
 14 operates a ~~\$1000~~ recreational vehicle in violation of sub. (4y) (b) 1. is subject to a
 15 forfeiture of not less than \$50 nor more than \$250. In addition, the court may
 16 suspend the person's privilege to operate a ~~\$1000~~ recreational vehicle for a period of
 17 not more than 6 months. Whenever a court suspends an operating privilege under
 18 this subdivision, the court shall notify the department of that action.

19 2. A person who operates an all-terrain vehicle in violation of sub. (4y) (b) 2.
 20 is subject to a forfeiture of not less than \$150 nor more than \$300. In addition, the
 21 court may suspend the person's privilege to operate a ~~\$1000~~ recreational vehicle for
 22 a period of not more than 6 months. Whenever a court suspends an operating
 23 privilege under this subdivision, the court shall notify the department of that action.

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

24

1 23.33 (13) (cm) *Sentence of detention*. The legislature intends that courts use
2 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
3 to par. (b) 2. ~~or 3., 4b., or 5.,~~ or (c). The use of this option can result in significant cost
4 savings for the state and local governments. *renumbered 23.33(13) (d) 1, an*

5 **SECTION 23.** 23.33 (13) (d) of the statutes is amended to read:

6 23.33 (13) (d) ~~Calculation of previous convictions.~~ *1.* In determining the number
7 of previous convictions under par. (b) 2. ~~and 3. to 5.,~~ convictions arising out of the
8 same incident or occurrence shall be counted as one previous conviction.

9 **SECTION 24.** 23.33 (13) (dm) of the statutes is amended to read:

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

16 **SECTION 25.** 23.33 (13) (eg) of the statutes is created to read:

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

25 ~~**SECTION 26.** 23.45 (1) (d) of the statutes is amended to read~~ ✓

INSERT
8-8

1 23.45 (1) (d) "Registration" means any registration documentation, as defined
2 in s. 23.33 (1) (~~jn~~) (~~jf~~) or s. 350.01 (10t), or certification or registration documentation,
3 as defined in s. 30.50 (3b), issued by the department or its agents.

4 SECTION 27. 30.50 (4v) of the statutes is created to read:

5 30.50 (4v) "Legal drinking age" means 21 years of age.

6 SECTION 28. 30.50 (9m) of the statutes is created to read:

7 30.50 (9m) "Recreational motorboat" means a motorboat that is not a
8 commercial motorboat.

9 SECTION 29. 30.50 (9x) of the statutes is renumbered 30.50 (2c) and amended
10 to read:

11 30.50 (2c) "~~Refusal Boating~~ refusal law" means s. 30.684 (5) or a local ordinance
12 in conformity with that subsection.

13 SECTION 30. 30.50 (12m) of the statutes is created to read:

14 30.50 (12m) "~~Sports~~ recreational vehicle" means an all-terrain vehicle, as
15 defined in s. 340.01 (2g), a recreational motorboat, or a snowmobile as defined in s.
16 340.01 (58a).

17 SECTION 31. 30.50 (12n) of the statutes is created to read:

18 30.50 (12n) "~~Sports recreational vehicle~~ intoxicated operating law" means the
19 intoxicated operation of an all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the
20 intoxicated boating law, or the intoxicated snowmobiling law, as defined in s. 350.01
21 (9c).

22 SECTION 32. 30.50 (12p) of the statutes is created to read:

23 30.50 (12p) "~~Sports~~ recreational vehicle ^{and boating} refusal law" means the all-terrain
24 vehicle refusal law, as defined in s. 23.33 (1) (br), the boating refusal law, or the
25 snowmobiling refusal law, as defined in s. 350.01 (15c).

SECTION 33

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

2 30.681 (1) (bn) *Operating with alcohol concentrations at specified levels; below*
3 *legal drinking age.* A person who has not attained the legal drinking age, as defined
4 in s. ~~125.02 (8m)~~, may not engage in the operation of a motorboat while he or she has
5 ~~a blood~~ an alcohol concentration of more than 0.0 but less than 0.08.

