



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2083/1
EHS:amn

2021 ASSEMBLY BILL 280

April 20, 2021 - Introduced by Representatives SPIROS, CABRAL-GUEVARA, HORLACHER, KRUG, MOSES, ROZAR, SUBECK and TUSLER, cosponsored by Senators JACQUE, BEWLEY and LARSON. Referred to Committee on Forestry, Parks and Outdoor Recreation.

1 **AN ACT** *to repeal* 23.33 (13) (br); *to renumber* 30.80 (6) (c); *to renumber and*
2 *amend* 23.33 (1) (jm), 23.33 (13) (b) 4., 23.33 (13) (d), 23.335 (1) (zf), 23.335 (23)
3 (c) 4., 23.335 (23) (g), 30.50 (9x), 350.01 (10r), 350.11 (3) (a) 4. and 350.11 (3) (c);
4 *to amend* 23.33 (4c) (a) 3., 23.33 (4c) (a) 4., 23.33 (4c) (b) 3., 23.33 (4t), 23.33
5 (13) (b) 1., 23.33 (13) (b) 2., 23.33 (13) (b) 3., 23.33 (13) (bg), 23.33 (13) (cm), 23.33
6 (13) (dm), 23.335 (12) (a) 3., 23.335 (12) (a) 4., 23.335 (12) (b) 3., 23.335 (12) (j),
7 23.335 (23) (c) 1., 23.335 (23) (c) 2., 23.335 (23) (c) 3., 23.335 (23) (h), 30.681 (1)
8 (bn), 30.681 (1) (c), 30.681 (2) (c), 30.681 (2) (d) 1. a., 30.686, 30.74 (1) (bn), 30.80
9 (6) (a) 1., 30.80 (6) (a) 2., 30.80 (6) (a) 3., 30.80 (6) (a) 4., 30.80 (6) (a) 5., 30.80
10 (6) (a) 6., 30.80 (6) (e), 59.54 (14) (g), 343.10 (1) (a), 343.10 (2) (a) 1., 343.10 (9),
11 343.21 (1) (jr), 350.101 (1) (c), 350.101 (1) (d), 350.101 (2) (c), 350.106, 350.11 (3)
12 (a) 1., 350.11 (3) (a) 2., 350.11 (3) (a) 3., 350.11 (3) (bm), 350.11 (3) (cm), 940.09
13 (1m) (b) and 940.25 (1m) (b); and *to create* 23.33 (1) (ib), 23.33 (1) (ih), 23.33
14 (1) (jh), 23.33 (1) (jk), 23.33 (4y), 23.33 (13) (b) 4b., 23.33 (13) (b) 5., 23.33 (13)

ASSEMBLY BILL 280

1 (bm), 23.33 (13) (ce), 23.33 (13) (d) 2., 23.33 (13) (eg), 23.335 (1) (km), 23.335 (1)
2 (nm), 23.335 (1) (zer), 23.335 (1) (zet), 23.335 (12) (km), 23.335 (23) (c) 4b.,
3 23.335 (23) (c) 5., 23.335 (23) (cg), 23.335 (23) (dm), 23.335 (23) (dr), 23.335 (23)
4 (fm), 23.335 (23) (g) 2., 23.335 (23) (im), 30.50 (4n), 30.50 (4v), 30.50 (9m), 30.50
5 (9s), 30.50 (9t), 30.688, 30.80 (6) (am), 30.80 (6) (ar), 30.80 (6) (bg), 30.80 (6) (bn),
6 30.80 (6) (c) 2., 30.80 (6) (cm), 350.01 (9b), 350.01 (9j), 350.01 (10p), 350.01 (10q),
7 350.1075, 350.11 (3) (a) 4b., 350.11 (3) (a) 5., 350.11 (3) (am), 350.11 (3) (ar),
8 350.11 (3) (bg), 350.11 (3) (c) 2. and 350.11 (3) (e) of the statutes; **relating to:**
9 intoxicated operation of all-terrain vehicles, utility terrain vehicles,
10 off-highway motorcycles, snowmobiles, and motorboats and providing a
11 penalty.

Analysis by the Legislative Reference Bureau

This bill makes the laws regulating the intoxicated operation of different recreational vehicles more consistent.

Under current law, a person may not operate a snowmobile, an all-terrain vehicle (ATV), a utility terrain vehicle (UTV), an off-highway motorcycle (OHM), or a motorboat while under the influence of alcohol or a controlled substance to a degree that he or she cannot operate the vehicle or boat safely. Under current law, a personal watercraft is included in the definition of "motorboat." Current law also prohibits the operation of an ATV, a UTV, an OHM, a recreational motorboat, or a snowmobile by a person who has an alcohol concentration of 0.08 or more. For motorboats being operated on a commercial basis, the maximum alcohol concentration is 0.04. These laws are respectively referred to under current law as the intoxicated operation of an ATV or UTV law, the intoxicated operation of an OHM law, the intoxicated boating law, and the intoxicated snowmobiling law. Under current law, a person who refuses to submit to a legal request for a breath, blood, or urine sample pursuant to an arrest for operating a snowmobile, an ATV, a UTV, an OHM, or a recreational motorboat while under the influence is in violation of what is known as the refusal law.

Under current law, in imposing a penalty for a violation of the intoxicated operation of an ATV or UTV, the intoxicated operation of an OHM, the intoxicated boating, or the intoxicated snowmobiling law, a court may only count a previous conviction of the same law, or the applicable refusal law. For example, if a person is before the court for violating the intoxicated snowmobiling law or the snowmobile refusal law, the court may count only previous convictions of the intoxicated

ASSEMBLY BILL 280

snowmobiling law and the snowmobile refusal law as prior convictions. Previous convictions of the intoxicated operation of an ATV or UTV law or of the intoxicated boating law or of the applicable refusal laws may not be counted. Under this bill, a court must count previous convictions of any of these intoxicated operation or refusal laws that occurred within the previous five years when imposing a penalty for a violation of any of these laws.

The bill makes the provisions of the intoxicated operation of an ATV or UTV, the intoxicated operation of an OHM, the intoxicated boating, and the intoxicated snowmobiling laws more consistent. These changes include all of the following:

1. Adopting the higher penalties for various violations where the penalties for violations of the intoxicated operation of an ATV or UTV law, the intoxicated operation of an OHM law, the intoxicated boating law, the intoxicated snowmobiling law, and the refusal law conflict.

2. Imposing increased penalties for violating the intoxicated operation of an OHM law, the intoxicated boating law, or the intoxicated snowmobiling law or related refusal law if the OHM, motorboat, or snowmobile is operated with a passenger under 16 years of age. The increased penalty already exists for a violation of the intoxicated operation of an ATV or UTV law and the ATV or UTV refusal law.

3. Repealing the provisions that imposed increased penalties for operating an ATV or UTV with an alcohol concentration level that is 0.17 or more. Under current law, these increased penalties are not imposed for violations of the intoxicated boating or the intoxicated snowmobiling laws.

4. Applying the first-offense penalties for violating the intoxicated operation of an ATV or UTV law, the intoxicated operation of an OHM law, and the intoxicated snowmobiling law to violations of local ordinances that conform with those laws. This matches current law for a first-offense violation of the intoxicated boating law.

5. Increasing from 19 to 21 the age under which absolute sobriety is required for the purpose of operating a snowmobile, to match the requirement for all other recreational vehicles under current law.

The bill eliminates the impositions of fines and mandatory terms of confinement in the county jail for a person who is found guilty of a violation of a refusal law who has, within the previous five years, been convicted of violating the intoxicated operation of an ATV or UTV, the intoxicated operation of an OHM, the intoxicated boating, or the intoxicated snowmobiling law one or more times. Under the bill, the penalty for violating a refusal law is a forfeiture of at least \$400 but not more than \$550 regardless of the number of prior violations. In addition, under the bill, this penalty applies to violators of any age, eliminating a \$50 forfeiture for violating a refusal law that applies only to persons under the age of 21 under current law.

The bill provides that when counting the number of convictions within the previous five years, the previous convictions for intoxicated operation of that same type of recreational vehicle or the related refusal law that occurred before the effective date of this bill are counted, but previous convictions for the other three types of recreational vehicles that occurred before the effective date of this bill are not counted.

ASSEMBLY BILL 280

The bill also requires a court to enter an order to suspend the person's privilege to operate a snowmobile, an ATV, a UTV, an OHM, and a motorboat for a period of not less than 12 months and not more than 16 months if the court imposes a penalty for a violation of the intoxicated operation of an ATV or UTV, the intoxicated operation of an OHM, the intoxicated boating, or the intoxicated snowmobiling law or the related refusal law. The bill allows the court, as part of the order, to authorize the person to operate an ATV, UTV, OHM, or snowmobile exclusively on private land and not on highways if the court finds that such operation is essential for the purpose of engaging in an occupation or trade. The bill also provides a forfeiture and additional six-month period of operating privilege suspension for violating the order of suspension.

Under the bill, if the person is found guilty of a violation of the intoxicated operation of an ATV or UTV, the intoxicated operation of an OHM, the intoxicated boating, or the intoxicated snowmobiling law or the related refusal law and has, within the previous five years, been convicted of violating one of these laws, the court is required to revoke the person's privilege to operate a motor vehicle for not less than six months and not more than 12 months. Also under the bill, the person may be eligible for an occupational driver's license at any time during the revocation period. The bill requires the person whose operating privilege was revoked to pay a \$140 reinstatement fee.

Under the bill, if a person has had his or her privilege to operate a motor vehicle suspended or revoked for a violation of a prohibition against operating a motor vehicle while intoxicated, the person may not operate a snowmobile, an ATV, a UTV, an OHM, or a motorboat during the period of that motor vehicle operating privilege suspension or revocation. The bill also provides a forfeiture and an additional six-month period of operating privilege suspension for violating the order of suspension.

Under current law, the sentences of persons who are convicted of certain second, third, or fourth offenses involving the operation of a motor vehicle while under the influence of an intoxicant may be reduced if the violator successfully completes a period of probation that includes alcohol and other drug treatment. A person may complete a treatment program and receive a reduced period of imprisonment only once. This bill allows this option to be used for persons convicted of a violation of the intoxicated operation of an ATV or UTV, the intoxicated operation of an OHM, the intoxicated boating, or the intoxicated snowmobiling law or the applicable refusal law.

