



2/18  
State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-4163/PA  
MGG&RPN:nwn:jf 5

Today

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Regen.

1 AN ACT *to repeal* 23.33 (13) (br); *to renumber* 30.80 (6) (c); *to renumber and*  
2 *amend* 23.33 (1) (jm), 23.33 (13) (b) 4., 23.33 (13) (d), 30.50 (9x), 350.01 (10r),  
3 350.11 (3) (a) 4. and 350.11 (3) (c); *to amend* 23.33 (4c) (a) 3., 23.33 (4c) (a) 4.,  
4 23.33 (4c) (b) 3., 23.33 (4t), 23.33 (13) (b) 1., 23.33 (13) (b) 2., 23.33 (13) (b) 3.,  
5 23.33 (13) (bg), 23.33 (13) (cm), 23.33 (13) (dm), 30.681 (1) (bn), 30.681 (1) (c),  
6 30.681 (2) (c), 30.681 (2) (d) 1. a., 30.686, 30.74 (1) (bn), 30.80 (6) (a) 1., 30.80  
7 (6) (a) 2., 30.80 (6) (a) 3., 30.80 (6) (a) 4., 30.80 (6) (a) 5., 30.80 (6) (a) 6., 30.80  
8 (6) (e), 59.54 (14) (g), 350.101 (1) (c), 350.101 (1) (d), 350.101 (2) (c), 350.106,  
9 350.11 (3) (a) 1., 350.11 (3) (a) 2., 350.11 (3) (a) 3., 350.11 (3) (bm), 350.11 (3) (cm),  
10 350.12 (4) (bg) 2., 940.09 (1m) (b) and 940.25 (1m) (b); and *to create* 23.33 (1)  
11 (ib), 23.33 (1) (im), 23.33 (1) (jc), 23.33 (1) (jh), 23.33 (1) (jk), 23.33 (4y), 23.33  
12 (13) (b) 4b., 23.33 (13) (b) 5., 23.33 (13) (bm), 23.33 (13) (ce), 23.33 (13) (d) 2.,  
13 23.33 (13) (eg), 30.50 (4n), 30.50 (4v), 30.50 (9m), 30.50 (9s), 30.50 (9t), 30.688,  
14 30.80 (6) (am), 30.80 (6) (ar), 30.80 (6) (bg), 30.80 (6) (bn), 30.80 (6) (c) 2., 30.80  
15 (6) (cm), 350.01 (9b), 350.01 (9j), 350.01 (10p), 350.01 (10q), 350.1075, 350.11

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

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

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

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

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

8 23.33 (1) (ib) "Intoxicated operating law" means the intoxicated operation of  
9 an all-terrain vehicle law, the intoxicated boating law, as defined in s. 30.50 (4m),  
10 or the intoxicated snowmobiling law, as defined in s. 350.01 (9c).

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

12 23.33 (1) (im) "Legal drinking age" means 21 years of age.

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

14 23.33 (1) (jc) "Public premises" means all premises held out to the public for use  
15 of a motor vehicle, including highways, all premises provided by employers to  
16 employees for the use of their motor vehicles, and all premises provided to tenants  
17 of rental housing in buildings of 4 or more units for the use of their motor vehicles,  
18 whether such premises are publicly or privately owned and whether or not a fee is  
19 charged for the use of those premises.

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

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

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

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

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

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

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

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

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

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

**SECTION 8**

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

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

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

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

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

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

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

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

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 intoxicated operating law or the  
4 recreational vehicle and boating refusal law. The period of revocation shall be not  
5 less than 6 months and not more than 12 months. Whenever a court revokes an

6 operating privilege under this subdivision, the court shall immediately take  
7 possession of any revoked license and shall forward it as provided in s. 345.48 to the  
8 department of transportation together with the record of conviction and notice of  
9 revocation. *Ins A. A*

10 (b) *Operating while suspended or revoked.* 1. No person may operate a  
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 12.** 23.33 (13) (b) 1. of the statutes is amended to read:

16 23.33 (13) (b) 1. Except as provided under subds. 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 13.** 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 intoxicated operation  
23 ~~of an all-terrain vehicle operating~~ law or the recreational vehicle and boating refusal  
24 law shall be fined not less than \$300 nor more than \$1,100 and shall be imprisoned  
25 not less than 5 days nor more than ~~6 months~~ one year in the county jail.

