

No. 54, S.]

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CHAPTER 340

AN ACT to renumber 85.13 (2); to amend 85.91 (1), (2), (3), (4) and (5); and to repeal and recreate 85.13 (1) of the statutes, relating to an increase in fines and penalties for violations of ch. 85.

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

SECTION 1. 85.13 (2) of the statutes is renumbered 85.13 (4).

SECTION 2. 85.13 (1) of the statutes is repealed and recreated to read:

85.13 INTOXICATED PERSONS OR USERS OF DRUGS PROHIBITED FROM OPERATING VEHICLES. (1) It is unlawful for any of the following to operate a motor vehicle upon any highway of this state:

(a) A person who is under the influence of an intoxicating liquor or a dangerous or narcotic drug;

(b) A person who is an habitual user of dangerous or narcotic drugs;

(c) A person who is subject to epilepsy.

(2) In this section, "motor vehicle" includes streetcars used on stationary rails or tracks and vehicles propelled by the use of electricity obtained from overhead trolley structures; "dangerous drug" means any drug enumerated in s. 151.07 (1) (a) 1 to 8.

(3) Any person violating any of the provisions of this section may, upon the first conviction, be fined not more than \$200 or imprisoned not more than 6 months or both. Upon the second or each subsequent conviction within 5 years thereafter, such person shall be imprisoned not less than 5 days nor more than one year and in addition may be fined not more than \$200.

SECTION 3. 85.91 (1), (2), (3), (4) and (5) of the statutes are amended to read:

85.91 PENALTIES. (1) Any person violating any provision of ss. 85.11, 85.12 (2), (3), (4) and (6), 85.15 (4), 85.16 (1), (2) and (8), 85.17 (1), (2), (4) and (5), 85.175, 85.176, 85.177, 85.18 (1), (4) to (6) and (8) to (11), 85.19 (2), (3) and (4), 85.21 to 85.23, 85.25 to 85.28, 85.31, 85.33, 85.34 (1), (2) and (4), 85.35, 85.39 (1) and (2), 85.44 (1) to (9), 85.50, 85.61, 85.63 to 85.66, 85.67 (2) to (6) and 85.69 shall be * * * fined not less than \$10 nor more than \$20 for the first offense and for the second or each subsequent conviction within one year thereafter, * * * shall be fined not less than \$25 nor more than \$50.

(2) Any person violating any of the provisions of ss. 85.06, 85.14 (2), 85.15 (1), (2) and (3), 85.16 (3) to (7) and (9), (10), (11) and (12), 85.18 (7), 85.19 (1), (5) and (9), 85.20, 85.24, 85.29, 85.30, 85.32, 85.34 (3), 85.36 to 85.38, 85.39 (3), 85.40 (1) (a), (b), (g), * * * (h) and (i) and (2) (c), 85.41 (2), 85.51, 85.55 to 85.60, 85.62, 85.67 (1) and 85.92 (1) * * * shall be fined not less than \$10 nor more than \$200 or * * * imprisoned for not more than 30 days or both.

(3) Any person violating any provision of ss. * * * 85.14 (1), 85.395, 85.40 (1) (c), (d), (e), (f) and (2) (a) and (b) and (3), 85.44 (10), 85.81 and 85.83 shall be * * * fined not less than \$25 nor more than \$200 or * * * imprisoned for not more than 6 months or * * * both * * *. For the second or each subsequent conviction within one year thereafter such person shall be * * * fined not less than \$50 nor more than \$500 or * * * imprisoned not to exceed one year in county or municipal jail or * * * both * * *.

(4) Any person violating any provision of s. 85.19 (10) shall be * * * fined not less than * * * \$2 * * * nor more than * * * \$25 or * * * imprisoned not to exceed 5 days.

(5) Any person violating any provision of s. 85.141 as to which no penalty is provided in s. 85.141 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for the first offense by a fine of not less than * * * \$20 nor more than * * * \$200, and for the second or each subsequent offense within one year thereafter by a fine of not less than * * * \$50 nor more than * * * \$500.

Approved June 25, 1953.
