



State of Wisconsin
2009 - 2010 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 SENATE BILL 162**

March 15, 2010 - Offered by Representative STASKUNAS.

1 **AN ACT** *to renumber and amend* 30.62 (3) (a); *to amend* 165.755 (1) (b), 814.85
2 (1) (a) and 814.86 (1); and *to create* 30.62 (3) (ag) and 30.62 (3) (c) of the
3 statutes; **relating to:** requiring that personal flotation devices be worn by
4 certain underage persons in certain boats and the imposition of fees or
5 surcharges for related violations.

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

6 **SECTION 1.** 30.62 (3) (a) of the statutes is renumbered 30.62 (3) (ar) and
7 amended to read:
8 30.62 **(3)** (ar) Every boat, except a sailboard and ~~except as provided in par. (b),~~
9 shall carry at least one personal flotation device prescribed by federal regulations for
10 each person on board or being attended by the boat; and, except as provided in pars.
11 (b) and (c), the personal flotation devices shall be so placed as to be readily accessible
12 and available to the persons.

1 **SECTION 2.** 30.62 (3) (ag) of the statutes is created to read:

2 30.62 (3) (ag) In this subsection, “recreational boat” means a boat that is being
3 used for pleasure.

4 **SECTION 3.** 30.62 (3) (c) of the statutes is created to read:

5 30.62 (3) (c) No person may operate a recreational boat that is less than 26 feet
6 in length and that is under way unless each person on the recreational boat who is
7 12 years of age or younger is wearing a personal flotation device or is in a cabin space
8 or below the deck. The personal flotation device shall be a type I, type II, type III,
9 or type V personal flotation device as specified under 33 CFR part 175, subpart B.
10 A recreational boat is under way if it is not aground, is not anchored or moored, and
11 is not made fast to a structure or to the shore.

12 **SECTION 4.** 165.755 (1) (b) of the statutes is amended to read:

13 165.755 (1) (b) A court may not impose the crime laboratories and drug law
14 enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar),
15 (bm), (br), or (bv) or (5) (b), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1.,
16 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood
17 alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,
18 for a personal flotation device violation under s. 30.62 (3) (c), or for a violation of a
19 state law or municipal or county ordinance involving a nonmoving traffic violation,
20 a violation under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).

21 **SECTION 5.** 814.85 (1) (a) of the statutes is amended to read:

22 814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,
23 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the
24 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
25 time of the violation, for a personal flotation device violation under s. 30.62 (3) (c),

1 or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48
2 (2m), the clerk of circuit court shall charge and collect a \$68 court support services
3 surcharge from any person, including any governmental unit as defined in s. 108.02
4 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

5 **SECTION 6.** 814.86 (1) of the statutes, as affected by 2009 Wisconsin Act 28,
6 section 3240, is amended to read:

7 814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681
8 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
9 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
10 violation, for a personal flotation device violation under s. 30.62 (3) (c), or for a
11 violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m),
12 the clerk of circuit court shall charge and collect a \$21.50 justice information system
13 surcharge from any person, including any governmental unit, as defined in s. 108.02
14 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or
15 (b), or 814.63 (1). The justice information system surcharge is in addition to the
16 surcharge listed in sub. (1m).

17 **SECTION 7. Effective date.**

18 (1) This act takes effect on May 1, 2010, or on the day after publication,
19 whichever is later.

20 (END)