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

2           23.33 (13) (b) 3. 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 2 or  
4 more times previously under the intoxicated ~~operation of an all-terrain vehicle~~  
5 operating law or, the recreational vehicle and boating refusal law, or a combination  
6 of these laws, shall be fined not less than \$600 nor more than \$2,000 and shall be  
7 imprisoned not less than 30 days nor more than one year in the county jail.

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

10           23.33 (13) (b) 6. A person who violates sub. (4c) (a) 3. or who violates (4p) (e)  
11 and ~~who~~ has not attained the legal drinking age of 19 shall forfeit ~~not more than~~ \$50.

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

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

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

20           23.33 (13) (b) 5. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and  
21 who, within 5 years prior to the arrest for the current violation, was convicted 4 or  
22 more times previously under the intoxicated operating law, the recreational vehicle  
23 and boating refusal law, or any combination of these laws, shall be fined not less than  
24 \$600 nor more than \$2,000 and shall be imprisoned not less than 6 months nor more  
25 than one year in the county jail.

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

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

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

9           23.33 (13) (bm) *Alcohol and drug treatment alternatives.* 1. In any county that  
10 opts to offer a reduced minimum period of imprisonment for the successful  
11 completion of a probation period that includes alcohol and other drug treatment, if  
12 the number of suspensions, revocations, and convictions for a violation of the  
13 intoxicated operation of an all-terrain vehicle law or of the all-terrain vehicle refusal  
14 law within a 5-year period, equals 2, except that suspensions, revocations, or  
15 convictions arising out of the same incident or occurrence shall be counted as one, the  
16 fine shall be the same as under par. (b) 2., but the period of imprisonment shall be  
17 not less than 5 days, except that if the person successfully completes a period of  
18 probation that includes alcohol and other drug treatment, the period of  
19 imprisonment shall be not less than 5 nor more than 7 days.

20           2. In any county that opts to offer a reduced minimum period of imprisonment  
21 for the successful completion of a probation period that includes alcohol and other  
22 drug treatment, if the number of suspensions, revocations, and convictions for a  
23 violation of the intoxicated operation of an all-terrain vehicle law or of the  
24 all-terrain vehicle refusal law within a 5-year period equals 3, except that  
25 suspensions, revocations, or convictions arising out of the same incident or

**SECTION 19**

1 occurrence shall be counted as one, the fine shall be the same as under par. (b) 3., but  
2 the period of imprisonment shall be not less than 30 days, except that if the person  
3 successfully completes a period of probation that includes alcohol and other drug  
4 treatment, the period of imprisonment shall be not less than 14 days.

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

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

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

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

19 23.33 (13) (ce) *Penalties related to suspension; intoxication.* 1. A person who  
20 operates a recreational vehicle in violation of sub. (4y) (b) 1. is subject to a forfeiture  
21 of not less than \$50 nor more than \$250. In addition, the court may suspend the  
22 person's privilege to operate a recreational vehicle for a period of not more than 6  
23 months. Whenever a court suspends an operating privilege under this subdivision,  
24 the court shall notify the department of that action.



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

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

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

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

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

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

17           23.33 (13) (d) 2. In determining the number of previous convictions under par.  
18 (b) 2. to 5., the first conviction under the intoxicated operating law or the recreational  
19 vehicle and boating refusal law that occurs after the effective date of this subdivision  
20 .... [LRB inserts date], shall not count as a previous conviction unless the conviction  
21 was for a violation of the intoxicated operation of an all-terrain vehicle law or the  
22 all-terrain vehicle refusal law.

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

24           23.33 (13) (dm) *Reporting convictions to the department.* Whenever a person  
25 is convicted of a violation of the intoxicated operation of an all-terrain vehicle law,

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→

1 the clerk of the court in which the conviction occurred, or the justice, judge or  
2 magistrate of a court not having a clerk, shall forward to the department the record  
3 of such conviction. The record of conviction forwarded to the department shall state  
4 whether the offender was involved in an accident at the time of the offense.

