



State of Wisconsin
2011 - 2012 LEGISLATURE



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2011 ASSEMBLY BILL 439

December 20, 2011 – Introduced by Representatives BIES, MOLEPSKE JR, BERCEAU, HULSEY, JACQUE, A. OTT, PETRYK, STASKUNAS and THIESFELDT, cosponsored by Senator OLSEN. Referred to Committee on Transportation.

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), 30.50 (9x), 350.01 (10r),
3 350.11 (3) (a) 4. and 350.11 (3) (c); *to amend* 23.33 (4c) (a) 3., 23.33 (4c) (a) 4.,
4 23.33 (4c) (b) 3., 23.33 (4t), 23.33 (13) (b) 1., 23.33 (13) (b) 2., 23.33 (13) (b) 3.,
5 23.33 (13) (bg), 23.33 (13) (cm), 23.33 (13) (dm), 30.681 (1) (bn), 30.681 (1) (c),
6 30.681 (2) (c), 30.681 (2) (d) 1. a., 30.686, 30.74 (1) (bn), 30.80 (6) (a) 1., 30.80
7 (6) (a) 2., 30.80 (6) (a) 3., 30.80 (6) (a) 4., 30.80 (6) (a) 5., 30.80 (6) (a) 6., 30.80
8 (6) (e), 59.54 (14) (g), 343.10 (1) (a), 343.10 (2) (a) 1., 343.10 (9), 343.21 (1) (jr),
9 350.055 (1), 350.101 (1) (c), 350.101 (1) (d), 350.101 (2) (c), 350.106, 350.11 (3)
10 (a) 1., 350.11 (3) (a) 2., 350.11 (3) (a) 3., 350.11 (3) (bm), 350.11 (3) (cm), 940.09
11 (1m) (b) and 940.25 (1m) (b); and *to create* 23.33 (1) (ib), 23.33 (1) (im), 23.33
12 (1) (jc), 23.33 (1) (jh), 23.33 (1) (jk), 23.33 (4y), 23.33 (13) (b) 4b., 23.33 (13) (b)
13 5., 23.33 (13) (bm), 23.33 (13) (ce), 23.33 (13) (d) 2., 23.33 (13) (eg), 30.50 (4n),
14 30.50 (4v), 30.50 (9m), 30.50 (9s), 30.50 (9t), 30.688, 30.80 (6) (am), 30.80 (6)

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1 (ar), 30.80 (6) (bg), 30.80 (6) (bn), 30.80 (6) (c) 2., 30.80 (6) (cm), 350.01 (9b),
2 350.01 (9j), 350.01 (10p), 350.01 (10q), 350.1075, 350.11 (3) (a) 4b., 350.11 (3)
3 (a) 5., 350.11 (3) (am), 350.11 (3) (ar), 350.11 (3) (bg), 350.11 (3) (c) 2. and 350.11
4 (3) (e) of the statutes; **relating to:** intoxicated operation of all-terrain vehicles,
5 snowmobiles, motorboats, and motor vehicles, snowmobile safety instruction
6 for persons under 16 years of age, and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, a person may not operate a snowmobile, an all-terrain vehicle (ATV), 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 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 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, 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, the intoxicated boating, or the intoxicated snowmobiling law, a court may only count as 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 snowmobiling law and the snowmobile refusal law as prior convictions. Previous convictions of the intoxicated operation of an ATV 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, the intoxicated boating, and the intoxicated snowmobiling laws more consistent. These changes include:

1. Raising the age of absolute sobriety for the operation of snowmobiles and ATVs to 21. Current law requires absolute sobriety for persons under the age of 19 who are operating snowmobiles and ATVs and for persons under the age of 21 for motorboats.

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

3. Imposing increased penalties for violating the intoxicating boating law or the intoxicated snowmobiling law or related refusal law if the 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 law and the ATV refusal law.

4. Repealing the provisions that imposed increased penalties for operating an ATV 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.

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 two types of recreational vehicles that occurred before the effective date of this bill are not counted.

The bill also requires a court to enter an order to suspend the person's privilege to operate a snowmobile, an ATV, 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, the intoxicated boating, or the intoxicated snowmobiling law or the related refusal law. The bill also provides a forfeiture and additional six-month period of operating privilege suspension for violating the order of suspension.

