



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2009 Assembly Bill 219

Assembly Amendment 1

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CURRENT LAW

Under current law, each boat must have on the boat a personal flotation device (as prescribed by federal regulations) for each person on board. The flotation devices must be so placed as to be readily accessible and available to the persons. The penalty for violating this provision is a forfeiture of not more than \$50 for the first offense and a forfeiture of not more than \$100 upon conviction of same offense a second or subsequent time within one year. [ss. 30.62 (3) (ar) and 30.80 (1), Stats.] ***In addition to the applicable forfeiture, a violator must pay certain costs, fees, and surcharges specified in other provisions in the statutes.***

2009 ASSEMBLY BILL 219

Assembly Bill 219 provides that a person may not operate a “recreational boat” (defined as a “boat that is being used for pleasure”; the term “boat” is defined in very broad terms in s. 30.50 (2), Stats.) that is less than 26 feet in length and that is underway (i.e., “is not aground, not anchored or moored, and not made fast to a structure or to the shore”) unless each person on the recreational boat who is 12 years of age or younger: (1) is wearing a personal flotation device (specified under federal regulations); or (2) is in a cabin space or below the deck.

The penalty is the same as the penalty cited under current law, above, and the violator must pay the same cost, fees, and surcharges.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 to the bill *exempts* violators of the new “wearing a personal flotation device” requirement ***from paying certain of the surcharges*** that apply to offenders under current law and the bill. Under Assembly Amendment 1, violators would not have to pay: (1) the \$13 crime laboratories and drug law enforcement surcharge under s. 165.755 (1) (a), Stats.; (2) the \$68 court

support services surcharge under s. 814.85 (1) (a), Stats.; and (3) the \$21.50 justice information surcharge under s. 814.86 (1), Stats.

As under current law and the bill, the violator would be subject to other applicable costs, fees, and surcharges.

Legislative History

At an executive session on October 29, 2009, the Assembly Committee on Tourism, Recreation and State Properties adopted Assembly Amendment 1 (offered by Representative Clark) on a vote of Ayes, 8; Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 6; Noes, 2.

DLS:jal