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

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

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

15 30.50 (4n) "Intoxicated operating law" means the intoxicated operation of an  
16 all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated boating law, or  
17 the intoxicated snowmobiling law, as defined in s. 350.01 (9c).

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

19 30.50 (4v) "Legal drinking age" means 21 years of age.

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

21 30.50 (9m) "Recreational motorboat" means a motorboat that is not a  
22 commercial motorboat.

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

24 30.50 (9s) "Recreational vehicle" means an all-terrain vehicle, as defined in s.  
25 340.01 (2g), a recreational motorboat, or a snowmobile as defined in s. 340.01 (58a).

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

2           30.50 (9t) "Recreational vehicle and boating refusal law" means the all-terrain  
3 vehicle refusal law, as defined in s. 23.33 (1) (br), the boating refusal law, or the  
4 snowmobiling refusal law, as defined in s. 350.01 (15c).

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

7           30.50 (2c) "~~Refusal~~ Boating refusal law" means s. 30.684 (5) or a local ordinance  
8 in conformity with that subsection.

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

10           30.681 (1) (bn) *Operating with alcohol concentrations at specified levels; below*  
11 *legal drinking age.* A person who has not attained the legal drinking age, ~~as defined~~  
12 ~~in s. 125.02 (8m),~~ may not engage in the operation of a motorboat while he or she has  
13 ~~a blood~~ an alcohol concentration of more than 0.0 but less than 0.08.

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

15           30.681 (1) (c) *Related charges.* A person may be charged with and a prosecutor  
16 may proceed upon a complaint based upon a violation of any combination of par. (a)  
17 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person  
18 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2., the offenses  
19 shall be joined. If the person is found guilty of any combination of par. (a) or (b) 1.,  
20 1m., or 2. for acts arising out of the same incident or occurrence, there shall be a  
21 single conviction for purposes of sentencing and for purposes of counting convictions  
22 under s. 30.80 (6) (a) 2. ~~and 3. to 5.~~ Paragraphs (a) and (b) 1., 1m., and 2. each require  
23 proof of a fact for conviction which the others do not require.

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

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

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

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

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

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

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

1           **30.688 Suspension or revocation of operating privileges. (1) ORDERS TO**  
2           SUSPEND OR REVOKE. (a) If a court imposes a penalty for a violation of the intoxicated  
3           boating law or the boating refusal law and if the violation involved the operation of  
4           a recreational motorboat, the court shall order the suspension of the person's  
5           privilege to operate a recreational vehicle for a period of not less than 12 months and  
6           not more than 16 months.

7           (b) In addition to the order under par. (a), the court shall also order the  
8           revocation of the person's privilege to operate a motor vehicle on public premises, as  
9           defined in s. 23.33 (1) (jc), if the person, within 5 years prior to the arrest for the  
10          current violation subject to the order under par. (a), was previously found in violation  
11          of the intoxicated operating law or the recreational vehicle and boating refusal law.

12          The period of revocation shall be not less than 6 months and not more than 12

13          months. Whenever a court revokes an operating privilege under this paragraph, the  
14          court shall immediately take possession of any revoked license and shall forward it  
15          as provided in s. 345.48 to the department of transportation together with the record  
16          of conviction and notice of revocation. *Ins B*

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

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

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

23          30.74 (1) (bn) A certificate issued to a person under this subsection is valid for  
24          life unless the certificate or the person's privilege to operate a motorboat is

1 suspended or revoked by a court under s. 30.688 (1) (a), 30.80 (2m) or (6) (e), or  
2 938.343 (5).

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

4 30.80 (6) (a) 1. Except as provided under subs. 2. to 5., a person who violates  
5 s. 30.681 (1) (a) or (b), ~~a local ordinance in conformity with s. 30.681 (1) (a) or (b) or~~  
6 ~~the refusal law~~ 30.684 (5) shall forfeit not less than \$150 \$400 nor more than \$300  
7 \$550.

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

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

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

17 30.80 (6) (a) 3. 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 2 times  
20 previously under the intoxicated ~~boating~~ operating law ~~or, the recreational vehicle~~  
21 and boating refusal law, or a combination of these laws, shall be fined not less than  
22 \$600 nor more than \$2,000 and shall be imprisoned for not less than 30 days nor more  
23 than one year in the county jail.