If the person is found guilty of a violation of the intoxicated operation of an ATV, the intoxicated boating, or the intoxicated snowmobiling law or the related refusal law and has, within the previous five years, violated one of these laws, the bill requires the court to revoke the person's privilege to operate a motor vehicle for not less than six months and not more than 12 months. 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, 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

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intoxicated operation of an ATV, the intoxicated boating, the intoxicated snowmobiling law, or the applicable refusal law.

Under current law, with limited exceptions, no person may operate a snowmobile without having completed a snowmobile safety course. For persons under the age of 16, the course must include six hours of classroom instruction. This bill repeals this classroom instruction requirement.

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 concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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 vehicle law, the intoxicated boating law, as defined in s. 30.50 (4m),
4 or the intoxicated snowmobiling law, as defined in s. 350.01 (9c).

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

6 23.33 (1) (im) “Legal drinking age” means 21 years of age.

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

8 23.33 (1) (jc) “Public premises” means all premises held out to the public for use
9 of a motor vehicle, including highways, all premises provided by employers to
10 employees for the use of their motor vehicles, and all premises provided to tenants
11 of rental housing in buildings of 4 or more units for the use of their motor vehicles,
12 whether such premises are publicly or privately owned and whether or not a fee is
13 charged for the use of those premises.

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

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1 23.33 (1) (jh) “Recreational vehicle” means an all-terrain vehicle, a
2 recreational motorboat as defined in s. 30.50 (9m), or a snowmobile, as defined in s.
3 340.01 (58a).

4 **SECTION 5.** 23.33 (1) (jk) of the statutes is created to read:

5 23.33 (1) (jk) “Recreational vehicle and boating refusal law” means the
6 all-terrain vehicle refusal law, the boating refusal law, as defined in s. 30.50 (2c), or
7 the snowmobiling refusal law, as defined in s. 350.01 (17m).

8 **SECTION 6.** 23.33 (1) (jm) of the statutes is renumbered 23.33 (1) (br) and
9 amended to read:

10 23.33 (1) (br) “~~Refusal~~ All-terrain vehicle refusal law” means sub. (4p) (e) or
11 a local ordinance in conformity therewith.

12 **SECTION 7.** 23.33 (4c) (a) 3. of the statutes is amended to read:

13 23.33 (4c) (a) 3. ‘Operating with alcohol concentrations at specified levels;
14 below legal drinking age 19.’ ~~If a~~ A person who has not attained the legal drinking
15 ~~age of 19, the person~~ may not engage in the operation of an all-terrain vehicle while
16 he or she has an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

17 **SECTION 8.** 23.33 (4c) (a) 4. of the statutes is amended to read:

18 23.33 (4c) (a) 4. ‘Related charges.’ A person may be charged with and a
19 prosecutor may proceed upon a complaint based upon a violation of any combination
20 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the
21 person is charged with violating any combination of subd. 1., 2., or 2m., the offenses
22 shall be joined. If the person is found guilty of any combination of subd. 1., 2., or 2m.
23 for acts arising out of the same incident or occurrence, there shall be a single
24 conviction for purposes of sentencing and for purposes of counting convictions under

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1 sub. (13) (b) 2. ~~and 3. to 5.~~ Subdivisions 1., 2., and 2m. each require proof of a fact
2 for conviction which the others do not require.

3 **SECTION 9.** 23.33 (4c) (b) 3. of the statutes is amended to read:

4 23.33 (4c) (b) 3. 'Related charges.' A person may be charged with and a
5 prosecutor may proceed upon a complaint based upon a violation of any combination
6 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the
7 person is charged with violating any combination of subd. 1., 2., or 2m. in the
8 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty
9 of any combination of subd. 1, 2., or 2m. for acts arising out of the same incident or
10 occurrence, there shall be a single conviction for purposes of sentencing and for
11 purposes of counting convictions under sub. (13) (b) 2. ~~and 3. to 5.~~ Subdivisions 1.,
12 2., and 2m. each require proof of a fact for conviction which the others do not require.

