



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa1328/1
GMM:kmg:jf

**ASSEMBLY AMENDMENT 4,
TO 2001 ASSEMBLY BILL 805**

February 26, 2002 – Offered by Representative MILLER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 1: delete that line and substitute:

3 **“SECTION 1d.** 111.35 (2) (d) of the statutes is amended to read:

4 111.35 (2) (d) Constitutes a violation of s. 254.92 (2) or of a local ordinance that
5 is at least as strict as s. 254.92.

6 **SECTION 1g.** 134.65 (1m) of the statutes is created to read:”.

7 **2.** Page 5, line 1: delete lines 1 to 6 and substitute:

8 **“SECTION 1m.** 134.66 (2) (a) of the statutes is amended to read:

9 134.66 (2) (a) No retailer, manufacturer, distributor, jobber, or subjobber, no
10 agent, employee, or independent contractor of a retailer, manufacturer, distributor,
11 jobber, or subjobber, and no agent or employee of an independent contractor may sell
12 or provide for nominal or no consideration cigarettes or tobacco products to any
13 person under the age of 18, except as provided in s. 254.92 (2) (a) or a local ordinance

1 that is at least as strict as s. 254.92. A vending machine operator is not liable under
2 this paragraph for the purchase of cigarettes or tobacco products from his or her
3 vending machine by a person under the age of 18 if the vending machine operator was
4 unaware of the purchase.

5 **SECTION 1r.** 134.66 (2) (b) 1. of the statutes is amended to read:

6 134.66 (2) (b) 1. A retailer shall post a sign in areas within his or her premises
7 where cigarettes or tobacco products are sold to consumers stating that the sale of
8 any cigarette or tobacco product to a person under the age of 18 is unlawful under
9 this section and ~~s. 254.92.~~

10 **SECTION 2c.** 134.66 (2) (b) 2. of the statutes is amended to read:

11 134.66 (2) (b) 2. A vending machine operator shall attach a notice in a
12 conspicuous place on the front of his or her vending machines stating that the
13 purchase of any cigarette or tobacco product by a person under the age of 18 is
14 unlawful under s. 254.92 or under a local ordinance that is at least as strict as s.
15 254.92 and that the purchaser is subject to a forfeiture of not to exceed ~~\$25~~ \$50 or
16 the amount specified in the ordinance.”.

17 **3.** Page 7, line 11: delete lines 11 to 14 and substitute:

18 “**SECTION 6c.** 134.66 (4) (a) 1. of the statutes is amended to read:

19 134.66 (4) (a) 1. In this paragraph, “violation” means a violation of sub. (2) (a),
20 (am), (cm), (d) or (e) ~~or a local ordinance which strictly conforms to sub. (2) (a), (cm),~~
21 ~~(d) or (e).~~”.

22 **4.** Page 11, line 9: delete lines 9 to 17 and substitute:

23 “**SECTION 20c.** 254.92 (4) of the statutes is created to read:

1 254.92 (4) A county, town, village, or city may enact an ordinance regulating
2 the purchase, attempted purchase, or possession of, and the false representation of
3 age for the purpose of receiving, cigarettes or tobacco products by a person under 18
4 years of age, if the ordinance is at least as strict as this section. A county ordinance
5 enacted under this subsection does not apply within a town, village, or city that has
6 enacted or enacts an ordinance under this subsection.

7 **SECTION 21c.** 778.25 (1) (a) 4. of the statutes is created to read:

8 778.25 (1) (a) 4. Under s. 254.92 or under a local ordinance that is at least as
9 strict as s. 254.92 brought against an adult in circuit court or against a minor in the
10 court assigned to exercise jurisdiction under chs. 48 and 938.

11 **SECTION 21r.** 938.343 (2) of the statutes, as affected by 2001 Wisconsin Act 16,
12 is amended to read:

13 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
14 be imposed on an adult for committing that violation or, if the violation is only
15 applicable to a person under 18 years of age, \$50 or, if the violation is of an ordinance
16 that is at least as strict as s. 254.92, the amount specified in the ordinance. Any such
17 order shall include a finding that the juvenile alone is financially able to pay and
18 shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture,
19 the court may suspend any license issued under ch. 29 or suspend the juvenile's
20 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. The court
21 shall immediately take possession of the suspended license and forward it to the
22 department which issued the license, together with the notice of suspension clearly
23 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
24 the forfeiture is paid during the period of suspension, the court shall immediately
25 notify the department, which will thereupon return the license to the person. Any

1 recovery under this subsection shall be reduced by the amount recovered as a
2 forfeiture for the same act under s. 938.45 (1r) (b).”.

3 (END)