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

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

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

17 30.681 (2) (c) *Related charges.* A person may be charged with and a prosecutor
18 may proceed upon a complaint based upon a violation of any combination of par. (a)
19 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person
20 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2. in the
21 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty
22 of any combination of par. (a) or (b) 1., 1m., or 2. for acts arising out of the same
23 incident or occurrence, there shall be a single conviction for purposes of sentencing
24 and for purposes of counting convictions under s. 30.80 (6) (a) 2. ~~and 3. to 5.~~

1 Paragraphs (a) and (b) 1., 1m., and 2. each require proof of a fact for conviction which
2 the others do not require.

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

4 30.681 (2) (d) 1. a. In an action under this subsection for a violation of the
5 intoxicated boating law where the defendant was operating a recreational motorboat
6 ~~that is not a commercial motorboat~~, the defendant has a defense if he or she proves
7 by a preponderance of the evidence that the injury would have occurred even if he
8 or she had been exercising due care and he or she had not been under the influence
9 of an intoxicant or did not have an alcohol concentration of 0.08 or more or a
10 detectable amount of a restricted controlled substance in his or her blood.

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

12 **30.686 Report arrest to department.** If a law enforcement officer arrests
13 a person for a violation of the intoxicated boating law or the boating refusal law, the
14 law enforcement officer shall notify the department of the arrest as soon as
15 practicable.

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

17 **30.688 Suspension of operation privileges.** (1) ~~SUSPENSION OF OPERATING~~
18 ~~PRIVILEGES.~~ (a) If a court imposes a penalty for a violation of the intoxicated boating
19 law or the boating refusal law and if the violation involved the operation of a
20 recreational motorboat, the court shall order the suspension of the person's privilege
21 to operate a ~~small~~ recreational vehicle for a period of not less than 12 months and
22 not more than 16 months.

23 (b) In addition to the order under par. (a), the court shall also order the
24 ~~suspension~~ ^{revocation} of the person's privilege to operate a motor vehicle on public premises,
25 as defined in s. 23.33 (1) (jc), if the person, within 5 years prior to the arrest for the

1 current violation subject to the order under par. (a), was previously found in violation
 2 of the ~~sports recreational vehicle~~ intoxicated operating law or the ~~sports recreational~~
 3 vehicle ^{and boating} refusal law. The period of ^{of revocation} suspension shall be not less than 6 months and not
 4 more than 12 months. Whenever a court ^{revokes} suspends an operating privilege under this
 5 paragraph, the court shall immediately take possession of any ^{revoked} suspended license and
 6 shall forward it as provided in s. 345.48 to the department of transportation together
 7 with the record of conviction and notice of ^{of revocation} suspension.

8 ^{OPERATING} (2) ~~OPERATION~~ WHILE SUSPENDED OR REVOKED. (a) No person may operate a

9 ~~sports~~ recreational vehicle in violation of a suspension order imposed under sub. (1)

10 (a).

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

14 SECTION 39. 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 the certificate or the person's privilege to operate a motorboat is
 17 suspended or revoked by a court under s. 30.80 (2m) or (6) (e) 30.688 (1) (a), or
 18 938.343 (5). *keep scored comma here*

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

20 30.80 (6) (a) 1. Except as provided under subs. 2. to 5., a person who violates
 21 s. 30.681 (1) (a) or (b), ~~a local ordinance in conformity with s. 30.681 (1) (a) or (b) or~~
 22 ~~the refusal law 30.684 (5)~~ shall forfeit not less than \$150 \$400 nor more than \$300
 23 \$550.

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

and boating

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

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

9 30.80 (6) (a) 3. A person who violates s. 30.681 (1) (a) or (b), a local ordinance
 10 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,
 11 within 5 years prior to the arrest for the current violation, was convicted 2 times
 12 previously under the ~~sports recreational vehicle~~ intoxicated boating operating law ✓
 13 or, the ~~sports~~ recreational vehicle refusal law, ✓ or a combination of these laws, shall
 14 be fined not less than \$600 nor more than \$2,000 and shall be imprisoned for not less
 15 than 30 days nor more than one year in the county jail. ✓

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

17 30.80 (6) (a) 4. A person who violates s. 30.681 (1) (a) or (b), a local ordinance
 18 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,
 19 within 5 years prior to the arrest for the current violation, was convicted 3 times
 20 previously under the ~~sports recreational vehicle~~ intoxicated boating operating law ✓
 21 or, the ~~sports~~ recreational vehicle refusal law, ✓ or any combination of these laws, shall
 22 be fined not less than \$600 nor more than \$2,000 and shall be imprisoned for not less
 23 than 60 days nor more than one year in the county jail. ✓

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

and boating

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

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

9 30.80 (6) (a) 6. A person who violates s. 30.681 (1) (bn) or ~~a local ordinance in~~
10 ~~conformity with s. 30.681 (1) (bn)~~ who violates 30.684 (5) and has not attained the
11 legal drinking age shall forfeit \$50.

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

13 30.80 (6) (am) *Penalties related to operating with underage passengers.* If there
14 is a passenger under 16 years of age in a motorboat at the time of a violation that
15 gives rise to a conviction under s. 30.681 (1) (a) or (b) 1, ^{or 1m. ✓} or 30.684 (5), the applicable
16 minimum and maximum forfeitures, fines, and terms of imprisonment under par. (a)
17 1., 2., 3., 4., and 5. for the conviction are doubled. [✓]

1hs 14-17a and (b) →

18 SECTION 47. 30.80 (6) (bg) of the statutes is created to read:

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

1 2. A person who operates a recreational motorboat in violation of s. 30.688 (2)
2 (b) is subject to a forfeiture of not less than \$150 nor more than \$300. In addition,
3 the court may suspend the person's privilege to operate a ~~sports~~ recreational vehicle
4 for a period of not more than 6 months. Whenever a court suspends an operating
5 privilege under this subdivision, the court shall notify the department of that action.

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

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

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

12 30.80 (6) (cm) *Reporting convictions to the department.* Whenever a person is
13 convicted of a violation of the intoxicated boating law, the court in which the
14 conviction occurred shall forward to the department the records of such conviction.
15 The record of conviction forwarded to the department shall state whether the
16 offender was involved in an accident at the time of the offense.

17 **SECTION 50.** 30.80 (6) (e) of the statutes is amended to read:

18 30.80 (6) (e) *Certificate of satisfactory completion of safety course.* In addition
19 to any other penalty or order, a person who for the first time violates s. 30.681 (1) or
20 ~~(2) or 30.684 (5) or who violates s. 940.09 or 940.25 if the violation involves the~~
21 ~~operation of a motorboat, the intoxicated boating law or the boating refusal law shall~~
22 be ordered by the court to obtain a certificate of satisfactory completion of a safety
23 course under s. 30.74 (1). If the person has a valid certificate at the time that the
24 court imposes sentence for a such a violation, the court shall permanently revoke the

INSERT
15-10

to p. 16
after line 12

1 intoxicated boating law, as defined in s. 30.50 (4m), or the intoxicated snowmobiling
2 law.

3 SECTION 56. 350.01 (17p) of the statutes is created to read:

4 350.01 (17p) "~~Sports~~ recreational vehicle refusal law" means the all-terrain
5 vehicle refusal law, as defined in s. 23.33 (1) (br), the boating refusal law, as defined
6 in s. 30.50 (2c), or the snowmobiling refusal law.

(109) ✓

and boating

MATERIAL FROM
PAGE 17 ✓

7 SECTION 57. 350.101 (1) (c) of the statutes is amended to read:

8 350.101 (1) (c) *Operating with alcohol concentrations at specified levels; below*
9 *legal drinking age 19.* If a A person who has not attained the legal drinking age of
10 19, the person may not engage in the operation of a snowmobile while he or she has
11 an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

12 SECTION 58. 350.101 (1) (d) of the statutes is amended to read:

13 350.101 (1) (d) *Related charges.* A person may be charged with and a prosecutor
14 may proceed upon a complaint based upon a violation of any combination of par. (a),
15 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is
16 charged with violating any combination of par. (a), (b), or (bm), the offenses shall be
17 joined. If the person is found guilty of any combination of par. (a), (b), or (bm) for acts
18 arising out of the same incident or occurrence, there shall be a single conviction for
19 purposes of sentencing and for purposes of counting convictions under s. 350.11 (3)
20 (a) 2. ~~and 3.~~ to 5. Paragraphs (a), (b), and (bm) each require proof of a fact for
21 conviction which the others do not require.