Because this bill proposes to revoke a person's operating privilege upon conviction for an offense, the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

ASSEMBLY BILL 280

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:

1 **SECTION 1.** 23.33 (1) (ib) of the statutes is created to read:

2 23.33 (1) (ib) “Intoxicated operating law” means the intoxicated operation of
3 an all-terrain or utility terrain vehicle law, the intoxicated operation of an
4 off-highway motorcycle law, as defined in s. 23.335 (1) (L), the intoxicated boating
5 law, as defined in s. 30.50 (4m), or the intoxicated snowmobiling law, as defined in
6 s. 350.01 (9c).

7 **SECTION 2.** 23.33 (1) (ih) of the statutes is created to read:

8 23.33 (1) (ih) “Legal drinking age” means 21 years of age.

9 **SECTION 3.** 23.33 (1) (jh) of the statutes is created to read:

10 23.33 (1) (jh) “Recreational vehicle” means an all-terrain vehicle, a utility
11 terrain vehicle, an off-highway motorcycle, as defined in s. 23.335 (1) (q), a
12 recreational motorboat, as defined in s. 30.50 (9m), or a snowmobile, as defined in s.
13 340.01 (58a).

14 **SECTION 4.** 23.33 (1) (jk) of the statutes is created to read:

15 23.33 (1) (jk) “Recreational vehicle and boating refusal law” means the
16 all-terrain or utility terrain vehicle refusal law, the off-highway motorcycle refusal
17 law, as defined in s. 23.335 (1) (tm), the boating refusal law, as defined in s. 30.50 (2c),
18 or the snowmobiling refusal law, as defined in s. 350.01 (17m).

19 **SECTION 5.** 23.33 (1) (jm) of the statutes is renumbered 23.33 (1) (at) and
20 amended to read:

ASSEMBLY BILL 280**SECTION 5**

1 23.33 (1) (at) ~~Refusal~~ “All-terrain or utility terrain vehicle refusal law” means
2 sub. (4p) (e) or a local ordinance in conformity therewith.

3 **SECTION 6.** 23.33 (4c) (a) 3. of the statutes is amended to read:

4 23.33 (4c) (a) 3. ‘Operating with alcohol concentrations at specified levels;
5 below legal drinking age 21.’ If a A person who has not attained the legal drinking
6 age of 21, the person may not engage in the operation of an all-terrain vehicle or
7 utility terrain vehicle while he or she has an alcohol concentration of more than 0.0
8 but ~~not more~~ less than 0.08.

9 **SECTION 7.** 23.33 (4c) (a) 4. of the statutes is amended to read:

10 23.33 (4c) (a) 4. ‘Related charges.’ A person may be charged with and a
11 prosecutor may proceed upon a complaint based upon a violation of any combination
12 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the
13 person is charged with violating any combination of subd. 1., 2., or 2m., the offenses
14 shall be joined. If the person is found guilty of any combination of subd. 1., 2., or 2m.
15 for acts arising out of the same incident or occurrence, there shall be a single
16 conviction for purposes of sentencing and for purposes of counting convictions under
17 sub. (13) (b) 2. ~~and 3.~~ to 5. Subdivisions 1., 2., and 2m. each require proof of a fact
18 for conviction ~~which~~ that the others do not require.

19 **SECTION 8.** 23.33 (4c) (b) 3. of the statutes is amended to read:

20 23.33 (4c) (b) 3. ‘Related charges.’ A person may be charged with and a
21 prosecutor may proceed upon a complaint based upon a violation of any combination
22 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the
23 person is charged with violating any combination of subd. 1., 2., or 2m. in the
24 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty
25 of any combination of subd. 1., 2., or 2m. for acts arising out of the same incident or

ASSEMBLY BILL 280

1 occurrence, there shall be a single conviction for purposes of sentencing and for
2 purposes of counting convictions under sub. (13) (b) 2. ~~and 3. to 5.~~ Subdivisions 1.,
3 2., and 2m. each require proof of a fact for conviction ~~which~~ that the others do not
4 require.

5 **SECTION 9.** 23.33 (4t) of the statutes is amended to read:

6 **23.33 (4t) REPORT ARREST TO DEPARTMENT.** If a law enforcement officer arrests
7 a person for a violation of the intoxicated operation of an all-terrain vehicle or utility
8 terrain vehicle law or the all-terrain or utility terrain vehicle refusal law, the law
9 enforcement officer shall notify the department of the arrest as soon as practicable.

10 **SECTION 10.** 23.33 (4y) of the statutes is created to read:

11 **23.33 (4y) SUSPENSION OR REVOCATION OF OPERATING PRIVILEGES.** (a) *Orders to*
12 *suspend or revoke.* 1. If a court imposes a penalty for a violation of the intoxicated
13 operation of an all-terrain or utility terrain vehicle law or the all-terrain or utility
14 terrain vehicle refusal law, the court shall order the suspension of the person's
15 privilege to operate a recreational vehicle for a period of not less than 12 months and
16 not more than 16 months. As part of the order, the court may authorize the person
17 to operate a recreational vehicle exclusively on private land and not on highways if
18 the court finds that such operation is essential for the purpose of engaging in an
19 occupation or trade. Whenever a court suspends an operating privilege under this
20 subdivision, the court shall notify the department of that action.

21 2. In addition to the order under subd. 1., the court shall also order the
22 revocation of the person's privilege to operate a motor vehicle if the person, within
23 5 years prior to the arrest for the current violation of the intoxicated operation of an
24 all-terrain or utility terrain vehicle law or the all-terrain or utility terrain vehicle
25 refusal law, was convicted of a violation of the intoxicated operating law or the

ASSEMBLY BILL 280**SECTION 10**

1 recreational vehicle and boating refusal law. The period of revocation shall be not
2 less than 6 months and not more than 12 months. Whenever a court revokes an
3 operating privilege under this subdivision, the court may take possession of the
4 revoked license. If the court takes possession of the revoked license, the court shall
5 destroy the license. The court shall forward to the department of transportation the
6 record of the conviction and notice of revocation. The person is eligible for an
7 occupational license under s. 343.10 at any time.

8 (b) *Operating while suspended or revoked.* 1. No person may operate a
9 recreational vehicle in violation of a suspension order imposed under par. (a) 1.

10 2. No person may operate an all-terrain vehicle or utility terrain vehicle during
11 the time that the person's motor vehicle operating privilege is suspended or revoked
12 for a conviction counted under s. 343.307 (1) unless a court order authorizes the
13 person to operate an all-terrain vehicle or utility terrain vehicle exclusively on
14 private land and not on highways because the court finds that such operation is
15 essential for the purpose of engaging in an occupation or trade.

16 **SECTION 11.** 23.33 (13) (b) 1. of the statutes is amended to read:

17 23.33 (13) (b) 1. Except as provided under subds. 2. and 3. to 5., a person who
18 violates sub. (4c) (a) 1., 2., or 2m. or, (4p) (e), or a local ordinance in conformity with
19 sub. (4c) (a) 1., 2., or 2m. shall forfeit not less than \$150 \$400 nor more than \$300
20 \$550.

21 **SECTION 12.** 23.33 (13) (b) 2. of the statutes is amended to read:

22 23.33 (13) (b) 2. ~~Except as provided under subd. 3., a~~ A person who violates sub.
23 (4c) (a) 1., 2., or 2m. ~~or (4p) (e)~~ and who, within 5 years prior to the arrest for the
24 current violation, was convicted one time previously under the intoxicated ~~operation~~
25 ~~of an all-terrain vehicle or utility terrain vehicle~~ operating law or the recreational

ASSEMBLY BILL 280

1 vehicle and boating refusal law shall be fined not less than \$300 nor more than
2 \$1,100 and shall be imprisoned not less than 5 days nor more than ~~6 months~~ one year
3 in the county jail.

4 **SECTION 13.** 23.33 (13) (b) 3. of the statutes is amended to read:

5 23.33 (13) (b) 3. A person who violates sub. (4c) (a) 1., 2., or 2m. ~~or (4p) (e)~~ and
6 who, within 5 years prior to the arrest for the current violation, was convicted 2 ~~or~~
7 ~~more~~ times previously under the intoxicated ~~operation of an all-terrain vehicle or~~
8 ~~utility terrain vehicle~~ operating law ~~or, the recreational vehicle and boating~~ refusal
9 law, or any combination of these laws, shall be fined not less than \$600 nor more than
10 \$2,000 and shall be imprisoned not less than 30 days nor more than one year in the
11 county jail.

12 **SECTION 14.** 23.33 (13) (b) 4. of the statutes is renumbered 23.33 (13) (b) 6. and
13 amended to read:

14 23.33 (13) (b) 6. A person who violates sub. (4c) (a) 3. ~~or (4p) (e) and who has~~
15 ~~not attained the age of 21~~ shall forfeit ~~not more than~~ \$50.

16 **SECTION 15.** 23.33 (13) (b) 4b. of the statutes is created to read:

17 23.33 (13) (b) 4b. A person who violates sub. (4c) (a) 1., 2., or 2m. and who,
18 within 5 years prior to the arrest for the current violation, was convicted 3 times
19 previously under the intoxicated operating law, the recreational vehicle and boating
20 refusal law, or any combination of these laws, shall be fined not less than \$600 nor
21 more than \$2,000 and shall be imprisoned not less than 60 days nor more than one
22 year in the county jail.

23 **SECTION 16.** 23.33 (13) (b) 5. of the statutes is created to read:

24 23.33 (13) (b) 5. A person who violates sub. (4c) (a) 1., 2., or 2m. and who, within
25 5 years prior to the arrest for the current violation, was convicted 4 or more times

ASSEMBLY BILL 280**SECTION 16**

1 previously under the intoxicated operating law, the recreational vehicle and boating
2 refusal law, or any combination of these laws, shall be fined not less than \$600 nor
3 more than \$2,000 and shall be imprisoned not less than 6 months nor more than one
4 year in the county jail.