13 **SECTION 10.** 23.33 (4t) of the statutes is amended to read:

14 23.33 (4t) REPORT ARREST TO DEPARTMENT. If a law enforcement officer arrests
15 a person for a violation of the intoxicated operation of an all-terrain vehicle law or
16 the all-terrain vehicle refusal law, the law enforcement officer shall notify the
17 department of the arrest as soon as practicable.

18 **SECTION 11.** 23.33 (4y) of the statutes is created to read:

19 23.33 (4y) SUSPENSION OR REVOCATION OF OPERATING PRIVILEGES. (a) *Orders to*
20 *suspend or revoke.* 1. If a court imposes a penalty for a violation of the intoxicated
21 operation of an all-terrain vehicle law or the all-terrain vehicle refusal law, the court
22 shall order the suspension of the person's privilege to operate a recreational vehicle
23 for a period of not less than 12 months and not more than 16 months. Whenever a
24 court suspends an operating privilege under this subdivision, the court shall notify
25 the department of that action.

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1 2. In addition to the order under subd. 1., the court shall also order the
2 revocation of the person's privilege to operate a motor vehicle on public premises if
3 the person, within 5 years prior to the arrest for the current violation of the
4 intoxicated operation of an all-terrain vehicle law or the all-terrain vehicle refusal
5 law, violated the intoxicated operating law or the recreational vehicle and boating
6 refusal law. The period of revocation shall be not less than 6 months and not more
7 than 12 months. Whenever a court revokes an operating privilege under this
8 subdivision, the court may take possession of the revoked license. If the court takes
9 possession of the revoked license, the court shall destroy the license. The court shall
10 forward to the department of transportation the record of the conviction and notice
11 of revocation. The person is eligible for an occupational license under s.343.10 at any
12 time.

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

15 2. No person may operate an all-terrain vehicle during the time that the
16 person's motor vehicle operating privilege is suspended or revoked for a conviction
17 counted under s. 343.307 (1).

18 **SECTION 12.** 23.33 (13) (b) 1. of the statutes is amended to read:

19 23.33 (13) (b) 1. Except as provided under subs. 2. ~~and 3. to 5.~~, a person who
20 violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) shall forfeit not less than \$150 \$400 nor
21 more than \$300 \$550.

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

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

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

4 **SECTION 14.** 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
8 operating law or, the recreational vehicle and boating refusal law, or any combination
9 of these laws, shall be fined not less than \$600 nor more than \$2,000 and shall be
10 imprisoned not less than 30 days nor more than one year in the county jail.

11 **SECTION 15.** 23.33 (13) (b) 4. of the statutes is renumbered 23.33 (13) (b) 6. and
12 amended to read:

13 23.33 (13) (b) 6. A person who violates sub. (4c) (a) 3. or who violates (4p) (e)
14 and who has not attained the legal drinking age of 19 shall forfeit not more than \$50.

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

16 23.33 (13) (b) 4b. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
17 who, 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 17.** 23.33 (13) (b) 5. of the statutes is created to read:

23 23.33 (13) (b) 5. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
24 who, within 5 years prior to the arrest for the current violation, was convicted 4 or
25 more times previously under the intoxicated operating law, the recreational vehicle

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1 and 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 18.** 23.33 (13) (bg) of the statutes is amended to read:

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

11 **SECTION 19.** 23.33 (13) (bm) of the statutes is created to read:

12 23.33 (13) (bm) *Alcohol and drug treatment alternatives.* 1. In any county that
13 opts to offer a reduced minimum period of imprisonment for the successful
14 completion of a probation period that includes alcohol and other drug treatment, if
15 the number of suspensions, revocations, and convictions for a violation of the
16 intoxicated operation of an all-terrain vehicle law or of the all-terrain vehicle refusal
17 law within a 5-year period equals 2, except that suspensions, revocations, or
18 convictions arising out of the same incident or occurrence shall be counted as one, the
19 fine shall be the same as under par. (b) 2., but the period of imprisonment shall be
20 not less than 5 days, except that if the person successfully completes a period of
21 probation that includes alcohol and other drug treatment, the period of
22 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

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1 violation of the intoxicated operation of an all-terrain vehicle law or of the
2 all-terrain vehicle refusal law within a 5-year period equals 3, except that
3 suspensions, revocations, or convictions arising out of the same incident or
4 occurrence shall be counted as one, the fine shall be the same as under par. (b) 3., but
5 the period of imprisonment shall be not less than 30 days, except that if the person
6 successfully completes a period of probation that includes alcohol and other drug
7 treatment, the period of imprisonment shall be not less than 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 operation of an all-terrain vehicle law or of the
12 all-terrain vehicle refusal law within a 5-year period equals 4, except that
13 suspensions, revocations, or convictions arising out of the same incident or
14 occurrence shall be counted as one, the fine shall be the same as under par. (b) 4b.,
15 but the period of imprisonment shall be not less than 60 days, except that if the
16 person successfully completes a period of probation that includes alcohol and other
17 drug treatment, the period of imprisonment shall be not less than 29 days.

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

20 **SECTION 20.** 23.33 (13) (br) of the statutes is repealed.

21 **SECTION 21.** 23.33 (13) (ce) of the statutes is created to read:

22 23.33 (13) (ce) *Penalties related to suspension and revocation.* 1. A person who
23 operates a recreational vehicle in violation of sub. (4y) (b) 1. is subject to a forfeiture
24 of not less than \$50 nor more than \$250. In addition, for each such violation, the court
25 may suspend the person's privilege to operate a recreational vehicle for a period of

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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 an all-terrain vehicle in violation of sub. (4y) (b) 2.
4 is subject to a forfeiture of not less than \$150 nor more than \$300. In addition, the
5 court may suspend the person's privilege to operate a recreational vehicle for a period
6 of 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 22.** 23.33 (13) (cm) of the statutes is amended to read:

9 23.33 (13) (cm) *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. (b) 2. ~~or 3., 4b., or 5.,~~ or (c). The use of this option can result in significant cost
12 savings for the state and local governments.

13 **SECTION 23.** 23.33 (13) (d) of the statutes is renumbered 23.33 (13) (d) 1. and
14 amended to read:

15 23.33 (13) (d) 1. In determining the number of previous convictions under par.
16 (b) 2. ~~and 3. to 5.,~~ convictions arising out of the same incident or occurrence shall be
17 counted as one previous conviction.

18 **SECTION 24.** 23.33 (13) (d) 2. of the statutes is created to read:

19 23.33 (13) (d) 2. In determining the number of previous convictions under par.
20 (b) 2. to 5., previous convictions under the intoxicated operation of an all-terrain
21 vehicle law or under the all-terrain vehicle refusal law that occurred before, on, or
22 after the effective date of this subdivision [LRB inserts date], and previous
23 convictions under the intoxicated boating law, as defined in s. 30.50 (4m), the boating
24 refusal law, as defined in s. 30.50 (2c), the intoxicated snowmobiling law, as defined
25 in s. 350.01 (9c), or the snowmobiling refusal law, as defined in s. 350.01 (17m), that

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1 occur after the effective date of this subdivision [LRB inserts date], shall count as
2 previous convictions.

3 **SECTION 25.** 23.33 (13) (dm) of the statutes is amended to read:

4 23.33 (13) (dm) *Reporting convictions to the department.* Whenever a person
5 is convicted of a violation of the intoxicated operation of an all-terrain vehicle law
6 or the all-terrain vehicle refusal law, the ~~clerk of the court in which the conviction~~
7 ~~occurred, or the justice, judge or magistrate of a court not having a clerk,~~ shall
8 forward to the department the record of such conviction. The record of conviction
9 forwarded to the department shall state whether the offender was involved in an
10 accident at the time of the offense.

11 **SECTION 26.** 23.33 (13) (eg) of the statutes is created to read:

12 23.33 (13) (eg) *Certificate of completion of safety program.* In addition to any
13 other penalty or order, a person who for the first time violates the intoxicated
14 operation of an all-terrain vehicle law or the all-terrain vehicle refusal law shall be
15 ordered by the court to obtain a certificate of satisfactory completion of a safety
16 program established under s. 23.33 (5) (d). If the person has a valid certificate at the
17 time that the court imposes sentence for such a violation, the court shall
18 permanently revoke the certificate and order the person to obtain another certificate
19 of satisfactory completion of the safety program.

20 **SECTION 27.** 30.50 (4n) of the statutes is created to read:

21 30.50 (4n) “Intoxicated operating law” means the intoxicated operation of an
22 all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated boating law, or
23 the intoxicated snowmobiling law, as defined in s. 350.01 (9c).

24 **SECTION 28.** 30.50 (4v) of the statutes is created to read:

25 30.50 (4v) “Legal drinking age” means 21 years of age.

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1 **SECTION 29.** 30.50 (9m) of the statutes is created to read:

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

4 **SECTION 30.** 30.50 (9s) of the statutes is created to read:

5 30.50 **(9s)** “Recreational vehicle” means an all-terrain vehicle, as defined in s.
6 340.01 (2g), a recreational motorboat, or a snowmobile, as defined in s. 340.01 (58a).

7 **SECTION 31.** 30.50 (9t) of the statutes is created to read:

8 30.50 **(9t)** “Recreational vehicle and boating refusal law” means the all-terrain
9 vehicle refusal law, as defined in s. 23.33 (1) (br), the boating refusal law, or the
10 snowmobiling refusal law, as defined in s. 350.01 (17m).

11 **SECTION 32.** 30.50 (9x) of the statutes is renumbered 30.50 (2c) and amended
12 to read:

13 30.50 **(2c)** “~~Refusal~~ Boating refusal law” means s. 30.684 (5) or a local ordinance
14 in conformity with that subsection.

15 **SECTION 33.** 30.681 (1) (bn) of the statutes is amended to read:

16 30.681 **(1)** (bn) *Operating with alcohol concentrations at specified levels; below*
17 *legal drinking age.* A person who has not attained the legal drinking age, ~~as defined~~
18 ~~in s. 125.02 (8m),~~ may not engage in the operation of a motorboat while he or she has
19 ~~a blood~~ an alcohol concentration of more than 0.0 but less than 0.08.

20 **SECTION 34.** 30.681 (1) (c) of the statutes is amended to read:

21 30.681 **(1)** (c) *Related charges.* A person may be charged with and a prosecutor
22 may proceed upon a complaint based upon a violation of any combination of par. (a)
23 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person
24 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2., the offenses
25 shall be joined. If the person is found guilty of any combination of par. (a) or (b) 1.,

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1 1m., or 2. for acts arising out of the same incident or occurrence, there shall be a
2 single conviction for purposes of sentencing and for purposes of counting convictions
3 under s. 30.80 (6) (a) 2. ~~and 3.~~ to 5. Paragraphs (a) and (b) 1., 1m., and 2. each require
4 proof of a fact for conviction which the others do not require.

5 **SECTION 35.** 30.681 (2) (c) of the statutes is amended to read:

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

16 **SECTION 36.** 30.681 (2) (d) 1. a. of the statutes is amended to read:

17 30.681 (2) (d) 1. a. In an action under this subsection for a violation of the
18 intoxicated boating law where the defendant was operating a recreational motorboat
19 ~~that is not a commercial motorboat~~, the defendant has a defense if he or she proves
20 by a preponderance of the evidence that the injury would have occurred even if he
21 or she had been exercising due care and he or she had not been under the influence
22 of an intoxicant or did not have an alcohol concentration of 0.08 or more or a
23 detectable amount of a restricted controlled substance in his or her blood.

24 **SECTION 37.** 30.686 of the statutes is amended to read:

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1 **30.686 Report arrest to department.** If a law enforcement officer arrests
2 a person for a violation of the intoxicated boating law or the boating refusal law, the
3 law enforcement officer shall notify the department of the arrest as soon as
4 practicable.

5 **SECTION 38.** 30.688 of the statutes is created to read:

6 **30.688 Suspension or revocation of operating privileges. (1) ORDERS TO**
7 **SUSPEND OR REVOKE.** (a) If a court imposes a penalty for a violation of the intoxicated
8 boating law or the boating refusal law and if the violation involved the operation of
9 a recreational motorboat, the court shall order the suspension of the person's
10 privilege to operate a recreational vehicle for a period of not less than 12 months and
11 not more than 16 months. Whenever a court suspends an operating privilege under
12 this paragraph, the court shall notify the department of that action.

13 (b) In addition to the order under par. (a), the court shall also order the
14 revocation of the person's privilege to operate a motor vehicle on public premises, as
15 defined in s. 23.33 (1) (jc), if the person, within 5 years prior to the arrest for the
16 current violation subject to the order under par. (a), violated the intoxicated
17 operating law or the recreational vehicle and boating refusal law. The period of
18 revocation shall be not less than 6 months and not more than 12 months. Whenever
19 a court revokes an operating privilege under this paragraph, the court may take
20 possession of the revoked license. If the court takes possession of the revoked license,
21 the court shall destroy the license. The court shall forward to the department of
22 transportation the record of the conviction and notice of revocation. The person is
23 eligible for an occupational license under s. 343.10 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 sub. (1) (a).

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1 (b) No person may operate a recreational motorboat 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).

4 **SECTION 39.** 30.74 (1) (bn) of the statutes is amended to read:

5 30.74 (1) (bn) A certificate issued to a person under this subsection is valid for
6 life unless the certificate or the person's privilege to operate a motorboat is
7 suspended or revoked by a court under s. 30.688 (1) (a), 30.80 (2m) or (6) (e), or
8 938.343 (5).

9 **SECTION 40.** 30.80 (6) (a) 1. of the statutes is amended to read:

10 30.80 (6) (a) 1. Except as provided under subds. 2. to 5., a person who violates
11 s. 30.681 (1) (a) or (b), ~~a local ordinance in conformity with s. 30.681 (1) (a) or (b) or~~
12 ~~the refusal law 30.684 (5)~~ shall forfeit not less than \$150 \$400 nor more than \$300
13 \$550.

14 **SECTION 41.** 30.80 (6) (a) 2. of the statutes is amended to read:

15 30.80 (6) (a) 2. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
16 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,
17 within 5 years prior to the arrest for the current violation, was convicted one time
18 previously under the intoxicated boating operating law or the recreational vehicle
19 and boating refusal law shall be fined not less than \$300 nor more than ~~\$1,000~~ \$1,100
20 and shall be imprisoned for not less than 5 days nor more than ~~6 months~~ one year
21 in the county jail.

22 **SECTION 42.** 30.80 (6) (a) 3. of the statutes is amended to read:

23 30.80 (6) (a) 3. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
24 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,
25 within 5 years prior to the arrest for the current violation, was convicted 2 times

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1 previously under the intoxicated boating operating law ~~or, the recreational vehicle~~
2 and boating refusal law, or any combination of these laws, shall be fined not less than
3 \$600 nor more than \$2,000 and shall be imprisoned for not less than 30 days nor more
4 than one year in the county jail.

5 **SECTION 43.** 30.80 (6) (a) 4. of the statutes is amended to read:

6 30.80 (6) (a) 4. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
7 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,
8 within 5 years prior to the arrest for the current violation, was convicted 3 times
9 previously under the intoxicated boating operating law ~~or, the recreational vehicle~~
10 and boating refusal law, or any combination of these laws, shall be fined not less than
11 \$600 nor more than \$2,000 and shall be imprisoned for not less than 60 days nor more
12 than one year in the county jail.

13 **SECTION 44.** 30.80 (6) (a) 5. of the statutes is amended to read:

14 30.80 (6) (a) 5. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
15 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ 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 boating operating law ~~or, the recreational~~
18 vehicle and boating refusal law, or any combination of these laws, shall be fined not
19 less than \$600 nor more than \$2,000 and shall be imprisoned for not less than 6
20 months nor more than one year in the county jail.

21 **SECTION 45.** 30.80 (6) (a) 6. of the statutes is amended to read:

22 30.80 (6) (a) 6. A person who violates s. 30.681 (1) (bn) or ~~a local ordinance in~~
23 ~~conformity with s. 30.681 (1) (bn)~~ who violates s. 30.684 (5) and has not attained the
24 legal drinking age shall forfeit \$50.

25 **SECTION 46.** 30.80 (6) (am) of the statutes is created to read:

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1 30.80 (6) (am) *Penalties related to operating with underage passengers.* If there
2 is a passenger under 16 years of age in a motorboat at the time of a violation that
3 gives rise to a conviction under s. 30.681 (1) (a) or (b) 1. or 1m. or 30.684 (5), the
4 applicable minimum and maximum forfeitures, fines, and terms of imprisonment
5 under par. (a) 1., 2., 3., 4., and 5. for the conviction are doubled.