22 SECTION 59. 350.101 (2) (c) of the statutes is amended to read:

23 350.101 (2) (c) *Related charges.* A person may be charged with and a prosecutor
24 may proceed upon a complaint based upon a violation of any combination of par. (a),
25 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is

1 charged with violating any combination of par. (a), (b), or (bm) in the complaint, the
2 crimes shall be joined under s. 971.12. If the person is found guilty of any
3 combination of par. (a), (b), or (bm) for acts arising out of the same incident or
4 occurrence, there shall be a single conviction for purposes of sentencing and for
5 purposes of counting convictions under s. 350.11 (3) (a) 2. and 3. to 5. Paragraphs
6 (a), (b), and (bm) each require proof of a fact for conviction which the others do not
7 require.

8 SECTION 60. 350.106 of the statutes is amended to read:

9 350.106 Report arrest to department. If a law enforcement officer arrests
10 a person for a violation of the intoxicated snowmobiling law or the snowmobiling
11 refusal law, the law enforcement officer shall notify the department of the arrest as
12 soon as practicable.

13 SECTION 61. 350.1075 of the statutes is created to read:

14 350.1075 Suspension of ^{(B) revocation or revocation} operating privileges. (1) ^{(C) ORDERS TO SUSPEND OR REVOKE OR REVOCATION} SUSPENSION OF
15 OPERATING PRIVILEGES. (a) If a court imposes a penalty for a violation of the
16 intoxicated snowmobiling law or the snowmobiling refusal law, the court shall order
17 the suspension of the person's privilege to operate a ~~sports~~ recreational vehicle for
18 a period of not less than 12 months and not more than 16 months.

19 (b) In addition to the order under par. (a), the court shall also order the
20 ^{revocation} suspension of the person's privilege to operate a motor vehicle on public premises,
21 as defined in s. 23.33 (1) (jc), if the person, within 5 years prior to the arrest for the
22 current violation of the intoxicated snowmobiling law or the snowmobiling refusal
23 law, was previously found in violation of the ~~sports recreational vehicle~~ intoxicated
24 operating law or the ~~sports~~ recreational vehicle refusal law. The period of ^{revocation} suspension
25 shall be not less than 6 months and not more than 12 months. Whenever a court
^{boating} and boating

1 ~~suspends~~ ^{revokes} an operating privilege under this paragraph, the court shall immediately
 2 take possession of any ~~suspended~~ ^{revoked} license and shall forward it as provided in s. 345.48
 3 to the department of transportation together with the record of conviction and notice
 4 of ~~suspension~~ ^{revocation}

5 (2) ~~OPERATION~~ ^{OPERATING} WHILE SUSPENDED OR REVOKED. (a) No person may operate a
 6 ~~sports~~ recreational vehicle in violation of a suspension order imposed under sub. (1)
 7 (a).

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

11 SECTION 62. 350.11 (3) (a) 1. of the statutes is amended to read:

12 350.11 (3) (a) 1. Except as provided under subs. 2. ~~and 3. to 5.~~, a person who
 13 violates s. 350.101 (1) (a), (b), or (bm) or s. 350.104 (5) shall forfeit not less than \$400
 14 nor more than \$550.

15 SECTION 63. 350.11 (3) (a) 2. of the statutes is amended to read:

16 350.11 (3) (a) 2. ~~Except as provided under subd. 3., a~~ A person who violates
 17 s. 350.101 (1) (a), (b), or (bm) or 350.104 (5) and who, within 5 years prior to the arrest
 18 for the current violation, was convicted one time previously under the ~~sports~~
 19 ~~recreational vehicle~~ ^{and boating} intoxicated snowmobiling operating law or the ~~sports~~
 20 recreational vehicle refusal law shall be fined not less than \$300 nor more than
 21 \$1,000 \$1,100 and shall be imprisoned not less than 5 days nor more than ~~6 months~~
 22 one year in the county jail.