5 **SECTION 17.** 23.33 (13) (bg) of the statutes is amended to read:

6 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*
7 *vehicle or utility terrain vehicle; underage passengers.* If there is a passenger under
8 16 years of age on the all-terrain vehicle or utility terrain vehicle at the time of a
9 violation that gives rise to a conviction under sub. (4c) (a) 1. ~~or 2.~~ or 2m. or (4p) (e),
10 the applicable minimum and maximum forfeitures, fines, and terms of
11 imprisonment under ~~pars. par. (b) 1., 2., and 3.~~ to 5. for the conviction are doubled.

12 **SECTION 18.** 23.33 (13) (bm) of the statutes is created to read:

13 23.33 (13) (bm) *Alcohol and drug treatment alternatives.* 1. In any county that
14 opts to offer a reduced minimum period of imprisonment for the successful
15 completion of a probation period that includes alcohol and other drug treatment, if
16 the number of suspensions, revocations, and convictions for a violation of the
17 intoxicated operation of an all-terrain or utility terrain vehicle law or of the
18 all-terrain or utility terrain vehicle refusal law within a 5-year period equals 2,
19 except that suspensions, revocations, or convictions arising out of the same incident
20 or occurrence shall be counted as one, the fine shall be the same as under par. (b) 2.,
21 but the period of imprisonment shall be not less than 5 days, except that if the person
22 successfully completes a period of probation that includes alcohol and other drug
23 treatment, the period of imprisonment shall be not less than 5 nor more than 7 days.

24 2. In any county that opts to offer a reduced minimum period of imprisonment
25 for the successful completion of a probation period that includes alcohol and other

ASSEMBLY BILL 280

1 drug treatment, if the number of suspensions, revocations, and convictions for a
2 violation of the intoxicated operation of an all-terrain or utility terrain vehicle law
3 or of the all-terrain or utility terrain vehicle refusal law within a 5-year period
4 equals 3, except that suspensions, revocations, or convictions arising out of the same
5 incident or occurrence shall be counted as one, the fine shall be the same as under
6 par. (b) 3., but the period of imprisonment shall be not less than 30 days, except that
7 if the person successfully completes a period of probation that includes alcohol and
8 other drug treatment, the period of imprisonment shall be not less than 14 days.

9 3. In any county that opts to offer a reduced minimum period of imprisonment
10 for the successful completion of a probation period that includes alcohol and other
11 drug treatment, if the number of suspensions, revocations, and convictions for a
12 violation of the intoxicated operation of an all-terrain or utility terrain vehicle law
13 or of the all-terrain or utility terrain vehicle refusal law within a 5-year period
14 equals 4, except that suspensions, revocations, or convictions arising out of the same
15 incident or occurrence shall be counted as one, the fine shall be the same as under
16 par. (b) 4b., but the period of imprisonment shall be not less than 60 days, except that
17 if the person successfully completes a period of probation that includes alcohol and
18 other drug treatment, the period of imprisonment shall be not less than 29 days.

19 4. A person may be sentenced under this paragraph or under s. 23.335 (23)
20 (dm), 30.80 (6) (ar), or 350.11 (3) (ar) once in his or her lifetime.

21 **SECTION 19.** 23.33 (13) (br) of the statutes is repealed.

22 **SECTION 20.** 23.33 (13) (ce) of the statutes is created to read:

23 23.33 (13) (ce) *Penalties related to suspension and revocation.* 1. A person who
24 operates a recreational vehicle in violation of sub. (4y) (b) 1. is subject to a forfeiture
25 of not less than \$50 nor more than \$250. In addition, for each such violation, the court

ASSEMBLY BILL 280**SECTION 20**

1 may suspend the person's privilege to operate a recreational vehicle for a period of
2 not more than 6 months. Whenever a court suspends an operating privilege under
3 this subdivision, the court shall notify the department of that action.

4 2. A person who operates an all-terrain vehicle or utility terrain vehicle in
5 violation of sub. (4y) (b) 2. is subject to a forfeiture of not less than \$150 nor more than
6 \$300. In addition, the court may suspend the person's privilege to operate a
7 recreational vehicle for a period of not more than 6 months. Whenever a court
8 suspends an operating privilege under this subdivision, the court shall notify the
9 department of that action.

10 **SECTION 21.** 23.33 (13) (cm) of the statutes is amended to read:

11 23.33 (13) (cm) *Sentence of detention.* The legislature intends that courts use
12 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
13 to par. (b) 2. ~~or 3., 4b., or 5.,~~ or (c). The use of this option can result in significant cost
14 savings for the state and local governments.

15 **SECTION 22.** 23.33 (13) (d) of the statutes is renumbered 23.33 (13) (d) 1. and
16 amended to read:

17 23.33 (13) (d) 1. In determining the number of previous convictions under par.
18 (b) 2. ~~and 3. to 5.,~~ convictions arising out of the same incident or occurrence shall be
19 counted as one previous conviction.

20 **SECTION 23.** 23.33 (13) (d) 2. of the statutes is created to read:

21 23.33 (13) (d) 2. In determining the number of previous convictions under par.
22 (b) 2. to 5., previous convictions under the intoxicated operation of an all-terrain or
23 utility terrain vehicle law or under the all-terrain or utility terrain vehicle refusal
24 law that occurred before, on, or after the effective date of this subdivision [LRB
25 inserts date], and previous convictions under the intoxicated operation of an

ASSEMBLY BILL 280

1 off-highway motorcycle law, as defined in s. 23.335 (1) (L), the off-highway
2 motorcycle refusal law, as defined in s. 23.335 (1) (tm), the intoxicated boating law,
3 as defined in s. 30.50 (4m), the boating refusal law, as defined in s. 30.50 (2c), the
4 intoxicated snowmobiling law, as defined in s. 350.01 (9c), or the snowmobiling
5 refusal law, as defined in s. 350.01 (17m), that occur after the effective date of this
6 subdivision ... [LRB inserts date], shall count as previous convictions.

7 **SECTION 24.** 23.33 (13) (dm) of the statutes is amended to read:

8 23.33 (13) (dm) *Reporting convictions to the department.* Whenever a person
9 is convicted of a violation of the intoxicated operation of an all-terrain vehicle or
10 utility terrain vehicle law or the all-terrain or utility terrain vehicle refusal law, the
11 ~~clerk of the court in which the conviction occurred, or the justice, judge or magistrate~~
12 ~~of a court not having a clerk,~~ shall forward to the department the record of such
13 conviction. The record of conviction forwarded to the department shall state whether
14 the offender was involved in an accident at the time of the offense.

15 **SECTION 25.** 23.33 (13) (eg) of the statutes is created to read:

16 23.33 (13) (eg) *Certificate of completion of safety program.* In addition to any
17 other penalty or order, a person who for the first time violates the intoxicated
18 operation of an all-terrain or utility terrain vehicle law or the all-terrain or utility
19 terrain vehicle refusal law shall be ordered by the court to obtain a certificate of
20 satisfactory completion of a safety program established under sub. (5) (d). If the
21 person has a valid certificate at the time that the court imposes a sentence for such
22 a violation, the court shall permanently revoke the certificate and order the person
23 to obtain another certificate of satisfactory completion of the safety program.

24 **SECTION 26.** 23.335 (1) (km) of the statutes is created to read:

ASSEMBLY BILL 280**SECTION 26**

1 23.335 (1) (km) “Intoxicated operating law” means the intoxicated operation
2 of an all-terrain or utility terrain vehicle law, as defined in s. 23.33 (1) (ic), the
3 intoxicated operation of an off-highway motorcycle law, the intoxicated boating law,
4 as defined in s. 30.50 (4m), or the intoxicated snowmobiling law, as defined in s.
5 350.01 (9c).

6 **SECTION 27.** 23.335 (1) (nm) of the statutes is created to read:

7 23.335 (1) (nm) “Legal drinking age” means 21 years of age.

8 **SECTION 28.** 23.335 (1) (zer) of the statutes is created to read:

9 23.335 (1) (zer) “Recreational vehicle” means an all-terrain vehicle, as defined
10 in s. 340.01 (2g), a utility terrain vehicle, as defined in s. 23.33 (1) (ng), an
11 off-highway motorcycle, a recreational motorboat, as defined in s. 30.50 (9m), or a
12 snowmobile, as defined in s. 340.01 (58a).

13 **SECTION 29.** 23.335 (1) (zet) of the statutes is created to read:

14 23.335 (1) (zet) “Recreational vehicle and boating refusal law” means the
15 all-terrain or utility terrain vehicle refusal law, as defined in s. 23.33 (1) (at), the
16 off-highway motorcycle refusal law, the boating refusal law, as defined in s. 30.50
17 (2c), or the snowmobiling refusal law, as defined in s. 350.01 (17m).

18 **SECTION 30.** 23.335 (1) (zf) of the statutes is renumbered 23.335 (1) (tm) and
19 amended to read:

20 23.335 (1) (tm) “Refusal “Off-highway motorcycle refusal law” means sub. (12)
21 (h) or a local ordinance in conformity therewith.

22 **SECTION 31.** 23.335 (12) (a) 3. of the statutes is amended to read:

23 23.335 (12) (a) 3. ~~If a~~ A person who has not attained the legal drinking age of
24 ~~21, the person~~ may not engage in the operation of an off-highway motorcycle while
25 he or she has an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

ASSEMBLY BILL 280

1 **SECTION 32.** 23.335 (12) (a) 4. of the statutes is amended to read:

2 23.335 (12) (a) 4. A person may be charged with and a prosecutor may proceed
3 upon a complaint based upon a violation of any combination of subd. 1., 2., or 2m. for
4 acts arising out of the same incident or occurrence. If the person is charged with
5 violating any combination of subd. 1., 2., or 2m., the offenses shall be joined. If the
6 person is found guilty of any combination of subd. 1., 2., or 2m. for acts arising out
7 of the same incident or occurrence, there shall be a single conviction for purposes of
8 sentencing and for purposes of counting convictions under sub. (23) (c) 2. ~~and 3.~~ to
9 5. Subdivisions 1., 2., and 2m. each require proof of a fact for conviction ~~which~~ that
10 the others do not require.