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

1           30.80 (6) (a) 4. 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 3 times  
4 previously under the intoxicated boating operating law or, the recreational vehicle  
5 and boating refusal law, or any combination of these laws, shall be fined not less than  
6 \$600 nor more than \$2,000 and shall be imprisoned for not less than 60 days nor more  
7 than one year in the county jail.

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

9           30.80 (6) (a) 5. 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 4 or more  
12 times previously under the intoxicated boating operating law or, the recreational  
13 vehicle and boating refusal law, or any combination of these laws, shall be fined not  
14 less than \$600 nor more than \$2,000 and shall be imprisoned for not less than 6  
15 months nor more than one year in the county jail.

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

17           30.80 (6) (a) 6. A person who violates s. 30.681 (1) (bn) or ~~a local ordinance in~~  
18 ~~conformity with s. 30.681 (1) (bn)~~ who violates 30.684 (5) and has not attained the  
19 legal drinking age shall forfeit \$50.

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

21           30.80 (6) (am) *Penalties related to operating with underage passengers.* If there  
22 is a passenger under 16 years of age in a motorboat at the time of a violation that  
23 gives rise to a conviction under s. 30.681 (1) (a) or (b) 1. or 1m. or 30.684 (5), the  
24 applicable minimum and maximum forfeitures, fines, and terms of imprisonment  
25 under par. (a) 1., 2., 3., 4., and 5. for the conviction are doubled.

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

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

12          2. In any county that opts to offer a reduced minimum period of imprisonment  
13          for the successful completion of a probation period that includes alcohol and other  
14          drug treatment, if the number of suspensions, revocations, and convictions for a  
15          violation of the intoxicated boating law or the boating refusal law within a 5-year  
16          period equals 3, except that suspensions, revocations, or convictions arising out of  
17          the same incident or occurrence shall be counted as one, the fine shall be the same  
18          as under par. (a) 3., but the period of imprisonment shall be not less than 30 days,  
19          except that if the person successfully completes a period of probation that includes  
20          alcohol and other drug treatment, the period of imprisonment shall be not less than  
21          14 days.

22          3. In any county that opts to offer a reduced minimum period of imprisonment  
23          for the successful completion of a probation period that includes alcohol and other  
24          drug treatment, if the number of suspensions, revocations, and convictions for a  
25          violation of the intoxicated boating law or the boating refusal law within a 5-year



1 period equals 4, except that suspensions, revocations, or convictions arising out of  
2 the same incident or occurrence shall be counted as one, the fine shall be the same  
3 as under par. (a) 4., but the period of imprisonment shall be not less than 60 days,  
4 except that if the person successfully completes a period of probation that includes  
5 alcohol and other drug treatment, the period of imprisonment shall be not less than  
6 29 days.

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

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

10 30.80 (6) (bg) *Penalties related to suspension; intoxication.* 1. A person who  
11 operates a recreational vehicle in violation of s. 30.688 (2) (a) is subject to a forfeiture  
12 of not less than \$50 nor more than \$250. In addition, the court may suspend the  
13 person's privilege to operate a recreational vehicle for a period of not more than 6  
14 months. Whenever a court suspends an operating privilege under this subdivision,  
15 the court shall notify the department of that action.

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

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

22 30.80 (6) (bn) *Sentence of detention.* The legislature intends that courts use the  
23 sentencing option under s. 973.03 (4) whenever appropriate for persons subject to  
24 par. (a) 2., 3., 4., or 5. or (b). The use of this option can result in significant cost savings  
25 for the state and local governments.

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

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

3           **30.80 (6) (c) 2.** In determining the number of previous convictions under par.  
 4           (a) 2. to 5., the first conviction under the intoxicated operating law or the recreational  
 5           vehicle and boating refusal law that occurs after the effective date of this subdivision  
 6           .... [LRB inserts date], shall not count as a previous conviction unless the conviction  
 7           was for a violation of the intoxicated boating law or the boating refusal law.

