1995 ASSEMBLY BILL 283

April 4, 1995 – Introduced by Representatives Brandemuehl, Bock, Otte, Grobschmidt, Ladwig, Ott, Silbaugh, Urban, Notestein, Owens, Turner, Klusman, Riley, Wasserman, Robson and Wood, cosponsored by Senators Huelsman, Rosenzweig and Darling. Referred to Committee on Highways and Transportation.

AN ACT *to amend* 346.61 and 346.66 of the statutes; **relating to:** expanding the premises where certain offenses related to reckless driving, driving while under the influence of an intoxicant or controlled substance and the duties of a person involved in an accident apply.

Analysis by the Legislative Reference Bureau

Under current law, the laws prohibiting reckless driving and driving while under the influence of an intoxicant or controlled substance and the laws requiring a person involved in an accident to perform certain acts apply to all highways and upon all premises held out to the public for use of their motor vehicles. The Wisconsin supreme court, in *City of Kenosha v. Phillips*, 142 Wis. 2d 549 (1988), held that a private parking lot of a company posted with a sign restricting the use of the parking lot was not "held out" to the public for use of their motor vehicles and therefore that the laws regarding drunk driving did not apply to that parking lot. The court affirmed the circuit court dismissal of a charge of drunken driving against the defendant because the defendant was operating a motor vehicle while in the company parking lot.

This bill provides that the laws prohibiting reckless driving and driving while under the influence of an intoxicant or controlled substance and the laws requiring a person involved in an accident to perform certain acts are applicable to all premises held out to the public for motor vehicle use, all premises provided to employes and all premises provided to tenants of rental housing in buildings of 4 or more units.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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Section 1. 346.61 of the statutes is amended to read:

346.61 Applicability of sections relating to reckless and drunken driving. In addition to being applicable upon highways, ss. 346.62 to 346.64 are applicable upon all premises held out to the public for use of their motor vehicles, all premises provided by employers to employes for the use of their motor vehicles and all premises provided to tenants of rental housing in buildings of 4 or more units for the use of their motor vehicles, whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof.

Section 2. 346.66 of the statutes is amended to read:

346.66 Applicability of sections relating to accidents and accident reporting. In addition to being applicable upon highways, ss. 346.67 to 346.70 are applicable upon all premises held out to the public for use of their motor vehicles, all premises provided by employers to employes for the use of their motor vehicles and all premises provided to tenants of rental housing in buildings of 4 or more units for the use of their motor vehicles, whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof. These sections do not apply to accidents involving only snowmobiles, all-terrain vehicles or vehicles propelled by human power or drawn by animals.

SECTION 3. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection, but does not preclude the counting of prior suspensions, revocations or convictions when sentencing a person.

23 (END)