



2119
State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4163/R5
MGG&RPN:nwn:md

MON

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-N

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.

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:

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

whenever a court, suspends an operating
privilege under this subdivision, the court shall
notify the department of that action.

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 may take possession of the
7 revoked license. If the court takes possession of the revoked license, the court shall
8 destroy the license. The court shall forward to the department of transportation the
9 record of the conviction and notice of revocation.

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 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 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 ~~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, *for each violation under this subdivision* 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., previous convictions under the intoxicated operation of an all-terrain
19 vehicle law or under the all-terrain vehicle refusal law that occurred before, on, or
20 after the effective date of this subdivision [LRB inserts date], and previous
21 convictions under the intoxicated boating law, as defined in s. 30.50 (4m), the boating
22 refusal law, as defined in s. 30.50 (2c), the intoxicated snowmobiling law, as defined
23 in s. 350.01 (9c), or the snowmobiling refusal law, as defined in s. 350.01 (15c), that
24 occur after the effective date of this subdivision [LRB inserts date], shall count as
25 previous convictions.

Vehicle
~~or the all-terrain vehicle refusal law~~

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

2 23.33 (13) (dm) *Reporting convictions to the department.* Whenever a person
3 is convicted of a violation of the intoxicated operation of an all-terrain vehicle law,
4 the clerk of the court in which the conviction occurred, ~~or the justice, judge or~~
5 ~~magistrate of a court not having a clerk,~~ shall forward to the department the record
6 of such conviction. The record of conviction forwarded to the department shall state
7 whether the offender was involved in an accident at the time of the offense.

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

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

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

18 30.50 (4n) "Intoxicated operating law" means the intoxicated operation of an
19 all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated boating law, or
20 the intoxicated snowmobiling law, as defined in s. 350.01 (9c).

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

22 30.50 (4v) "Legal drinking age" means 21 years of age.

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

24 30.50 (9m) "Recreational motorboat" means a motorboat that is not a
25 commercial motorboat.

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

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

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

5 30.50 (9t) "Recreational vehicle and boating refusal law" means the all-terrain
6 vehicle refusal law, as defined in s. 23.33 (1) (br), the boating refusal law, or the
7 snowmobiling refusal law, as defined in s. 350.01 (15c).

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

10 30.50 (2c) "~~Refusal~~ Boating refusal law" means s. 30.684 (5) or a local ordinance
11 in conformity with that subsection.

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

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

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

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

1 under s. 30.80 (6) (a) 2. ~~and 3. to 5.~~ Paragraphs (a) and (b) 1., 1m., and 2. each require
2 proof of a fact for conviction which the others do not require.

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

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

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

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

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

23 **30.686 Report arrest to department.** If a law enforcement officer arrests
24 a person for a violation of the intoxicated boating law or the boating refusal law, the

1 law enforcement officer shall notify the department of the arrest as soon as
2 practicable.

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

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

9

not more than 16 months. *Whenever a court suspends an operating privilege under this paragraph, the court shall notify the department of that action.*

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

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

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

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

SECTION 39

1 30.74 (1) (bn) A certificate issued to a person under this subsection is valid for
2 life unless the certificate or the person's privilege to operate a motorboat is
3 suspended or revoked by a court under s. 30.688 (1) (a), 30.80 (2m) or (6) (e), or
4 938.343 (5).

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

6 30.80 (6) (a) 1. Except as provided under subds. 2. to 5., a person who violates
7 s. 30.681 (1) (a) or (b), ~~a local ordinance in conformity with s. 30.681 (1) (a) or (b) or~~
8 ~~the refusal law 30.684 (5)~~ shall forfeit not less than ~~\$150~~ \$400 nor more than ~~\$300~~
9 \$550.

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

11 30.80 (6) (a) 2. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
12 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,
13 within 5 years prior to the arrest for the current violation, was convicted one time
14 previously under the intoxicated ~~boating~~ operating law or the recreational vehicle
15 and boating refusal law shall be fined not less than \$300 nor more than ~~\$1,000~~ \$1,100
16 and shall be imprisoned for not less than 5 days nor more than ~~6 months~~ one year
17 in the county jail.

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

19 30.80 (6) (a) 3. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
20 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,
21 within 5 years prior to the arrest for the current violation, was convicted 2 times
22 previously under the intoxicated ~~boating~~ operating law ~~or, the recreational vehicle~~
23 and boating refusal law, or a combination of these laws, shall be fined not less than
24 \$600 nor more than \$2,000 and shall be imprisoned for not less than 30 days nor more
25 than one year in the county jail.

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

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

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

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

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

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

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

22 30.80 (6) (am) *Penalties related to operating with underage passengers.* If there
23 is a passenger under 16 years of age in a motorboat at the time of a violation that
24 gives rise to a conviction under s. 30.681 (1) (a) or (b) 1. or 1m. or 30.684 (5), the

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

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

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

14 2. In any county that opts to offer a reduced minimum period of imprisonment
15 for the successful completion of a probation period that includes alcohol and other
16 drug treatment, if the number of suspensions, revocations, and convictions for a
17 violation of the intoxicated boating law or the boating refusal law within a 5-year
18 period equals 3, except that suspensions, revocations, or convictions arising out of
19 the same incident or occurrence shall be counted as one, the fine shall be the same
20 as under par. (a) 3., but the period of imprisonment shall be not less than 30 days,
21 except that if the person successfully completes a period of probation that includes
22 alcohol and other drug treatment, the period of imprisonment shall be not less than
23 14 days.

24 3. In any county that opts to offer a reduced minimum period of imprisonment
25 for the successful completion of a probation period that includes alcohol and other

1 drug treatment, if the number of suspensions, revocations, and convictions for a
2 violation of the intoxicated boating law or the boating refusal law within a 5-year
3 period equals 4, except that suspensions, revocations, or convictions arising out of
4 the same incident or occurrence shall be counted as one, the fine shall be the same
5 as under par. (a) 4., but the period of imprisonment shall be not less than 60 days,
6 except that if the person successfully completes a period of probation that includes
7 alcohol and other drug treatment, the period of imprisonment shall be not less than
8 29 days.

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

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

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

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

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

24 30.80 (6) (bn) *Sentence of detention.* The legislature intends that courts use the
25 sentencing option under s. 973.03 (4) whenever appropriate for persons subject to

1 par. (a) 2., 3., 4., or 5. or (b). The use of this option can result in significant cost savings
2 for the state and local governments.

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

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

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

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

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

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

21 30.80 (6) (e) *Certificate of satisfactory completion of safety course.* In addition
22 to any other penalty or order, a person who for the first time violates s. 30.681 (1) or
23 (2) or 30.684 (5) or who violates s. 940.09 or 940.25 if the violation involves the
24 operation of a motorboat, the intoxicated boating law or the boating refusal law shall
25 be ordered by the court to obtain a certificate of satisfactory completion of a safety

1 course under s. 30.74 (1). If the person has a valid certificate at the time that the
2 court imposes sentence for a such a violation, the court shall permanently revoke the
3 certificate and order the person to obtain ~~a~~ another certificate of satisfactory
4 completion of ~~a~~ the safety course ~~under s. 30.74 (1)~~.

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

6 59.54 (14) (g) A county may establish extensions of the jail, which need not be
7 at the county seat, to serve as places of temporary confinement. No person may be
8 detained in such an extension for more than 24 consecutive hours, except that a court
9 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. ~~or 3., 4b.~~
10 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)
11 be imprisoned for more than 24 consecutive hours in such an extension. Jail
12 extensions shall be subject to plans and specifications approval by the department
13 of corrections and shall conform to other requirements imposed by law on jails,
14 except that cells may be designed and used for multiple occupancy.

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

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

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

20 350.01 (9j) "Legal drinking age" means 21 years of age.

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

22 350.01 (10p) "Recreational vehicle" means an all-terrain vehicle, as defined
23 in s. 340.01 (2g), a recreational motorboat, as defined in s. 30.50 (9m), or a
24 snowmobile.

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

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

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

6 350.01 (15c) "~~Refusal~~ Snowmobiling refusal law" means s. 350.104 (5) or a local
7 ordinance in conformity therewith.

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),

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 or revocation of operating privileges.** (1) ORDERS
16 TO SUSPEND OR REVOKE. (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 recreational vehicle for a period
19 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 revocation of the person's privilege to operate a motor vehicle on public premises, as
22 defined in s. 23.33 (1) (jc), if the person, within 5 years prior to the arrest for the
23 current violation of the intoxicated snowmobiling law or the snowmobiling refusal
24 law, was previously found in violation of the intoxicated operating law or the
25 recreational vehicle and boating refusal law. The period of revocation shall be not

*Whenever a court suspends an operating
privilege under this paragraph, the court shall
notify the department of that action.*

SECTION 64

1 less than 6 months and not more than 12 months. Whenever a court revokes an
2 operating privilege under this paragraph, the court may take possession of the
3 revoked license. If the court takes possession of the revoked license, the court shall
4 destroy the license. The court shall forward to the department of transportation the
5 record of the conviction and notice of revocation.

6 (2) OPERATING WHILE SUSPENDED OR REVOKED. (a) No person may operate a
7 recreational vehicle in violation of a suspension order imposed under sub. (1) (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 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
19 snowmobiling operating law or the recreational vehicle and boating refusal law shall
20 be fined not less than \$300 nor more than ~~\$1,000~~ \$1,100 and shall be imprisoned not
21 less than 5 days nor more than ~~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~~

1 recreational vehicle and boating refusal law, or any combination of these laws, shall
2 be fined not less than \$600 nor more than \$2,000 and shall be imprisoned not less
3 than 30 days nor more than one 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.

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 recreational vehicle and
13 boating refusal law, or any combination of these laws, shall be fined not less than
14 \$600 nor more than \$2,000 and shall be imprisoned not less than 60 days nor more
15 than one year in the county jail.

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

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

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

24 350.11 (3) (am) *Penalties related to operating with underage passengers.* If
25 there is a passenger under 16 years of age on a snowmobile at the time of a violation

1 that gives rise to a conviction under s. 350.101 (1) (a), (b), or (bm) or 350.104 (5), the
2 applicable minimum and maximum forfeitures, fines, and terms of imprisonment
3 under par. (a) 1., 2., 3., 4b., and 5. for the conviction are doubled.

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

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

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

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

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

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

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

20 2. A person who operates a snowmobile in violation of s. 350.1075 (2) (b) is
21 subject to a forfeiture of not less than \$150 nor more than \$300. In addition, the court
22 may suspend the person's privilege to operate a 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.

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

1 350.11 (3) (bm) *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. (a) 2. ~~or 3.~~ 4b., or 5. or (b). The use of this option can result in significant cost
4 savings for the state and local governments.

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

7 350.11 (3) (c) 1. In determining the number of previous convictions under par.
8 (a) 2. ~~and 3.~~ to 5., convictions arising out of the same incident or occurrence shall be
9 counted as one previous conviction.

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

11 350.11 (3) (c) 2. In determining the number of previous convictions under par.
12 (a) 2. to 5., previous convictions under the intoxicated snowmobiling law or the
13 snowmobiling refusal law that occurred before, on, or after the effective date of this
14 subdivision [LRB inserts date], and previous convictions under the intoxicated
15 operation of an all-terrain vehicle law, as defined ins s. 23.33 (1) (ic), the all-terrain
16 vehicle refusal law, as defined in s. 23.33 (1) (br), the intoxicated boating law, as
17 defined in s. 30.50 (4m), or the boating refusal law, as defined in s. 30.50 (2c), that
18 occur after the effective date of this subdivision [LRB inserts date], shall count as
19 previous convictions. or the snowmobiling refusal law ✓

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

21 350.11 (3) (cm) *Reporting convictions to the department.* Whenever a person
22 is convicted of a violation of the intoxicated snowmobiling law, the ~~clerk of the court~~
23 in which the conviction occurred, ~~or the justice, judge or magistrate of a court not~~
24 ~~having a clerk,~~ shall forward to the department the record of such conviction. The

1 record of conviction forwarded to the department shall state whether the offender
2 was involved in an accident at the time of the offense.

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

4 350.11 (3) (e) *Certificate of completion of safety program.* In addition to any
5 other penalty or order, a person who for the first time violates the intoxicated
6 snowmobiling law or the snowmobiling refusal law, shall be ordered by the court to
7 obtain a certificate of satisfactory completion of a safety program established under
8 s. 350.055 (1). If the person has a valid certificate at the time that the court imposes
9 sentence for such a violation, the court shall permanently revoke the certificate and
10 order the person to obtain another certificate of satisfactory completion of the safety
11 program.

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

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

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

24 940.09 (1m) (b) If a person is charged in an information with any of the
25 combinations of crimes referred to in par. (a), the crimes shall be joined under s.

SECTION 80

1 971.12. If the person is found guilty of more than one of the crimes so charged for
 2 acts arising out of the same incident or occurrence, there shall be a single conviction
 3 for purposes of sentencing and for purposes of counting convictions under s. 23.33
 4 (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
 5 s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Subsection (1) (a), (am), (b), (bm), (c), (cm), (d), and (e)
 6 each require proof of a fact for conviction which the others do not require, and sub.
 7 (1g) (a), (am), (b), (c), (cm), and (d) each require proof of a fact for conviction which
 8 the others do not require.

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

10 940.25 (1m) (b) If a person is charged in an information with any of the
 11 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
 12 971.12. If the person is found guilty of more than one of the crimes so charged for
 13 acts arising out of the same incident or occurrence, there shall be a single conviction
 14 for purposes of sentencing and for purposes of counting convictions under s. 23.33
 15 (13) (b) 2. ~~and 3. to 5.~~, under s. 30.80 (6) (a) 2. ~~or 3. to 5.~~, under ss. 343.30 (1q) and
 16 343.305 or under s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Subsection (1) (a), (am), (b), (bm), (c),
 17 (cm), (d), and (e) each require proof of a fact for conviction which the others do not
 18 require.

SECTION 82. Effective date.

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

22

(END)
Date

the first question

LRB-4163/P6dn
RPN:nwn

I response to Q#1 in your e-mail, the term "highway" is used and that term is defined in s. 340.01 (22) which by cross-referencing to s. 340.01 (46) will allow the farm use without being subject to OWI.

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

LRB-4163/P6dn
RPN:nwn:md

February 22, 2010

In response to the first question in your e-mail, the term "highway" is used and that term is defined in s. 340.01 (22), which by cross-referencing to s. 340.01 (46), will allow the farm use without being subject to OWI.

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