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

9           30.80 (6) (cm) *Reporting convictions to the department.* Whenever a person is  
 10          convicted of a violation of the intoxicated boating law, the court in which the  
 11          conviction occurred shall forward to the department the record of such conviction.  
 12          The record of conviction forwarded to the department shall state whether the  
 13          offender was involved in an accident at the time of the offense.

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

15          30.80 (6) (e) *Certificate of satisfactory completion of safety course.* In addition  
 16          to any other penalty or order, a person who for the first time violates s. 30.681 (1) or  
 17          ~~(2) or 30.684 (5) or who violates s. 940.09 or 940.25 if the violation involves the~~  
 18          ~~operation of a motorboat,~~ the intoxicated boating law or the boating refusal law shall  
 19          be ordered by the court to obtain a certificate of satisfactory completion of a safety  
 20          course under s. 30.74 (1). If the person has a valid certificate at the time that the  
 21          court imposes sentence for a such a violation, the court shall permanently revoke the  
 22          certificate and order the person to obtain ~~a~~ another certificate of satisfactory  
 23          completion of ~~a~~ the safety course under s. 30.74 (1).

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

1           59.54 (14) (g) A county may establish extensions of the jail, which need not be  
2           at the county seat, to serve as places of temporary confinement. No person may be  
3           detained in such an extension for more than 24 consecutive hours, except that a court  
4           may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. ~~or~~, 3., 4b.  
5           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)  
6           be imprisoned for more than 24 consecutive hours in such an extension. Jail  
7           extensions shall be subject to plans and specifications approval by the department  
8           of corrections and shall conform to other requirements imposed by law on jails,  
9           except that cells may be designed and used for multiple occupancy.

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

11           350.01 (9b) "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), or the intoxicated snowmobiling law.

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

15           350.01 (9j) "Legal drinking age" means 21 years of age.

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

17           350.01 (10p) "Recreational vehicle" means an all-terrain vehicle, as defined  
18           in s. 340.01 (2g), a recreational motorboat, as defined in s. 30.50 (9m), or a  
19           snowmobile.

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

21           350.01 (10q) "Recreational vehicle and boating refusal law" means the  
22           all-terrain vehicle refusal law, as defined in s. 23.33 (1) (br), the boating refusal law,  
23           as defined in s. 30.50 (2c), or the snowmobiling refusal law.

24           **SECTION 59.** 350.01 (10r) of the statutes is renumbered 350.01 (15c) and

25           amended to read:

1           350.01 (15c) "~~Refusal~~ Snowmobiling refusal law" means s. 350.104 (5) or a local  
2 ordinance in conformity therewith.

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

4           350.101 (1) (c) *Operating with alcohol concentrations at specified levels; below*  
5 *legal drinking age 19.* ~~If a~~ A person who has not attained the legal drinking age of  
6 ~~19, the person~~ may not engage in the operation of a snowmobile while he or she has  
7 an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

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

9           350.101 (1) (d) *Related charges.* A person may be charged with and a prosecutor  
10 may proceed upon a complaint based upon a violation of any combination of par. (a),  
11 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is  
12 charged with violating any combination of par. (a), (b), or (bm), the offenses shall be  
13 joined. If the person is found guilty of any combination of par. (a), (b), or (bm) for acts  
14 arising out of the same incident or occurrence, there shall be a single conviction for  
15 purposes of sentencing and for purposes of counting convictions under s. 350.11 (3)  
16 (a) 2. ~~and 3.~~ to 5. Paragraphs (a), (b), and (bm) each require proof of a fact for  
17 conviction which the others do not require.

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

19           350.101 (2) (c) *Related charges.* A person may be charged with and a prosecutor  
20 may proceed upon a complaint based upon a violation of any combination of par. (a),  
21 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is  
22 charged with violating any combination of par. (a), (b), or (bm) in the complaint, the  
23 crimes shall be joined under s. 971.12. If the person is found guilty of any  
24 combination of par. (a), (b), or (bm) for acts arising out of the same incident or  
25 occurrence, there shall be a single conviction for purposes of sentencing and for

1 purposes of counting convictions under s. 350.11 (3) (a) 2. ~~and 3.~~ to 5. Paragraphs  
2 (a), (b), and (bm) each require proof of a fact for conviction which the others do not  
3 require.

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

5 **350.106 Report arrest to department.** If a law enforcement officer arrests  
6 a person for a violation of the intoxicated snowmobiling law or the snowmobiling  
7 refusal law, the law enforcement officer shall notify the department of the arrest as  
8 soon as practicable.

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

10 **350.1075 Suspension or revocation of operating privileges.** (1) ORDERS  
11 TO SUSPEND OR REVOKE. (a) If a court imposes a penalty for a violation of the  
12 intoxicated snowmobiling law or the snowmobiling refusal law, the court shall order  
13 the suspension of the person's privilege to operate a recreational vehicle for a period  
14 of not less than 12 months and not more than 16 months.

15 (b) In addition to the order under par. (a), the court shall also order the  
16 revocation of the person's privilege to operate a motor vehicle on public premises, as  
17 defined in s. 23.33 (1) (jc), if the person, within 5 years prior to the arrest for the  
18 current violation of the intoxicated snowmobiling law or the snowmobiling refusal  
19 law, was previously found in violation of the intoxicated operating law or the  
20 recreational vehicle and boating refusal law. The period of revocation shall be not

21 less than 6 months and not more than 12 months. Whenever a court revokes an  
22 operating privilege under this paragraph, the court shall immediately take  
23 possession of any revoked license and shall forward it as provided in s. 345.48 to the  
24 department of transportation together with the record of conviction and notice of  
25 revocation.

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

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

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

7           350.11 **(3)** (a) 1. Except as provided under subds. 2. ~~and 3. to 5.~~, a person who  
8 violates s. 350.101 (1) (a), (b), or (bm) or s. 350.104 (5) shall forfeit not less than \$400  
9 nor more than \$550.

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

11          350.11 **(3)** (a) 2. ~~Except as provided under subd. 3., a~~ A person who violates  
12 s. 350.101 (1) (a), (b), or (bm) or 350.104 (5) and who, within 5 years prior to the arrest  
13 for the current violation, was convicted one time previously under the intoxicated  
14 snowmobiling operating law or the recreational vehicle and boating refusal law shall  
15 be fined not less than \$300 nor more than ~~\$1,000~~ \$1,100 and shall be imprisoned not  
16 less than 5 days nor more than ~~6 months~~ one year in the county jail.

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

18          350.11 **(3)** (a) 3. 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 ~~2 or more times~~ previously under the intoxicated snowmobiling operating law or, the  
21 recreational vehicle and boating 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 not less  
23 than 30 days nor more than one year in the county jail.

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

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

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

5           350.11 (3) (a) 4b. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104  
6 (5) and who, within 5 years prior to the arrest for the current violation, was convicted  
7 3 times previously under the intoxicated operating law, the recreational vehicle and  
8 boating refusal law, or any combination of these laws, shall be fined not less than  
9 \$600 nor more than \$2,000 and shall be imprisoned not less than 60 days nor more  
10 than one year in the county jail.

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

12          350.11 (3) (a) 5. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104  
13 (5) and who, within 5 years prior to the arrest for the current violation, was convicted  
14 4 or more times previously under the intoxicated operating law, the recreational  
15 vehicle and boating refusal law, or any combination of these laws, shall be fined not  
16 less than \$600 nor more than \$2,000 and shall be imprisoned not less than 6 months  
17 nor more than one year in the county jail.

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

19          350.11 (3) (am) *Penalties related to operating with underage passengers.* If  
20 there is a passenger under 16 years of age on a snowmobile at the time of a violation  
21 that gives rise to a conviction under s. 350.101 (1) (a), (b), or (bm) or 350.104 (5), the  
22 applicable minimum and maximum forfeitures, fines, and terms of imprisonment  
23 under par. (a) 1., 2., 3., 4b., and 5. for the conviction are doubled.

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

1           350.11 (3) (ar) *Alcohol and drug treatment alternatives.* 1. In any county that  
2       opts to offer a reduced minimum period of imprisonment for the successful  
3       completion of a probation period that includes alcohol and other drug treatment, if  
4       the number of suspensions, revocations, and convictions for a violation of the  
5       intoxicated snowmobiling law or the snowmobiling refusal law within a 5-year  
6       period, equals 2, except that suspensions, revocations, or convictions arising out of  
7       the same incident or occurrence shall be counted as one, the fine shall be the same  
8       as under par. (a) 2., but the period of imprisonment shall be not less than 5 days,  
9       except that if the person successfully completes a period of probation that includes  
10      alcohol and other drug treatment, the period of imprisonment shall be not less than  
11      5 nor more than 7 days.