11 **SECTION 33.** 23.335 (12) (b) 3. of the statutes is amended to read:

12 23.335 (12) (b) 3. A person may be charged with and a prosecutor may proceed
13 upon a complaint based upon a violation of any combination of subd. 1., 2., or 2m. for
14 acts arising out of the same incident or occurrence. If the person is charged with
15 violating any combination of subd. 1., 2., or 2m. in the complaint, the crimes shall be
16 joined under s. 971.12. If the person is found guilty of any combination of subd. 1.,
17 2., or 2m. for acts arising out of the same incident or occurrence, there shall be a
18 single conviction for purposes of sentencing and for purposes of counting convictions
19 under sub. (23) (c) 2. ~~and 3.~~ to 5. Subdivisions 1., 2., and 2m. each require proof of
20 a fact for conviction ~~which~~ that the others do not require.

21 **SECTION 34.** 23.335 (12) (j) of the statutes is amended to read:

22 23.335 (12) (j) *Report of arrest to department.* If a law enforcement officer
23 arrests a person for a violation of the intoxicated operation of an off-highway
24 motorcycle law or the off-highway motorcycle refusal law, the law enforcement
25 officer shall notify the department of the arrest as soon as practicable.

ASSEMBLY BILL 280**SECTION 35**

1 **SECTION 35.** 23.335 (12) (km) of the statutes is created to read:

2 23.335 (12) (km) *Suspension or revocation of operating privileges.* 1. ‘Orders
3 to suspend or revoke.’ a. If a court imposes a penalty for a violation of the intoxicated
4 operation of an off-highway motorcycle law or the off-highway motorcycle refusal
5 law, the court shall order the suspension of the person’s privilege to operate a
6 recreational vehicle for a period of not less than 12 months and not more than 16
7 months. As part of the order, the court may authorize the person to operate a
8 recreational vehicle exclusively on private land and not on highways if the court finds
9 that such operation is essential for the purpose of engaging in an occupation or trade.
10 Whenever a court suspends an operating privilege under this subd. 1. a., the court
11 shall notify the department of that action.

12 b. In addition to the order under subd. 1. a., the court shall also order the
13 revocation of the person’s privilege to operate a motor vehicle if the person, within
14 5 years prior to the arrest for the current violation of the intoxicated operation of an
15 off-highway motorcycle law or the off-highway motorcycle refusal law, was
16 convicted of a violation of the intoxicated operating law or the recreational vehicle
17 and boating refusal law. The period of revocation shall be not less than 6 months and
18 not more than 12 months. Whenever a court revokes an operating privilege under
19 this subd. 1. b., the court may take possession of the revoked license. If the court
20 takes possession of the revoked license, the court shall destroy the license. The court
21 shall forward to the department of transportation the record of the conviction and
22 notice of revocation. The person is eligible for an occupational license under s. 343.10
23 at any time.

24 2. ‘Operating while suspended or revoked.’ a. No person may operate a
25 recreational vehicle in violation of a suspension order imposed under subd. 1. a.

ASSEMBLY BILL 280

1 b. No person may operate an off-highway motorcycle during the time that the
2 person's motor vehicle operating privilege is suspended or revoked for a conviction
3 counted under s. 343.307 (1) unless a court order authorizes the person to operate
4 an off-highway motorcycle exclusively on private land and not on highways because
5 the court finds that such operation is essential for the purpose of engaging in an
6 occupation or trade.

7 **SECTION 36.** 23.335 (23) (c) 1. of the statutes is amended to read:

8 23.335 (23) (c) 1. Except as provided under subds. ~~2., 3., and 4. to 5.~~, a person
9 who violates sub. (12) (a) 1., 2., or 2m. or (h) or a local ordinance in conformity with
10 sub. (12) (a) 1., 2., or 2m. shall forfeit not less than ~~\$150~~ \$400 nor more than ~~\$300~~
11 \$550.

12 **SECTION 37.** 23.335 (23) (c) 2. of the statutes is amended to read:

13 23.335 (23) (c) 2. ~~Except as provided under subds. 3. and 4., a~~ A person who
14 violates sub. (12) (a) 1., 2., or 2m. ~~or (h)~~ and who, within 5 years prior to the arrest
15 for the current violation, was convicted one time previously under the intoxicated
16 ~~operation of an off-highway motorcycle operating law or the recreational vehicle and~~
17 boating refusal law shall be fined not less than \$300 nor more than \$1,100 and shall
18 be imprisoned not less than 5 days nor more than ~~6 months~~ one year in the county
19 jail.

20 **SECTION 38.** 23.335 (23) (c) 3. of the statutes is amended to read:

21 23.335 (23) (c) 3. ~~Except as provided in subd. 4., a~~ A person who violates sub.
22 (12) (a) 1., 2., or 2m. ~~or (h)~~ and who, within 5 years prior to the arrest for the current
23 violation, was convicted ~~2 or more times~~ previously under the intoxicated operation
24 ~~of an off-highway motorcycle operating law, the recreational vehicle and boating~~
25 refusal law, or any combination of these laws, shall be fined not less than \$600 nor

ASSEMBLY BILL 280**SECTION 38**

1 more than \$2,000 and shall be imprisoned not less than 30 days nor more than one
2 year in the county jail.

3 **SECTION 39.** 23.335 (23) (c) 4. of the statutes is renumbered 23.335 (23) (c) 6.
4 and amended to read:

5 23.335 (23) (c) 6. A person who violates sub. (12) (a) 3. ~~or (h) and who has not~~
6 ~~attained the age of 21~~ shall forfeit ~~not more than~~ \$50.

7 **SECTION 40.** 23.335 (23) (c) 4b. of the statutes is created to read:

8 23.335 (23) (c) 4b. A person who violates sub. (12) (a) 1., 2., or 2m. and who,
9 within 5 years prior to the arrest for the current violation, was convicted 3 times
10 previously under the intoxicated operating law, the recreational vehicle and boating
11 refusal law, or any combination of these laws, shall be fined not less than \$600 nor
12 more than \$2,000 and shall be imprisoned not less than 60 days nor more than one
13 year in the county jail.

14 **SECTION 41.** 23.335 (23) (c) 5. of the statutes is created to read:

15 23.335 (23) (c) 5. A person who violates sub. (12) (a) 1., 2., or 2m. and who,
16 within 5 years prior to the arrest for the current violation, was convicted 4 or more
17 times previously under the intoxicated operating law, the recreational vehicle and
18 boating refusal law, or any combination of these laws, shall be fined not less than
19 \$600 nor more than \$2,000 and shall be imprisoned not less than 6 months nor more
20 than one year in the county jail.

21 **SECTION 42.** 23.335 (23) (cg) of the statutes is created to read:

22 23.335 (23) (cg) *Penalties related to intoxicated operation; underage*
23 *passengers.* If there is a passenger under 16 years of age on the off-road motorcycle
24 at the time of a violation that gives rise to a conviction under sub. (12) (a) 1., 2., or

ASSEMBLY BILL 280

1 2m. or (h), the applicable minimum and maximum forfeitures, fines, and terms of
2 imprisonment under par. (c) 1. to 5. for the conviction are doubled.

3 **SECTION 43.** 23.335 (23) (dm) of the statutes is created to read:

4 23.335 (23) (dm) *Alcohol and drug treatment alternatives.* 1. In any county
5 that opts to offer a reduced minimum period of imprisonment for the successful
6 completion of a probation period that includes alcohol and other drug treatment, if
7 the number of suspensions, revocations, and convictions for a violation of the
8 intoxicated operation of an off-highway motorcycle law or of the off-highway
9 motorcycle refusal law within a 5-year period equals 2, except that suspensions,
10 revocations, or convictions arising out of the same incident or occurrence shall be
11 counted as one, the fine shall be the same as under par. (c) 2., but the period of
12 imprisonment shall be not less than 5 days, except that if the person successfully
13 completes a period of probation that includes alcohol and other drug treatment, the
14 period of imprisonment shall be not less than 5 nor more than 7 days.

15 2. In any county that opts to offer a reduced minimum period of imprisonment
16 for the successful completion of a probation period that includes alcohol and other
17 drug treatment, if the number of suspensions, revocations, and convictions for a
18 violation of the intoxicated operation of an off-highway motorcycle law or of the
19 off-highway motorcycle refusal law within a 5-year period equals 3, except that
20 suspensions, revocations, or convictions arising out of the same incident or
21 occurrence shall be counted as one, the fine shall be the same as under par. (c) 3., but
22 the period of imprisonment shall be not less than 30 days, except that if the person
23 successfully completes a period of probation that includes alcohol and other drug
24 treatment, the period of imprisonment shall be not less than 14 days.

ASSEMBLY BILL 280**SECTION 43**

1 3. In any county that opts to offer a reduced minimum period of imprisonment
2 for the successful completion of a probation period that includes alcohol and other
3 drug treatment, if the number of suspensions, revocations, and convictions for a
4 violation of the intoxicated operation of an off-highway motorcycle law or of the
5 off-highway motorcycle refusal law within a 5-year period equals 4, except that
6 suspensions, revocations, or convictions arising out of the same incident or
7 occurrence shall be counted as one, the fine shall be the same as under par. (c) 4b.,
8 but the period of imprisonment shall be not less than 60 days, except that if the
9 person successfully completes a period of probation that includes alcohol and other
10 drug treatment, the period of imprisonment shall be not less than 29 days.

11 4. A person may be sentenced under this paragraph or under s. 23.33 (13) (bm),
12 30.80 (6) (ar), or 350.11 (3) (ar) once in his or her lifetime.

13 **SECTION 44.** 23.335 (23) (dr) of the statutes is created to read:

14 23.335 (23) (dr) *Penalties related to suspension and revocation.* 1. A person
15 who operates a recreational vehicle in violation of sub. (12) (km) 2. a. is subject to a
16 forfeiture of not less than \$50 nor more than \$250. In addition, for each such
17 violation, the court may suspend the person's privilege to operate a recreational
18 vehicle for a period of not more than 6 months. Whenever a court suspends an
19 operating privilege under this subdivision, the court shall notify the department of
20 that action.

21 2. A person who operates an off-highway motorcycle in violation of sub. (12)
22 (km) 2. b. is subject to a forfeiture of not less than \$150 nor more than \$300. In
23 addition, the court may suspend the person's privilege to operate a recreational
24 vehicle for a period of not more than 6 months. Whenever a court suspends an

ASSEMBLY BILL 280

1 operating privilege under this subdivision, the court shall notify the department of
2 that action.

