

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

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EHS:skw

January 9, 2020

AB 356 did not include any changes with respect to fixing the absolute sobriety provision for snowmobiles (increasing the age from 19 to 21) because that is being fixed in AB 7 / SB 10. However, those bills do not remove the \$50 penalty for a refusal for a person under age 21. This amendment removes this penalty for all other recreational vehicles so that all refusals, regardless of age, have the same penalty (between \$400 and \$550 for a first offense under the bill). Do you want to address the snowmobile refusal penalty for a person under 21 in this amendment? An alternative would be an amendment to those bills to remove the penalty.

The amendment makes the fix to allow a person who has lost their motor vehicle operating privilege to continue to operate a recreational vehicle, including a motorboat, on private land for the purpose of engaging in an occupation or trade. (See the change to page 26, line 18.) Should this type of occupational operation of a motorboat be limited to private property, given that most navigable water in the state is public?

DNR noted a difference between the clerk-conviction reporting schema for boating (s. 30.80 (6) (cm)) and the ones for the other recreational vehicles (ss. 23.33 (13) (dm), 23.335 (23) (h), and 350.11 (3) (cm)). However, I see no differences among those provisions so I made no changes.

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