23 SECTION 64. 350.11 (3) (a) 3. of the statutes is amended to read:

24 350.11 (3) (a) 3. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104
 25 (5) and who, within 5 years prior to the arrest for the current violation, was convicted

and boating

~~sports recreational vehicle~~

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

5 SECTION 65. 350.11 (3) (a) 4. of the statutes is renumbered 350.11 (3) (a) 6. and
6 amended to read:

7 350.11 (3) (a) 6. A person who violates s. 350.101 (1) (c) or who violates 350.104
8 (5) and who has not attained the legal drinking age of 19 shall forfeit not more than
9 \$50.

and boating

10 SECTION 66. 350.11 (3) (a) 4b. of the statutes is created to read:

11 350.11 (3) (a) 4b. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104
12 (5) and who, within 5 years prior to the arrest for the current violation, was convicted
13 3 times previously under the ~~sports recreational vehicle~~ intoxicated operating law,
14 the ~~sports~~ recreational vehicle refusal law, or any combination of these laws, shall
15 be fined not less than \$600 nor more than \$2,000 and shall be imprisoned not less
16 than 60 days nor more than one year in the county jail.

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

18 350.11 (3) (a) 5. 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 4 or more times previously under the ~~sports recreational vehicle~~ intoxicated
21 operating law, the ~~sports~~ recreational vehicle refusal law, or any combination of these
22 laws, shall be fined not less than \$600 nor more than \$2,000 and shall be imprisoned
23 not less than 6 months nor more than one year in the county jail.

24 SECTION 68. 350.11 (3) (am) of the statutes is created to read:

^ (b) or (bm)

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

hs 21-29 and 6.

SECTION 69. 350.11 (3) (bg) of the statutes is created to read:

7 350.11 (3) (bg) *Penalties related to suspension; intoxication.* 1. A person who
 8 operates a ~~sports~~ recreational vehicle in violation of s. 350.1075 (2) (a) is subject to
 9 a forfeiture of not less than \$50 nor more than \$250. In addition, the court may
 10 suspend the person's privilege to operate a ~~sports~~ recreational vehicle for a period of
 11 not more than 6 months. Whenever a court suspends an operating privilege under
 12 this subdivision, the court shall notify the department of that action.

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

SECTION 70. 350.11 (3) (bm) of the statutes is amended to read:

19 350.11 (3) (bm) *Sentence of detention.* The legislature intends that courts use
 20 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
 21 to par. (a) 2. or 3., 4b., or 5. or (b). The use of this option can result in significant cost
 22 savings for the state and local governments.

renumbered 350.11(3)(c) 1.

SECTION 71. 350.11 (3) (c) of the statutes is amended to read:

SECTION 71

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

4 **SECTION 72.** 350.11 (3) (cm) of the statutes is amended to read:

→ INS
22-3

5 350.11 (3) (cm) *Reporting convictions to the department.* Whenever a person
 6 is convicted of a violation of the intoxicated snowmobiling law, the ~~clerk of the court~~
 7 in which the conviction occurred, ~~or the justice, judge or magistrate of a court not~~
 8 ~~having a clerk,~~ shall forward to the department the record of such conviction. The
 9 record of conviction forwarded to the department shall state whether the offender
 10 was involved in an accident at the time of the offense.

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

12 350.11 (3) (e) *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 snowmobiling law or the snowmobiling refusal law, shall be ordered by the court to
 15 obtain a certificate of satisfactory completion of a safety program established under
 16 s. 350.055 (1). If the person has a valid certificate at the time that the court imposes
 17 sentence for such a violation, the court shall permanently revoke the certificate and
 18 order the person to obtain another certificate of satisfactory completion of the safety
 19 program.