3 **SECTION 45.** 23.335 (23) (fm) of the statutes is created to read:

4 23.335 **(23)** (fm) *Sentence of detention.* The legislature intends that courts use
5 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
6 to par. (c) 2., 3., 4b., or 5. or (d). The use of this option can result in significant cost
7 savings for the state and local governments.

8 **SECTION 46.** 23.335 (23) (g) of the statutes is renumbered 23.335 (23) (g) 1. and
9 amended to read:

10 23.335 **(23)** (g) 1. In determining the number of previous convictions under
11 pars. (c) 2. ~~and 3.~~ to 5. and (e), convictions arising out of the same incident or
12 occurrence shall be counted as one previous conviction.

13 **SECTION 47.** 23.335 (23) (g) 2. of the statutes is created to read:

14 23.335 **(23)** (g) 2. In determining the number of previous convictions under par.
15 (c) 2. to 5., previous convictions under the intoxicated operation of an off-highway
16 motorcycle law or under the off-highway motorcycle refusal law that occurred
17 before, on, or after the effective date of this subdivision [LRB inserts date], and
18 previous convictions under the intoxicated operation of an all-terrain or utility
19 terrain vehicle law, as defined in s. 23.33 (1) (ic), the all-terrain or utility terrain
20 vehicle refusal law, as defined in s. 23.33 (1) (at), the intoxicated boating law, as
21 defined in s. 30.50 (4m), the boating refusal law, as defined in s. 30.50 (2c), the
22 intoxicated snowmobiling law, as defined in s. 350.01 (9c), or the snowmobiling
23 refusal law, as defined in s. 350.01 (17m), that occur after the effective date of this
24 subdivision [LRB inserts date], shall count as previous convictions.

25 **SECTION 48.** 23.335 (23) (h) of the statutes is amended to read:

ASSEMBLY BILL 280**SECTION 48**

1 23.335 (23) (h) *Reporting convictions to the department.* Whenever a person
2 is convicted of a violation of the intoxicated operation of an off-highway motorcycle
3 law or the off-highway motorcycle refusal law, the ~~clerk of the court in which the~~
4 conviction occurred, ~~or the justice, judge, or magistrate of a court not having a clerk,~~
5 shall forward to the department the record of such conviction. The record of
6 conviction forwarded to the department shall state whether the offender was
7 involved in an accident at the time of the offense.

8 **SECTION 49.** 23.335 (23) (im) of the statutes is created to read:

9 23.335 (23) (im) *Certificate of completion of safety program.* In addition to any
10 other penalty or order, a person who for the first time violates the intoxicated
11 operation of an off-highway motorcycle law or the off-highway motorcycle refusal
12 law shall be ordered by the court to obtain a certificate of satisfactory completion of
13 a safety program established under sub. (14). If the person has a valid certificate at
14 the time that the court imposes a sentence for such a violation, the court shall
15 permanently revoke the certificate and order the person to obtain another certificate
16 of satisfactory completion of the safety program.

17 **SECTION 50.** 30.50 (4n) of the statutes is created to read:

18 30.50 (4n) “Intoxicated operating law” means the intoxicated operation of an
19 all-terrain or utility terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated
20 operation of an off-highway motorcycle law, as defined in s. 23.335 (1) (L), the
21 intoxicated boating law, or the intoxicated snowmobiling law, as defined in s. 350.01
22 (9c).

23 **SECTION 51.** 30.50 (4v) of the statutes is created to read:

24 30.50 (4v) “Legal drinking age” means 21 years of age.

25 **SECTION 52.** 30.50 (9m) of the statutes is created to read:

ASSEMBLY BILL 280

1 30.50 (9m) “Recreational motorboat” means a motorboat that is not a
2 commercial motorboat.

3 **SECTION 53.** 30.50 (9s) of the statutes is created to read:

4 30.50 (9s) “Recreational vehicle” means an all-terrain vehicle, as defined in s.
5 340.01 (2g), a utility terrain vehicle, as defined in s. 23.33 (1) (ng), an off-highway
6 motorcycle, as defined in s. 23.335 (1) (q), a recreational motorboat, or a snowmobile,
7 as defined in s. 340.01 (58a).

8 **SECTION 54.** 30.50 (9t) of the statutes is created to read:

9 30.50 (9t) “Recreational vehicle and boating refusal law” means the all-terrain
10 or utility terrain vehicle refusal law, as defined in s. 23.33 (1) (at), the off-highway
11 motorcycle refusal law, as defined in s. 23.335 (1) (tm), the boating refusal law, or the
12 snowmobiling refusal law, as defined in s. 350.01 (17m).

13 **SECTION 55.** 30.50 (9x) of the statutes is renumbered 30.50 (2c) and amended
14 to read:

15 30.50 (2c) “Refusal “Boating refusal law” means s. 30.684 (5) or a local
16 ordinance in conformity with that subsection.

17 **SECTION 56.** 30.681 (1) (bn) of the statutes is amended to read:

18 30.681 (1) (bn) *Operating with alcohol concentrations at specified levels; below*
19 *legal drinking age.* A person who has not attained the legal drinking age, ~~as defined~~
20 ~~in s. 125.02 (8m),~~ may not engage in the operation of a motorboat while he or she has
21 ~~a blood~~ an alcohol concentration of more than 0.0 but less than 0.08.

22 **SECTION 57.** 30.681 (1) (c) of the statutes is amended to read:

23 30.681 (1) (c) *Related charges.* A person may be charged with and a prosecutor
24 may proceed upon a complaint based upon a violation of any combination of par. (a)
25 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person

ASSEMBLY BILL 280**SECTION 57**

1 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2., the offenses
2 shall be joined. If the person is found guilty of any combination of par. (a) or (b) 1.,
3 1m., or 2. for acts arising out of the same incident or occurrence, there shall be a
4 single conviction for purposes of sentencing and for purposes of counting convictions
5 under s. 30.80 (6) (a) 2. ~~and 3.~~ to 5. Paragraphs (a) and (b) 1., 1m., and 2. each require
6 proof of a fact for conviction ~~which~~ that the others do not require.

7 **SECTION 58.** 30.681 (2) (c) of the statutes is amended to read:

8 30.681 (2) (c) *Related charges.* A person may be charged with and a prosecutor
9 may proceed upon a complaint based upon a violation of any combination of par. (a)
10 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person
11 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2. in the
12 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty
13 of any combination of par. (a) or (b) 1., 1m., or 2. for acts arising out of the same
14 incident or occurrence, there shall be a single conviction for purposes of sentencing
15 and for purposes of counting convictions under s. 30.80 (6) (a) 2. ~~and 3.~~ to 5.
16 Paragraphs (a) and (b) 1., 1m., and 2. each require proof of a fact for conviction ~~which~~
17 that the others do not require.

18 **SECTION 59.** 30.681 (2) (d) 1. a. of the statutes is amended to read:

19 30.681 (2) (d) 1. a. In an action under this subsection for a violation of the
20 intoxicated boating law where the defendant was operating a recreational motorboat
21 ~~that is not a commercial motorboat~~, the defendant has a defense if he or she proves
22 by a preponderance of the evidence that the injury would have occurred even if he
23 or she had been exercising due care and he or she had not been under the influence
24 of an intoxicant or did not have an alcohol concentration of 0.08 or more or a
25 detectable amount of a restricted controlled substance in his or her blood.

ASSEMBLY BILL 280

1 **SECTION 60.** 30.686 of the statutes is amended to read:

2 **30.686 Report arrest to department.** If a law enforcement officer arrests
3 a person for a violation of the intoxicated boating law or the boating refusal law, the
4 law enforcement officer shall notify the department of the arrest as soon as
5 practicable.

6 **SECTION 61.** 30.688 of the statutes is created to read:

7 **30.688 Suspension or revocation of operating privileges. (1) ORDERS TO**
8 **SUSPEND OR REVOKE.** (a) If a court imposes a penalty for a violation of the intoxicated
9 boating law or the boating refusal law and if the violation involved the operation of
10 a recreational motorboat, the court shall order the suspension of the person's
11 privilege to operate a recreational vehicle for a period of not less than 12 months and
12 not more than 16 months. As part of the order, the court may authorize the person
13 to operate a recreational vehicle exclusively on private land and not on highways if
14 the court finds that such operation is essential for the purpose of engaging in an
15 occupation or trade. Whenever a court suspends an operating privilege under this
16 paragraph, the court shall notify the department of that action.

17 (b) In addition to the order under par. (a), the court shall also order the
18 revocation of the person's privilege to operate a motor vehicle, if the person, within
19 5 years prior to the arrest for the current violation subject to the order under par. (a),
20 was convicted of a violation of the intoxicated operating law or the recreational
21 vehicle and boating refusal law. The period of revocation shall be not less than 6
22 months and not more than 12 months. Whenever a court revokes an operating
23 privilege under this paragraph, the court may take possession of the revoked license.
24 If the court takes possession of the revoked license, the court shall destroy the
25 license. The court shall forward to the department of transportation the record of the

ASSEMBLY BILL 280**SECTION 61**

1 conviction and notice of revocation. The person is eligible for an occupational license
2 under s. 343.10 at any time.

3 **(2) OPERATING WHILE SUSPENDED OR REVOKED.** (a) No person may operate a
4 recreational vehicle in violation of a suspension order imposed under sub. (1) (a).

5 (b) No person may operate a recreational motorboat during the time that the
6 person's motor vehicle operating privilege is suspended or revoked for a conviction
7 counted under s. 343.307 (1) unless a court order authorizes the person to operate
8 a recreational motorboat exclusively on private land because the court finds that
9 such operation is essential for the purpose of engaging in an occupation or trade.

10 **SECTION 62.** 30.74 (1) (bn) of the statutes is amended to read:

11 30.74 (1) (bn) A certificate issued to a person under this subsection is valid for
12 life unless the certificate or the person's privilege to operate a recreational motorboat
13 is suspended or revoked by a court under s. 30.688 (1) (a), 30.80 (2m) or (6) (e), or
14 938.343 (5).

