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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (June/2012)

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Assembly Bill 219

Relating to: requiring that personal flotation devices be worn by certain underage persons in certain boats.

By Representatives Clark, Staskunas, Hebl, Hraychuck, Cullen, Pasch, Jorgensen, Berceau, A. Ott, Petrowski, Smith, Steinbrink, Townsend, Zepnick and Zigmunt; cosponsored by Senators Sullivan, Cowles, Lassa, Lehman, Miller, Risser, Taylor and Wirch.

January 29, 2010 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

March 10, 2010 **EXECUTIVE SESSION HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Moved by Senator Sullivan, seconded by Senator Holperin that **Assembly Bill 219** be recommended for concurrence.

Ayes: (5) Senators Holperin, Sullivan, Plale, Hansen and Kedzie.

Noes: (2) Senators Leibham and Grothman.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 2

Elizabeth Novak
Committee Clerk





WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO

2009 Assembly Bill 219

Assembly Amendment 1

Memo published: November 2, 2009

Contact: Don Salm, Senior Staff Attorney (266-8540)

CURRENT LAW

Under current law, each boat must have on the boat a personal flotation device (as prescribed by federal regulations) for each person on board. The flotation devices must be so placed as to be readily accessible and available to the persons. The penalty for violating this provision is a forfeiture of not more than \$50 for the first offense and a forfeiture of not more than \$100 upon conviction of same offense a second or subsequent time within one year. [ss. 30.62 (3) (ar) and 30.80 (1), Stats.] *In addition to the applicable forfeiture, a violator must pay certain costs, fees, and surcharges specified in other provisions in the statutes.*

2009 ASSEMBLY BILL 219

Assembly Bill 219 provides that a person may not operate a “recreational boat” (defined as a “boat that is being used for pleasure”; the term “boat” is defined in very broad terms in s. 30.50 (2), Stats.) that is less than 26 feet in length and that is underway (i.e., “is not aground, not anchored or moored, and not made fast to a structure or to the shore”) unless each person on the recreational boat who is 12 years of age or younger: (1) is wearing a personal flotation device (specified under federal regulations); or (2) is in a cabin space or below the deck.

The penalty is the same as the penalty cited under current law, above, and the violator must pay the same cost, fees, and surcharges.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 to the bill *exempts* violators of the new “wearing a personal flotation device” requirement *from paying certain of the surcharges* that apply to offenders under current law and the bill. Under Assembly Amendment 1, violators would not have to pay: (1) the \$13 crime laboratories and drug law enforcement surcharge under s. 165.755 (1) (a), Stats.; (2) the \$68 court support services surcharge under s. 814.85 (1) (a), Stats.; and (3) the \$21.50 justice information surcharge under s. 814.86 (1), Stats.

As under current law and the bill, the violator would be subject to other applicable costs, fees, and surcharges.

Legislative History

At an executive session on October 29, 2009, the Assembly Committee on Tourism, Recreation and State Properties adopted Assembly Amendment 1 (offered by Representative Clark) on a vote of Ayes, 8; Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 6; Noes, 2.

DLS:jal