12           2. In any county that opts to offer a reduced minimum period of imprisonment  
13      for the successful completion of a probation period that includes alcohol and other  
14      drug treatment, if the number of suspensions, revocations, and convictions for a  
15      violation of the intoxicated snowmobiling law or the snowmobiling refusal law within  
16      a 5-year period equals 3, except that suspensions, revocations, or convictions arising  
17      out of the same incident or occurrence shall be counted as one, the fine shall be the  
18      same as under par. (a) 3., but the period of imprisonment shall be not less than 30  
19      days, except that if the person successfully completes a period of probation that  
20      includes alcohol and other drug treatment, the period of imprisonment shall be not  
21      less than 14 days.

22           3. In any county that opts to offer a reduced minimum period of imprisonment  
23      for the successful completion of a probation period that includes alcohol and other  
24      drug treatment, if the number of suspensions, revocations, and convictions for a  
25      violation of the intoxicated snowmobiling law or the snowmobiling refusal law within



1 a 5-year period equals 4, except that suspensions, revocations, or convictions arising  
2 out of the same incident or occurrence shall be counted as one, the fine shall be the  
3 same as under par. (a) 4b., but the period of imprisonment shall be not less than 60  
4 days, except that if the person successfully completes a period of probation that  
5 includes alcohol and other drug treatment, the period of imprisonment shall be not  
6 less than 29 days.

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

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

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

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

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

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

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

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

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

7           350.11 (3) (c) 2. In determining the number of previous convictions under par.  
8 (a) 2. to 5., the first conviction under the intoxicated operating law or the recreational  
9 vehicle and boating refusal law that occurs after the effective date of this subdivision  
10 .... [LRB inserts date], shall not count as a previous conviction unless the conviction  
11 was for a violation of the intoxicated snowmobiling law or the snowmobiling refusal  
12 law.

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

14           350.11 (3) (cm) *Reporting convictions to the department.* Whenever a person  
15 is convicted of a violation of the intoxicated snowmobiling law, the ~~clerk of the court~~  
16 in which the conviction occurred, ~~or the justice, judge or magistrate of a court not~~  
17 ~~having a clerk,~~ shall forward to the department the record of such conviction. The  
18 record of conviction forwarded to the department shall state whether the offender  
19 was involved in an accident at the time of the offense.

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

21           350.11 (3) (e) *Certificate of completion of safety program.* In addition to any  
22 other penalty or order, a person who for the first time violates the intoxicated  
23 snowmobiling law or the snowmobiling refusal law, shall be ordered by the court to  
24 obtain a certificate of satisfactory completion of a safety program established under  
25 s. 350.055 (1). If the person has a valid certificate at the time that the court imposes

1 sentence for such a violation, the court shall permanently revoke the certificate and  
2 order the person to obtain another certificate of satisfactory completion of the safety  
3 program.

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

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

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

16 940.09 (1m) (b) If a person is charged in an information with any of the  
17 combinations of crimes referred to in par. (a), the crimes shall be joined under s.  
18 971.12. If the person is found guilty of more than one of the crimes so charged for  
19 acts arising out of the same incident or occurrence, there shall be a single conviction  
20 for purposes of sentencing and for purposes of counting convictions under s. 23.33  
21 (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  
22 s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Subsection (1) (a), (am), (b), (bm), (c), (cm), (d), and (e)  
23 each require proof of a fact for conviction which the others do not require, and sub.  
24 (1g) (a), (am), (b), (c), (cm), and (d) each require proof of a fact for conviction which  
25 the others do not require.



2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4163/P5insrn  
RPN:nwn:jf

1 Ins A: 5-9, ~~13-16, 21-25~~

2 Whenever a court revokes an operating privilege under this subdivision, the  
3 court may take possession of the revoked license. If the court takes possession of the  
4 revoked license, the court shall destroy the license. The court shall forward to the  
5 department of transportation the record of the conviction and notice of revocation.