15 **SECTION 63.** 30.80 (6) (a) 1. of the statutes is amended to read:

16 30.80 (6) (a) 1. Except as provided under subds. 2. to 5., a person who violates
17 s. 30.681 (1) (a) or (b), 30.684 (5), or a local ordinance in conformity with s. 30.681 (1)
18 (a) or (b) ~~or the refusal law~~ shall forfeit not less than \$150 \$400 nor more than \$300
19 \$550.

20 **SECTION 64.** 30.80 (6) (a) 2. of the statutes is amended to read:

21 30.80 (6) (a) 2. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
22 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law~~ and who, within 5 years
23 prior to the arrest for the current violation, was convicted one time previously under
24 the intoxicated boating operating law or the recreational vehicle and boating refusal
25 law shall be fined not less than \$300 nor more than \$1,000 \$1,100 and shall be

ASSEMBLY BILL 280

1 imprisoned for not less than 5 days nor more than ~~6 months~~ one year in the county
2 jail.

3 **SECTION 65.** 30.80 (6) (a) 3. of the statutes is amended to read:

4 30.80 (6) (a) 3. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
5 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law~~ and who, within 5 years
6 prior to the arrest for the current violation, was convicted 2 times previously under
7 the intoxicated ~~boating~~ operating law ~~or, the recreational vehicle and boating~~ refusal
8 law, or any combination of these laws, shall be fined not less than \$600 nor more than
9 \$2,000 and shall be imprisoned for not less than 30 days nor more than one year in
10 the county jail.

11 **SECTION 66.** 30.80 (6) (a) 4. of the statutes is amended to read:

12 30.80 (6) (a) 4. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
13 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law~~ and who, within 5 years
14 prior to the arrest for the current violation, was convicted 3 times previously under
15 the intoxicated ~~boating~~ operating law ~~or, the recreational vehicle and boating~~ refusal
16 law, or any combination of these laws, shall be fined not less than \$600 nor more than
17 \$2,000 and shall be imprisoned for not less than 60 days nor more than one year in
18 the county jail.

19 **SECTION 67.** 30.80 (6) (a) 5. of the statutes is amended to read:

20 30.80 (6) (a) 5. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
21 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law~~ and who, within 5 years
22 prior to the arrest for the current violation, was convicted 4 or more times previously
23 under the intoxicated ~~boating~~ operating law ~~or, the recreational vehicle and boating~~
24 refusal law, or any combination of these laws, shall be fined not less than \$600 nor

ASSEMBLY BILL 280**SECTION 67**

1 more than \$2,000 and shall be imprisoned for not less than 6 months nor more than
2 one year in the county jail.

3 **SECTION 68.** 30.80 (6) (a) 6. of the statutes is amended to read:

4 30.80 (6) (a) 6. A person who violates s. 30.681 (1) (bn) ~~or a local ordinance in~~
5 ~~conformity with s. 30.681 (1) (bn)~~ shall forfeit \$50.

6 **SECTION 69.** 30.80 (6) (am) of the statutes is created to read:

7 30.80 (6) (am) *Penalties related to operating with underage passengers.* If there
8 is a passenger under 16 years of age in a motorboat at the time of a violation that
9 gives rise to a conviction under s. 30.681 (1) (a) or (b) 1. or 1m. or 30.684 (5), the
10 applicable minimum and maximum forfeitures, fines, and terms of imprisonment
11 under par. (a) 1. to 5. for the conviction are doubled.

12 **SECTION 70.** 30.80 (6) (ar) of the statutes is created to read:

13 30.80 (6) (ar) *Alcohol and drug treatment alternatives.* 1. In any county that
14 opts to offer a reduced minimum period of imprisonment for the successful
15 completion of a probation period that includes alcohol and other drug treatment, if
16 the number of suspensions, revocations, and convictions for a violation of the
17 intoxicated boating law or the boating refusal law within a 5-year period equals 2,
18 except that suspensions, revocations, or convictions arising out of the same incident
19 or occurrence shall be counted as one, the fine shall be the same as under par. (a) 2.,
20 but the period of imprisonment shall be not less than 5 days, except that if the person
21 successfully completes a period of probation that includes alcohol and other drug
22 treatment, the period of imprisonment shall be not less than 5 nor more than 7 days.

23 2. In any county that opts to offer a reduced minimum period of imprisonment
24 for the successful completion of a probation period that includes alcohol and other
25 drug treatment, if the number of suspensions, revocations, and convictions for a

ASSEMBLY BILL 280

1 violation of the intoxicated boating law or the boating refusal law within a 5-year
2 period equals 3, except that suspensions, revocations, or convictions arising out of
3 the same incident or occurrence shall be counted as one, the fine shall be the same
4 as under par. (a) 3., but the period of imprisonment shall be not less than 30 days,
5 except that if the person successfully completes a period of probation that includes
6 alcohol and other drug treatment, the period of imprisonment shall be not less than
7 14 days.

8 3. In any county that opts to offer a reduced minimum period of imprisonment
9 for the successful completion of a probation period that includes alcohol and other
10 drug treatment, if the number of suspensions, revocations, and convictions for a
11 violation of the intoxicated boating law or the boating refusal law within a 5-year
12 period equals 4, except that suspensions, revocations, or convictions arising out of
13 the same incident or occurrence shall be counted as one, the fine shall be the same
14 as under par. (a) 4., but the period of imprisonment shall be not less than 60 days,
15 except that if the person successfully completes a period of probation that includes
16 alcohol and other drug treatment, the period of imprisonment shall be not less than
17 29 days.

18 4. A person may be sentenced under this paragraph or under s. 23.33 (13) (bm),
19 23.335 (23) (dm), or 350.11 (3) (ar) once in his or her lifetime.

20 **SECTION 71.** 30.80 (6) (bg) of the statutes is created to read:

21 30.80 (6) (bg) *Penalties related to suspension and revocation.* 1. A person who
22 operates a recreational vehicle in violation of s. 30.688 (2) (a) is subject to a forfeiture
23 of not less than \$50 nor more than \$250. In addition, for each such violation, the court
24 may suspend the person's privilege to operate a recreational vehicle for a period of

ASSEMBLY BILL 280**SECTION 71**

1 not more than 6 months. Whenever a court suspends an operating privilege under
2 this subdivision, the court shall notify the department of that action.

3 2. A person who operates a recreational motorboat in violation of s. 30.688 (2)
4 (b) is subject to a forfeiture of not less than \$150 nor more than \$300. In addition,
5 the court may suspend the person's privilege to operate a recreational vehicle for a
6 period of not more than 6 months. Whenever a court suspends an operating privilege
7 under this subdivision, the court shall notify the department of that action.

8 **SECTION 72.** 30.80 (6) (bn) of the statutes is created to read:

9 30.80 (6) (bn) *Sentence of detention.* The legislature intends that courts use the
10 sentencing option under s. 973.03 (4) whenever appropriate for persons subject to
11 par. (a) 2., 3., 4., or 5. or (b). The use of this option can result in significant cost savings
12 for the state and local governments.

13 **SECTION 73.** 30.80 (6) (c) of the statutes is renumbered 30.80 (6) (c) 1.

14 **SECTION 74.** 30.80 (6) (c) 2. of the statutes is created to read:

15 30.80 (6) (c) 2. In determining the number of previous convictions under par.
16 (a) 2. to 5., previous convictions under the intoxicated boating law or the boating
17 refusal law that occurred before, on, or after the effective date of this subdivision
18 [LRB inserts date], and previous convictions under the intoxicated operation of an
19 all-terrain or utility terrain vehicle law, as defined in s. 23.33 (1) (ic), the all-terrain
20 or utility terrain vehicle refusal law, as defined in s. 23.33 (1) (at), the intoxicated
21 operation of an off-highway motorcycle law, as defined in s. 23.335 (1) (L), the
22 off-highway motorcycle refusal law, as defined in s. 23.335 (1) (tm), the intoxicated
23 snowmobiling law, as defined in s. 350.01 (9c), or the snowmobiling refusal law, as
24 defined in s. 350.01 (17m), that occur after the effective date of this subdivision
25 [LRB inserts date], shall count as previous convictions.

ASSEMBLY BILL 280

1 **SECTION 75.** 30.80 (6) (cm) of the statutes is created to read:

2 30.80 **(6)** (cm) *Reporting convictions to the department.* Whenever a person is
3 convicted of a violation of the intoxicated boating law or the boating refusal law, the
4 court in which the conviction occurred shall forward to the department the record of
5 such conviction. The record of conviction forwarded to the department shall state
6 whether the offender was involved in an accident at the time of the offense.

7 **SECTION 76.** 30.80 (6) (e) of the statutes is amended to read:

8 30.80 **(6)** (e) *Certificate of satisfactory completion of safety course.* In addition
9 to any other penalty or order, a person who for the first time violates s. 30.681 (1) or
10 ~~(2) or 30.684 (5) or who violates s. 940.09 or 940.25 if the violation involves the~~
11 ~~operation of a motorboat,~~ the intoxicated boating law or the boating refusal law shall
12 be ordered by the court to obtain a certificate of satisfactory completion of a safety
13 course under s. 30.74 (1). If the person has a valid certificate at the time that the
14 court imposes a sentence for such a violation, the court shall permanently revoke the
15 certificate and order the person to obtain ~~a~~ another certificate of satisfactory
16 completion of ~~a~~ the safety course under s. ~~30.74 (1)~~.

17 **SECTION 77.** 59.54 (14) (g) of the statutes is amended to read:

18 59.54 **(14)** (g) A county may establish extensions of the jail, which need not be
19 at the county seat, to serve as places of temporary confinement. No person may be
20 detained in such an extension for more than 24 consecutive hours, except that a court
21 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. ~~or 3., 4b.~~
22 or 5. or (c), 23.335 (23) (c) 2. ~~or 3., 4b., or 5.~~ or (d), 30.80 (6) (a) 2., 3., 4., or 5. or (b),
23 or 350.11 (3) (a) 2. or 3., 4b., or 5. or (b) be imprisoned for more than 24 consecutive
24 hours in such an extension. Jail extensions shall be subject to the approval of plans
25 and specifications ~~approval~~ by the department of corrections and shall conform to

ASSEMBLY BILL 280**SECTION 77**

1 other requirements imposed by law on jails, except that cells may be designed and
2 used for multiple occupancy.

