



1997 ASSEMBLY BILL 365

May 20, 1997 - Introduced by Representatives FOTI, SCHAFER, BLACK, BOCK, BRANDEMUEHL, CULLEN, DOBYNS, GOETSCH, HARSORF, JESKEWITZ, KEDZIE, LADWIG, LA FAVE, F. LASEE, LAZICH, M. LEHMAN, NOTESTEIN, OTT, OTTE, PLOUFF, POWERS, STASKUNAS, UNDERHEIM, URBAN, VRAKAS, WALKER and WARD, cosponsored by Senators BURKE, FARROW, COWLES, GROBSCHMIDT, HUELSMAN, ROSENZWEIG and WEEDEN. Referred to Committee on Highways and Transportation.

1 **AN ACT to amend** 23.33 (4c) (a) 3., 23.33 (13) (b) 4., 346.63 (2m), 350.101 (1) (c)
2 and 350.11 (3) (a) 4. of the statutes; **relating to:** raising the age of those persons
3 who may not drive or operate an all-terrain vehicle, motor vehicle or
4 snowmobile with any alcohol in their blood to the legal drinking age.

Analysis by the Legislative Reference Bureau

Under current law, a person under the age of 19 is prohibited from driving or operating an all-terrain vehicle, motor vehicle or snowmobile if the person has any alcohol in his or her blood. This bill changes that age to persons under the legal drinking age, which is currently 21.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

5 **SECTION 1.** 23.33 (4c) (a) 3. of the statutes is amended to read:
6 23.33 (**4c**) (a) 3. (title) 'Operating with alcohol concentrations at specified
7 levels; below age ~~19~~ the legal drinking age.' If a person has not attained the age of

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1 ~~19~~ legal drinking age, as defined in s. 125.02 (8m), the person may not engage in the
2 operation of an all-terrain vehicle while he or she has an alcohol concentration of
3 more than 0.0 but not more than 0.1.

4 **SECTION 2.** 23.33 (13) (b) 4. of the statutes is amended to read:

5 23.33 (13) (b) 4. A person who violates sub. (4c) (a) 3. or (4p) (e) and who has
6 not attained the age of ~~19~~ legal drinking age, as defined in s. 125.02 (8m), shall forfeit
7 not more than \$50.

8 **SECTION 3.** 346.63 (2m) of the statutes is amended to read:

9 346.63 (2m) If a person has not attained the age of ~~19~~ legal drinking age, as
10 defined in s. 125.02 (8m), the person may not drive or operate a motor vehicle while
11 he or she has an alcohol concentration of more than 0.0 but not more than 0.1. One
12 penalty for violation of this subsection is suspension of a person's operating privilege
13 under s. 343.30 (1p). The person is eligible for an occupational license under s. 343.10
14 at any time. If a person arrested for a violation of this subsection refuses to take a
15 test under s. 343.305, the refusal is a separate violation and the person is subject to
16 revocation of the person's operating privilege under s. 343.305 (10) (em).

17 **SECTION 4.** 350.101 (1) (c) of the statutes is amended to read:

18 350.101 (1) (c) (title) *Operating with alcohol concentrations at specified levels;*
19 *below age-19 the legal drinking age.* If a person has not attained the age of ~~19~~ legal
20 drinking age, as defined in s. 125.02 (8m), the person may not engage in the operation
21 of a snowmobile while he or she has an alcohol concentration of more than 0.0 but
22 not more than 0.1.

23 **SECTION 5.** 350.11 (3) (a) 4. of the statutes is amended to read:

