



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2389/1
ZDW:amn

2023 SENATE BILL 262

May 2, 2023 - Introduced by Senators JACQUE, LARSON, SMITH, SPREITZER and TAYLOR, cosponsored by Representatives MURSAU, ANDRACA, PALMERI, ARMSTRONG, BARE, BODDEN, CONLEY, GREEN, GUNDRUM, JACOBSON, JOERS, ROZAR, SHELTON, SNODGRASS, SUBECK and CABRERA. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to create** 23.33 (4e) of the statutes; **relating to:** open alcohol containers
2 in or on all-terrain or utility terrain vehicles.

Analysis by the Legislative Reference Bureau

This bill prohibits the possession of open containers of alcohol and the consumption of alcohol by any person in or on an all-terrain vehicle (ATV) or utility terrain vehicle (UTV) when the vehicle is upon a highway, ATV trail, or other established ATV corridor that is open to the public. The bill creates an exception from this prohibition for a person in possession of an empty bottle or receptacle that was acquired as refuse.

Under current law, a person may not operate an ATV or UTV while under the influence of alcohol or a controlled substance to a degree that he or she cannot operate the vehicle. Current law also prohibits the operation of an ATV or UTV by a person who has an alcohol concentration of 0.08 or more.

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

3 **SECTION 1.** 23.33 (4e) of the statutes is created to read:
4 **23.33 (4e)** INTOXICANTS IN OR ON AN ALL-TERRAIN VEHICLE OR UTILITY TERRAIN
5 VEHICLE. (a) No person may drink alcohol beverages while he or she is in or on any

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1 all-terrain vehicle or utility terrain vehicle when the vehicle is upon a highway,
2 all-terrain vehicle trail, or other established all-terrain vehicle corridor that is open
3 to the public.

4 (b) No person may possess on his or her person while he or she is in or on any
5 all-terrain vehicle or utility terrain vehicle upon a highway, all-terrain vehicle trail,
6 or other established all-terrain vehicle corridor that is open to the public any bottle
7 or receptacle containing alcohol beverages if the bottle or receptacle has been opened,
8 the seal has been broken, or the contents of the bottle or receptacle have been
9 partially removed or released.

10 (c) The owner of an all-terrain vehicle or utility terrain vehicle, or the driver
11 of the vehicle if the owner is not present in or on the vehicle, may not keep, or allow
12 to be kept, in or on the vehicle when it is upon a highway, all-terrain vehicle trail,
13 or other established all-terrain vehicle corridor that is open to the public any bottle
14 or receptacle containing alcohol beverages if the bottle or receptacle has been opened,
15 the seal has been broken, or the contents of the bottle or receptacle have been
16 partially removed or released. This paragraph does not apply if the bottle or
17 receptacle is kept in the area of the vehicle not normally occupied by the driver or
18 passengers.

19 (d) Paragraphs (b) and (c) do not apply to a person in possession of a bottle or
20 receptacle that the person acquired as refuse and that contains no residual alcohol.

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(END)