3 **SECTION 78.** 343.10 (1) (a) of the statutes is amended to read:

4 343.10 (1) (a) If a person's license or operating privilege is revoked or
5 suspended under this chapter or s. 23.33 (4y) (a) 2., 23.335 (12) (km) 1. b., 30.688 (1)
6 (b), 350.1075 (1) (b), 767.73, 938.34 (14q), 943.21 (3m), or 961.50 and if the person
7 is engaged in an occupation, including homemaking or full-time or part-time study,
8 or a trade making it essential that he or she operate a motor vehicle, the person, after
9 payment of the fee provided in sub. (6), may file an application with the department
10 setting forth in detail the need for operating a motor vehicle. No person may file more
11 than one application with respect to each revocation or suspension of the person's
12 license or operating privilege under this chapter or s. 23.33 (4y) (a) 2., 23.335 (12)
13 (km) 1. b., 30.688 (1) (b), 350.1075 (1) (b), 767.73, 938.34 (14q), 943.21 (3m), or 961.50,
14 except that this limitation does not apply to an application to amend an occupational
15 license restriction.

16 **SECTION 79.** 343.10 (2) (a) 1. of the statutes is amended to read:

17 343.10 (2) (a) 1. Except for a revocation or suspension that arose out of the same
18 incident or occurrence for which the person's license or operating privilege is
19 currently revoked or suspended, the person's license or operating privilege was not
20 revoked or suspended previously under this chapter or ch. 344 or s. 23.33 (4y) (a) 2.,
21 23.335 (12) (km) 1. b., 30.688 (1) (b), 350.1075 (1) (b), 943.21 (3m) or 961.50 within
22 the one-year period immediately preceding the present revocation or suspension,
23 except as provided in s. 344.40.

24 **SECTION 80.** 343.10 (9) of the statutes is amended to read:

ASSEMBLY BILL 280

1 343.10 **(9)** NOTICE. The department shall inform a person whose operating
2 privilege is revoked or suspended under this chapter or chs. 23, 30, or 350 of his or
3 her right to apply to the department for issuance of an occupational license under
4 this section.

5 **SECTION 81.** 343.21 (1) (jr) of the statutes is amended to read:

6 343.21 **(1)** (jr) In addition to any other fee under this subsection, for
7 reinstatement of an operating privilege previously revoked or suspended under s.
8 23.33 (4y) (a) 2., 23.335 (12) (km) 1. b., 30.688 (1) (b), 343.305 (7), or 350.1075 (1) (b)
9 or resulting from the commission of an offense listed in s. 343.307, \$140.

10 **SECTION 82.** 350.01 (9b) of the statutes is created to read:

11 350.01 **(9b)** “Intoxicated operating law” means the intoxicated operation of an
12 all-terrain or utility terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated
13 operation of an off-highway motorcycle law, as defined in s. 23.335 (1) (L), the
14 intoxicated boating law, as defined in s. 30.50 (4m), or the intoxicated snowmobiling
15 law.

16 **SECTION 83.** 350.01 (9j) of the statutes is created to read:

17 350.01 **(9j)** “Legal drinking age” means 21 years of age.

18 **SECTION 84.** 350.01 (10p) of the statutes is created to read:

19 350.01 **(10p)** “Recreational vehicle” means an all-terrain vehicle, as defined
20 in s. 340.01 (2g), a utility terrain vehicle, as defined in s. 23.33 (1) (ng), an
21 off-highway motorcycle, as defined in s. 23.335 (1) (q), a recreational motorboat, as
22 defined in s. 30.50 (9m), or a snowmobile.

23 **SECTION 85.** 350.01 (10q) of the statutes is created to read:

24 350.01 **(10q)** “Recreational vehicle and boating refusal law” means the
25 all-terrain or utility terrain vehicle refusal law, as defined in s. 23.33 (1) (at), the

ASSEMBLY BILL 280**SECTION 85**

1 off-highway motorcycle refusal law, as defined in s. 23.335 (1) (tm), the boating
2 refusal law, as defined in s. 30.50 (2c), or the snowmobiling refusal law.

3 **SECTION 86.** 350.01 (10r) of the statutes is renumbered 350.01 (17m) and
4 amended to read:

5 350.01 (17m) “Refusal “Snowmobiling refusal law” means s. 350.104 (5) or a
6 local ordinance in conformity therewith.

7 **SECTION 87.** 350.101 (1) (c) of the statutes is amended to read:

8 350.101 (1) (c) *Operating with alcohol concentrations at specified levels; below*
9 *age-19 legal drinking age.* If a A person who has not attained the legal drinking age
10 of 19, the person may not engage in the operation of a snowmobile while he or she
11 has an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

12 **SECTION 88.** 350.101 (1) (d) of the statutes is amended to read:

13 350.101 (1) (d) *Related charges.* A person may be charged with and a prosecutor
14 may proceed upon a complaint based upon a violation of any combination of par. (a),
15 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is
16 charged with violating any combination of par. (a), (b), or (bm), the offenses shall be
17 joined. If the person is found guilty of any combination of par. (a), (b), or (bm) for acts
18 arising out of the same incident or occurrence, there shall be a single conviction for
19 purposes of sentencing and for purposes of counting convictions under s. 350.11 (3)
20 (a) 2. ~~and 3.~~ to 5. Paragraphs (a), (b), and (bm) each require proof of a fact for
21 conviction ~~which~~ that the others do not require.

22 **SECTION 89.** 350.101 (2) (c) of the statutes is amended to read:

23 350.101 (2) (c) *Related charges.* A person may be charged with and a prosecutor
24 may proceed upon a complaint based upon a violation of any combination of par. (a),
25 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is

ASSEMBLY BILL 280

1 charged with violating any combination of par. (a), (b), or (bm) in the complaint, the
2 crimes shall be joined under s. 971.12. If the person is found guilty of any
3 combination of par. (a), (b), or (bm) for acts arising out of the same incident or
4 occurrence, there shall be a single conviction for purposes of sentencing and for
5 purposes of counting convictions under s. 350.11 (3) (a) 2. ~~and 3.~~ to 5. Paragraphs
6 (a), (b), and (bm) each require proof of a fact for conviction ~~which~~ that the others do
7 not require.

8 **SECTION 90.** 350.106 of the statutes is amended to read:

9 **350.106 Report arrest to department.** If a law enforcement officer arrests
10 a person for a violation of the intoxicated snowmobiling law or the snowmobiling
11 refusal law, the law enforcement officer shall notify the department of the arrest as
12 soon as practicable.

13 **SECTION 91.** 350.1075 of the statutes is created to read:

14 **350.1075 Suspension or revocation of operating privileges. (1) ORDERS**
15 **TO SUSPEND OR REVOKE.** (a) If a court imposes a penalty for a violation of the
16 intoxicated snowmobiling law or the snowmobiling refusal law, the court shall order
17 the suspension of the person's privilege to operate a recreational vehicle for a period
18 of not less than 12 months and not more than 16 months. As part of the order, the
19 court may authorize the person to operate a recreational vehicle exclusively on
20 private land and not on highways if the court finds that such operation is essential
21 for the purpose of engaging in an occupation or trade. Whenever a court suspends
22 an operating privilege under this paragraph, the court shall notify the department
23 of that action.

24 (b) In addition to the order under par. (a), the court shall also order the
25 revocation of the person's privilege to operate a motor vehicle if the person, within

ASSEMBLY BILL 280**SECTION 91**

1 5 years prior to the arrest for the current violation of the intoxicated snowmobiling
2 law or the snowmobiling refusal law, was convicted of a violation of the intoxicated
3 operating law or the recreational vehicle and boating refusal law. The period of
4 revocation shall be not less than 6 months and not more than 12 months. Whenever
5 a court revokes an operating privilege under this paragraph, the court may take
6 possession of the revoked license. If the court takes possession of the revoked license,
7 the court shall destroy the license. The court shall forward to the department of
8 transportation the record of the conviction and notice of revocation. The person is
9 eligible for an occupational license under s. 343.10 at any time.

10 **(2) OPERATING WHILE SUSPENDED OR REVOKED.** (a) No person may operate a
11 recreational vehicle in violation of a suspension order imposed under sub. (1) (a).

12 (b) No person may operate a snowmobile during the time that the person's
13 motor vehicle operating privilege is suspended or revoked for a conviction counted
14 under s. 343.307 (1) unless a court order authorizes the person to operate a
15 snowmobile exclusively on private land and not on highways because the court finds
16 that such operation is essential for the purpose of engaging in an occupation or trade.

17 **SECTION 92.** 350.11 (3) (a) 1. of the statutes is amended to read:

18 350.11 **(3)** (a) 1. Except as provided under subds. 2. ~~and 3.~~ to 5., a person who
19 violates s. 350.101 (1) (a), (b), or (bm) ~~or s. 350.104 (5), or a local ordinance in~~
20 conformity with s. 350.101 (1) (a), (b), or (bm) shall forfeit not less than \$400 nor more
21 than \$550.

22 **SECTION 93.** 350.11 (3) (a) 2. of the statutes is amended to read:

23 350.11 **(3)** (a) 2. ~~Except as provided under subd. 3., a~~ A person who violates
24 s. 350.101 (1) (a), (b), or (bm) ~~or 350.104 (5)~~ and who, within 5 years prior to the arrest
25 for the current violation, was convicted one time previously under the intoxicated

ASSEMBLY BILL 280

1 ~~snownobiling~~ operating law or the recreational vehicle and boating refusal law shall
2 be fined not less than \$300 nor more than ~~\$1,000~~ \$1,100 and shall be imprisoned not
3 less than 5 days nor more than ~~6 months~~ one year in the county jail.

4 **SECTION 94.** 350.11 (3) (a) 3. of the statutes is amended to read:

5 350.11 (3) (a) 3. A person who violates s. 350.101 (1) (a), (b), or (bm) ~~or 350.104~~
6 ~~(5)~~ and who, within 5 years prior to the arrest for the current violation, was convicted
7 ~~2 or more~~ times previously under the intoxicated snownobiling operating law ~~or, the~~
8 recreational vehicle and boating refusal law, or any combination of these laws, shall
9 be fined not less than \$600 nor more than \$2,000 and shall be imprisoned not less
10 than 30 days nor more than one year in the county jail.

