

# State of Misconsin 1997 - 1998 LEGISLATURE

LRB-3658/1 PEN:kaf:ijs

#### **CORRECTED COPY**

### **1997 SENATE BILL 270**

August 5, 1997 - Introduced by Senators Clausing, Schultz and Risser, cosponsored by Representatives Musser, Ott, Otte, Hasenohrl, Bock, Turner, Baumgart, Lorge, Staskunas, Plouff and Boyle. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

- 1 AN ACT to amend 287.81 (2) (intro.); and to create 287.81 (4) of the statutes;
- 2 **relating to:** littering and providing a penalty.

#### Analysis by the Legislative Reference Bureau

Under current law, no person may discard any solid waste on or along any highway, in any waters of the state, on the ice of any waters of the state or on any other public or private property, or permit any solid waste to be thrown from his or her vehicle. Current law also requires the owner to remove any abandoned automobile, boat, airplane or other vehicle from the waters of the state within 30 days after the vehicle enters the water. A violator may be required to forfeit not more than \$500.

This bill allows a court to order a violator to assist the department of transportation, county highway committee, public agency or nonprofit charitable organization in removing solid waste from a highway in lieu of paying a forfeiture. A court may order such work only if the violator consents to assisting with the work.

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:

- **SECTION 1.** 287.81 (2) (intro.) of the statutes is amended to read:
- 4 287.81 (2) (intro.) Except as provided in sub. (3), a person who does any of the
- 5 following may be required to forfeit not more than \$500 is subject to the penalty
- 6 provided in sub. (4):

**Section 2.** 287.81 (4) of the statutes is created to read:

- 287.81 **(4)** Any person who violates sub. (2):
- (a) May be required to forfeit not more than \$500.
- (b) May be ordered by a court to assist a county highway committee, public agency, nonprofit charitable agency or the department in removing solid waste from any highway, if the person agrees to assist with the work. Work ordered under this paragraph shall be in lieu of paying the forfeiture, assessments and costs. The number of hours of work required may not exceed the number determined by dividing the amount owed on the forfeiture by the minimum wage established under ch. 104 for adults in nonagriculture, nontipped employment. The court shall ensure that the person is provided a written statement of the terms of the work order and that the work is monitored. Any organization or agency acting in good faith to which a person is assigned pursuant to an order under this subsection has immunity from any civil liability in excess of \$25,000 for acts or omissions by or impacting on the person. If the person fails to comply with the work order, the court shall order the person brought before the court for imposition of sentence.

(END)