— INS 22-19

20 **SECTION 74.** 940.09 (1m) (b) of the statutes is amended to read:

21 940.09 (1m) (b) If a person is charged in an information with any of the
 22 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
 23 971.12. If the person is found guilty of more than one of the crimes so charged for
 24 acts arising out of the same incident or occurrence, there shall be a single conviction
 25 for purposes of sentencing and for purposes of counting convictions under s. 23.33

1 (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
2 s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Subsection (1) (a), (am), (b), (bm), (c), (cm), (d), and (e)
3 each require proof of a fact for conviction which the others do not require, and sub.
4 (1g) (a), (am), (b), (c), (cm), and (d) each require proof of a fact for conviction which
5 the others do not require.

6 **SECTION 75.** 940.25 (1m) (b) of the statutes is amended to read:

7 940.25 (1m) (b) If a person is charged in an information with any of the
8 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
9 971.12. If the person is found guilty of more than one of the crimes so charged for
10 acts arising out of the same incident or occurrence, there shall be a single conviction
11 for purposes of sentencing and for purposes of counting convictions under s. 23.33
12 (13) (b) 2. ~~and 3. to 5.~~, under s. 30.80 (6) (a) 2. ~~or 3. to 5.~~, under ss. 343.30 (1q) and
13 343.305 or under s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Subsection (1) (a), (am), (b), (bm), (c),
14 (cm), (d), and (e) each require proof of a fact for conviction which the others do not
15 require.

16 **SECTION 76. Initial applicability.**

17 (1) This act first applies to violations committed or refusals that occur on the
18 effective date of this subsection, ^{and} but does not preclude the counting of other
19 convictions, suspensions, or revocations as prior convictions, suspensions, or
20 revocations for purposes of sentencing a person or for purposes of suspending
21 operating privileges. *except as provided in subsection (2)*

22 **SECTION 77. Effective date.** *INS 23-21*

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

25 (END)

SEC # 23.33 (13) (bm) is created to read:

Insert 7-10a

~~340.65(2)(bm)~~ 23.33 (13)

5-year

(bm) In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 348.307 (1) within a 5-year period, equals 2, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (a) 2., but the period of imprisonment shall be not less than 5 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 5 nor more than 7 days. A person may be sentenced under this paragraph or under par. (cm) or (dm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

(b)

For a violation under sub. (4c) or (4p)

of the intoxicated operation of an all-terrain vehicle (aj) or of the all-terrain vehicle refusal law

Ins. 7-10a

Alcohol and drug treatment alternatives 1.

2.

~~346.65(2)(em)~~

~~(em)~~ In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and ~~other~~ convictions counted under s. 343.307 (1) equals 3, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (am) 3, but the period of imprisonment shall be not less than ~~30~~ ³⁰ days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 14 days. A person may be sentenced under this paragraph or under par. (bm) or (dm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

3.

~~346.65(2)(dm)~~

~~(dm)~~ In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and ~~other~~ convictions counted under s. 343.307 (1) equals 4, and par. (am) 4m. does not apply, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (am) 4, but the period of imprisonment shall be not less than 60 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 29 days. A person may be sentenced under this paragraph or under par. (bm) or (cm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

(b)

e 4b.

(use 2x)

for a violation ~~under sub. (cr) or~~ ~~(cm)~~ of the intoxicated operation of an all-terrain vehicle law or of the all-terrain vehicle refusal law within a 5-year period

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

2.

~~346.65(2)(cm)~~

~~(cm)~~ In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and ~~other~~ convictions counted under s. 343.307 (1) equals 3, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. ~~(am)~~ 3., but the period of imprisonment shall be not less than ~~45~~ ³⁰ days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 14 days. A person may be sentenced under this paragraph or under par. (bm) or (dm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

3.

~~346.65(2)(dm)~~

~~(dm)~~ In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and ~~other~~ convictions counted under s. 343.307 (1) equals 4, and par. (am) 4m. does not apply, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. ~~(am)~~ 4., but the period of imprisonment shall be not less than 60 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 29 days. A person may be sentenced under this paragraph or under par. (bm) or (cm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

(a)

(a)

(use 2x)

For a violation under s. ~~30.681(1) or (2) or 30.684(5)~~ of the intoxicated boating law or the boating refusal law within a 3-year period

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

Ins 14-17a

5-

SEC. # 30.80 (c) (ar) of the statutes if created to read:
~~346.65(2)(bm)~~ 30.80 (c) (ar) ⁵ Alcohol and drug treatment alternatives.

(am) In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. ~~543.307 (1)~~ within a ~~1~~ year period, equals 2, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (am) 2., but the period of imprisonment shall be not less than 5 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 5 nor more than 7 days. A person may be sentenced under this paragraph or under par. (cm) or (dm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

(a)

For a violation under s. ~~30.631(1) or (2) or 30.674 (a)~~ of the intoxicated boating law or the boating refusal law

Ins 21-5a

5-year

SEC. # 350.11 (3) (ar) of the statutes is created to read:
~~342.65(2)(bm)~~ 350.11 (3) (ar) ¹ Alcohol and drug treatment alternatives.
 (bm) In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1) within a 10-year period, equals 2, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (am) 2, but the period of imprisonment shall be not less than 5 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 5 nor more than 7 days. A person may be sentenced under this paragraph or under par. (cm) or (dm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

(a)

for a violation under ~~s. 850.101 (1)~~
~~or (2)~~ or ~~350.104 (5)~~ of the intoxicated
 snowmobile law or the snowmobile
 refusal law

snowmobiling

snowmobiling

2.

~~346.65(2)(cm)~~

In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and ~~other~~ convictions counted under s. 343.307 (1) equals 3, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (am) 3., but the period of imprisonment shall be not less than ~~15~~ 30 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 14 days. A person may be sentenced under this paragraph or under par. (bm) or (dm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

3.

~~346.65(2)(dm)~~

In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and ~~other~~ convictions counted under s. 343.307 (1) equals 4, and par. (am) 4m. does not apply except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one, the fine shall be the same as under par. (am) 4., but the period of imprisonment shall be not less than 60 days, except that if the person successfully completes a period of probation that includes alcohol and other drug treatment, the period of imprisonment shall be not less than 29 days. A person may be sentenced under this paragraph or under par. (bm) or (cm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

snowmobiling

(a)

e 4b.

(use 2r)

for a violation of ~~s. 250.10(1)~~ or (2) or ~~350.10(1)~~ the intoxicated snowmobile law or the snowmobile refusal (a) within a 5-year period

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

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SECTION 5. 350.12 (4) (bg) 2. of the statutes is amended to read:

350.12 (4) (bg) 2. For fiscal year ~~2001-02~~ 2009-10, and for each fiscal year thereafter, the department shall calculate an amount equal to the number of trail use stickers issued under sub. (3j) in the previous fiscal year multiplied by \$~~15~~ \$32 and shall credit this amount to the appropriation account under s. 20.370 (5) (cw). From the appropriation account under s. 20.370 (5) (cw), the department shall make payments to the department or a county for the purposes specified in par. (b). The department shall make payments under par. (bm) for trail maintenance costs that were incurred in the previous fiscal year and that exceed the maximum specified under par. (b) 1. before making payments for any of the other purposes specified in par. (b).

History: 1971 c. 211, 277; 1973 c. 298; 1975 c. 39 ss. 693g to 693m, 734; 1975 c. 224; 1977 c. 29, 402; 1979 c. 32; 1979 c. 34 ss. 1072, 2102 (39) (a); 1979 c. 221; 1981 c. 20, 294, 295; 1983 a. 27 ss. 1709, 1710, 2202 (38); 1983 a. 36, 405; 1985 a. 29 s. 3202 (39); 1985 a. 68, 322; 1985 a. 332 ss. 211, 253; 1987 a. 27, 129, 399; 1989 a. 31, 270, 336; 1991 a. 39, 269, 316; 1993 a. 16, 405, 436; 1995 a. 27, 225; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16; 2003 a. 166, 321; 2005 a. 25, 481; 2007 a. 226.