11 **SECTION 95.** 350.11 (3) (a) 4. of the statutes is renumbered 350.11 (3) (a) 6. and
12 amended to read:

13 350.11 (3) (a) 6. A person who violates s. 350.101 (1) (c) ~~or 350.104 (5)~~ and who
14 ~~has not attained the age of 19~~ shall forfeit ~~not more than~~ \$50.

15 **SECTION 96.** 350.11 (3) (a) 4b. of the statutes is created to read:

16 350.11 (3) (a) 4b. A person who violates s. 350.101 (1) (a), (b), or (bm) and who,
17 within 5 years prior to the arrest for the current violation, was convicted 3 times
18 previously under the intoxicated operating law, the recreational vehicle and boating
19 refusal law, or any combination of these laws, shall be fined not less than \$600 nor
20 more than \$2,000 and shall be imprisoned not less than 60 days nor more than one
21 year in the county jail.

22 **SECTION 97.** 350.11 (3) (a) 5. of the statutes is created to read:

23 350.11 (3) (a) 5. A person who violates s. 350.101 (1) (a), (b), or (bm) and who,
24 within 5 years prior to the arrest for the current violation, was convicted 4 or more
25 times previously under the intoxicated operating law, the recreational vehicle and

ASSEMBLY BILL 280**SECTION 97**

1 boating refusal law, or any combination of these laws, shall be fined not less than
2 \$600 nor more than \$2,000 and shall be imprisoned not less than 6 months nor more
3 than one year in the county jail.

4 **SECTION 98.** 350.11 (3) (am) of the statutes is created to read:

5 350.11 (3) (am) *Penalties related to operating with underage passengers.* If
6 there is a passenger under 16 years of age on a snowmobile at the time of a violation
7 that gives rise to a conviction under s. 350.101 (1) (a), (b), or (bm) or 350.104 (5), the
8 applicable minimum and maximum forfeitures, fines, and terms of imprisonment
9 under par. (a) 1. to 5. for the conviction are doubled.

10 **SECTION 99.** 350.11 (3) (ar) of the statutes is created to read:

11 350.11 (3) (ar) *Alcohol and drug treatment alternatives.* 1. In any county that
12 opts to offer a reduced minimum period of imprisonment for the successful
13 completion of a probation period that includes alcohol and other drug treatment, if
14 the number of suspensions, revocations, and convictions for a violation of the
15 intoxicated snowmobiling law or the snowmobiling refusal law within a 5-year
16 period equals 2, except that suspensions, revocations, or convictions arising out of
17 the same incident or occurrence shall be counted as one, the fine shall be the same
18 as under par. (a) 2., but the period of imprisonment shall be not less than 5 days,
19 except that if the person successfully completes a period of probation that includes
20 alcohol and other drug treatment, the period of imprisonment shall be not less than
21 5 nor more than 7 days.

22 2. In any county that opts to offer a reduced minimum period of imprisonment
23 for the successful completion of a probation period that includes alcohol and other
24 drug treatment, if the number of suspensions, revocations, and convictions for a
25 violation of the intoxicated snowmobiling law or the snowmobiling refusal law within

ASSEMBLY BILL 280

1 a 5-year period equals 3, except that suspensions, revocations, or convictions arising
2 out of the same incident or occurrence shall be counted as one, the fine shall be the
3 same as under par. (a) 3., but the period of imprisonment shall be not less than 30
4 days, except that if the person successfully completes a period of probation that
5 includes alcohol and other drug treatment, the period of imprisonment shall be not
6 less than 14 days.

7 3. In any county that opts to offer a reduced minimum period of imprisonment
8 for the successful completion of a probation period that includes alcohol and other
9 drug treatment, if the number of suspensions, revocations, and convictions for a
10 violation of the intoxicated snowmobiling law or the snowmobiling refusal law within
11 a 5-year period equals 4, except that suspensions, revocations, or convictions arising
12 out of the same incident or occurrence shall be counted as one, the fine shall be the
13 same as under par. (a) 4b., but the period of imprisonment shall be not less than 60
14 days, except that if the person successfully completes a period of probation that
15 includes alcohol and other drug treatment, the period of imprisonment shall be not
16 less than 29 days.

17 4. A person may be sentenced under this paragraph or under s. 23.33 (13) (bm),
18 23.335 (23) (dm), or 30.80 (6) (ar) once in his or her lifetime.

19 **SECTION 100.** 350.11 (3) (bg) of the statutes is created to read:

20 350.11 (3) (bg) *Penalties related to suspension and revocation.* 1. A person who
21 operates a recreational vehicle in violation of s. 350.1075 (2) (a) is subject to a
22 forfeiture of not less than \$50 nor more than \$250. In addition, for each such
23 violation, the court may suspend the person's privilege to operate a recreational
24 vehicle for a period of not more than 6 months. Whenever a court suspends an

ASSEMBLY BILL 280**SECTION 100**

1 operating privilege under this subdivision, the court shall notify the department of
2 that action.

3 2. A person who operates a snowmobile in violation of s. 350.1075 (2) (b) is
4 subject to a forfeiture of not less than \$150 nor more than \$300. In addition, the court
5 may suspend the person's privilege to operate a recreational vehicle for a period of
6 not more than 6 months. Whenever a court suspends an operating privilege under
7 this subdivision, the court shall notify the department of that action.

8 **SECTION 101.** 350.11 (3) (bm) of the statutes is amended to read:

9 350.11 (3) (bm) *Sentence of detention.* The legislature intends that courts use
10 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
11 to par. (a) 2. ~~or 3., 4b., or 5.~~ or (b). The use of this option can result in significant cost
12 savings for the state and local governments.

13 **SECTION 102.** 350.11 (3) (c) of the statutes is renumbered 350.11 (3) (c) 1. and
14 amended to read:

15 350.11 (3) (c) 1. In determining the number of previous convictions under par.
16 (a) 2. ~~and 3. to 5.~~, convictions arising out of the same incident or occurrence shall be
17 counted as one previous conviction.

18 **SECTION 103.** 350.11 (3) (c) 2. of the statutes is created to read:

19 350.11 (3) (c) 2. In determining the number of previous convictions under par.
20 (a) 2. to 5., previous convictions under the intoxicated snowmobiling law or the
21 snowmobiling refusal law that occurred before, on, or after the effective date of this
22 subdivision ... [LRB inserts date], and previous convictions under the intoxicated
23 operation of an all-terrain or utility terrain vehicle law, as defined in s. 23.33 (1) (ic),
24 the all-terrain or utility terrain vehicle refusal law, as defined in s. 23.33 (1) (at), the
25 intoxicated operation of an off-highway motorcycle law, as defined in s. 23.335 (1) (L),

ASSEMBLY BILL 280**SECTION 103**

1 the off-highway motorcycle refusal law, as defined in s. 23.335 (1) (tm), the
2 intoxicated boating law, as defined in s. 30.50 (4m), or the boating refusal law, as
3 defined in s. 30.50 (2c), that occur after the effective date of this subdivision [LRB
4 inserts date], shall count as previous convictions.

5 **SECTION 104.** 350.11 (3) (cm) of the statutes is amended to read:

6 350.11 (3) (cm) *Reporting convictions to the department.* Whenever a person
7 is convicted of a violation of the intoxicated snowmobiling law or the snowmobiling
8 refusal law, the clerk of the court in which the conviction occurred, ~~or the justice,~~
9 ~~judge or magistrate of a court not having a clerk,~~ shall forward to the department the
10 record of such conviction. The record of conviction forwarded to the department shall
11 state whether the offender was involved in an accident at the time of the offense.

12 **SECTION 105.** 350.11 (3) (e) of the statutes is created to read:

13 350.11 (3) (e) *Certificate of completion of safety program.* In addition to any
14 other penalty or order, a person who for the first time violates the intoxicated
15 snowmobiling law or the snowmobiling refusal law shall be ordered by the court to
16 obtain a certificate of satisfactory completion of a safety program established under
17 s. 350.055 (1). If the person has a valid certificate at the time that the court imposes
18 a sentence for such a violation, the court shall permanently revoke the certificate and
19 order the person to obtain another certificate of satisfactory completion of the safety
20 program.

21 **SECTION 106.** 940.09 (1m) (b) of the statutes is amended to read:

22 940.09 (1m) (b) If a person is charged in an information with any of the
23 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
24 971.12. If the person is found guilty of more than one of the crimes so charged for
25 acts arising out of the same incident or occurrence, there shall be a single conviction

ASSEMBLY BILL 280**SECTION 106**

1 for purposes of sentencing and for purposes of counting convictions under s. 23.33
2 (13) (b) ~~2. and 3. to 5.~~, under s. 23.335 (23) (c) ~~2. and 3. to 5.~~, under s. 30.80 (6) (a) 2.
3 ~~and 3. to 5.~~, under s. 343.307 (1), or under s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Subsection
4 (1) (a), (am), (b), (bm), (c), (cm), (d), and (e) each require proof of a fact for conviction
5 ~~which~~ that the others do not require, and sub. (1g) (a), (am), (b), (c), (cm), and (d) each
6 require proof of a fact for conviction ~~which~~ that the others do not require.

7 **SECTION 107.** 940.25 (1m) (b) of the statutes is amended to read:

8 940.25 (1m) (b) If a person is charged in an information with any of the
9 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
10 971.12. If the person is found guilty of more than one of the crimes so charged for
11 acts arising out of the same incident or occurrence, there shall be a single conviction
12 for purposes of sentencing and for purposes of counting convictions under s. 23.33
13 (13) (b) ~~2. and 3. to 5.~~, under s. 23.335 (23) (c) ~~2. and 3. to 5.~~, under s. 30.80 (6) (a) 2.
14 ~~or 3. to 5.~~, under ss. 343.30 (1q) and 343.305, or under s. 350.11 (3) (a) 2. ~~and 3. to 5.~~
15 Subsection (1) (a), (am), (b), (bm), (c), (cm), (d), and (e) each require proof of a fact for
16 conviction ~~which~~ that the others do not require.

17 **SECTION 108. Effective date.**

18 (1) This act takes effect on the first day of the 4th month beginning after
19 publication.

20

(END)