7 Ins B: 13-16, 21-25

8 Whenever a court revokes an operating privilege under this paragraph, the  
9 court may take possession of the revoked license. If the court takes possession of the  
10 revoked license, the court shall destroy the license. The court shall forward to the  
11 department of transportation the record of the conviction and notice of revocation.

13 Ins. 9-22:

14 In determining the number of previous convictions under par. (b) 2. to 5.,  
15 previous convictions under the intoxicated operation of an all-terrain vehicle law or  
16 under the all-terrain refusal law that occurred before, on, or after the effective date  
17 of this subdivision...[LRB inserts date], and previous convictions under the  
18 intoxicated boating law, as defined in s. 30.50 (4m), the boating refusal law, as  
19 defined in s. 30.50 (2c), the intoxicated snowmobile law, as defined in s. 350.01 (9c),  
20 or the snowmobile refusal law, as defined in s. 350.01 (15c), that occur after the  
21 effective date of this subdivision...[LRB inserts date], shall count as previous  
22 convictions.

23

1 Ins. 18-7:

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

11 Ins. 26-12:

12 In determining the number of previous convictions under par. (a) 2. to 5.,  
13 previous convictions under the intoxicated snowmobile law or the snowmobile  
14 refusal law that occurred before, on, or after the effective date of this  
15 subdivision....[LRB inserts date], and previous convictions under the intoxicated  
16 operation of an all-terrain vehicle law, as defined ins s. 23.33 (1) (ic), the all-terrain  
17 refusal law, as defined in s. 23.33 (1) (br), the intoxicated boating law, as defined in  
18 s. 30.50 (4m), or the boating refusal law, as defined in s. 30.50 (2c), that occur after  
19 the effective date of this subdivision....[LRB inserts date], shall count as previous  
20 convictions.

**Nelson, Robert P.**

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**From:** Van de Bogert, Abigail  
**Sent:** Friday, February 19, 2010 11:32 AM  
**To:** Nelson, Robert P.  
**Subject:** FW: Snowmobile OWI (LRB 4163/P5)

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**From:** Van de Bogert, Abigail  
**Sent:** Friday, February 19, 2010 11:16 AM  
**To:** Gibson-Glass, Mary; Nelson, Robert P.  
**Subject:** Snowmobile OWI (LRB 4163/P5)

Hi Mary and Bob,

Here is a list of the changes Rep. Molepske wants to request to the snowmobile OWI bill (LRB 4163/P4):

- 1) Clarification of the definition of "public premises" (p. 2 line 14). We would like to make sure that a farm hand, for example, can still operate a tractor or truck on his employer's property. The language as currently written includes employer-owned property in the definition of "public premises." Can you clarify for us whether this would include things like farms or construction sites? We do not want to make it impossible for people to do their work.
- ✓ 2) Page 10 line 3: Tom Van Haren has requested that we add that the DNR must also be notified of convictions of violating the atv refusal law in addition to the intoxicated operation of an atv law. This addition also applies to boating and snowmobiling (p. 18 line 16 and p. 26 line 22).
- ✓ 3) Page 4 line 23: Tom would also like to make sure the DNR is notified of suspension of a rec vehicle license (similar to page 8, lines 23 & 24). This change will need to be made on page 13 line 9 and page 21 line 19.
- 4) Page 8 line 23: When a person's license is suspended and they are caught driving again, the court may suspend the person's privileges for 6 months. We want to make sure that this is an *additional* 6 months, to be served consecutively with the original suspension. This change will need to be made on p. 17 line 15-16, line 20-21; p. 25 line 18 and line 23, and page 9 line 4.

I think that's everything. If you have any questions, I'd be happy to talk about this. The office number is 7-9649.

Abby Van de Bogert  
Office of Rep. Louis Molepske, Jr.  
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(608) 267-9649  
[abigail.vandebogert@legis.wisconsin.gov](mailto:abigail.vandebogert@legis.wisconsin.gov)

*V-N farm hand OK -  
look @ def. of highway  
in 380.01(22), which is  
clarified in 380.01(4)*