6 **SECTION 47.** 30.80 (6) (ar) of the statutes is created to read:

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

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

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1 alcohol and other drug treatment, the period of imprisonment shall be not less than
2 14 days.

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

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

15 **SECTION 48.** 30.80 (6) (bg) of the statutes is created to read:

16 30.80 (6) (bg) *Penalties related to suspension and revocation.* 1. A person who
17 operates a recreational vehicle in violation of s. 30.688 (2) (a) is subject to a forfeiture
18 of not less than \$50 nor more than \$250. In addition, for each such violation, the court
19 may suspend the person's privilege to operate a recreational vehicle for a period of
20 not more than 6 months. Whenever a court suspends an operating privilege under
21 this subdivision, the court shall notify the department of that action.

22 2. A person who operates a recreational motorboat in violation of s. 30.688 (2)
23 (b) is subject to a forfeiture of not less than \$150 nor more than \$300. In addition,
24 the court may suspend the person's privilege to operate a recreational vehicle for a

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

3 **SECTION 49.** 30.80 (6) (bn) of the statutes is created to read:

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

8 **SECTION 50.** 30.80 (6) (c) of the statutes is renumbered 30.80 (6) (c) 1.

9 **SECTION 51.** 30.80 (6) (c) 2. of the statutes is created to read:

10 30.80 (6) (c) 2. In determining the number of previous convictions under par.
11 (a) 2. to 5., previous convictions under the the intoxicated boating law or the boating
12 refusal law that occurred before, on, or after the effective date of this subdivision
13 [LRB inserts date], and previous convictions under the intoxicated operation of an
14 all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the all-terrain vehicle refusal
15 law, as defined in s. 23.33 (1) (br), the intoxicated snowmobiling law, as defined in s.
16 350.01 (9c), or the snowmobiling refusal law, as defined in s. 350.01 (17m), that occur
17 after the effective date of this subdivision [LRB inserts date], shall count as
18 previous convictions.

19 **SECTION 52.** 30.80 (6) (cm) of the statutes is created to read:

20 30.80 (6) (cm) *Reporting convictions to the department.* Whenever a person is
21 convicted of a violation of the intoxicated boating law or the boating refusal law, the
22 court in which the conviction occurred shall forward to the department the record of
23 such conviction. The record of conviction forwarded to the department shall state
24 whether the offender was involved in an accident at the time of the offense.

25 **SECTION 53.** 30.80 (6) (e) of the statutes is amended to read:

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

10 **SECTION 54.** 59.54 (14) (g) of the statutes is amended to read:

11 59.54 (14) (g) A county may establish extensions of the jail, which need not be
12 at the county seat, to serve as places of temporary confinement. No person may be
13 detained in such an extension for more than 24 consecutive hours, except that a court
14 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. or 3., 4b.
15 or 5. or (c), 30.80 (6) (a) 2., 3., 4., or 5. or (b) or 350.11 (3) (a) 2. or 3., 4b., or 5. or (b)
16 be imprisoned for more than 24 consecutive hours in such an extension. Jail
17 extensions shall be subject to plans and specifications approval by the department
18 of corrections and shall conform to other requirements imposed by law on jails,
19 except that cells may be designed and used for multiple occupancy.

20 **SECTION 55.** 343.10 (1) (a) of the statutes is amended to read:

21 343.10 (1) (a) If a person's license or operating privilege is revoked or
22 suspended under this chapter or s. 23.33 (4y) (a) 2., 30.688 (1) (b), 350.1075 (1) (b),
23 767.73, 938.34 (14q), 943.21 (3m), or 961.50 and if the person is engaged in an
24 occupation, including homemaking or full-time or part-time study, or a trade
25 making it essential that he or she operate a motor vehicle, the person, after payment

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1 of the fee provided in sub. (6), may file an application with the department setting
2 forth in detail the need for operating a motor vehicle. No person may file more than
3 one application with respect to each revocation or suspension of the person's license
4 or operating privilege under this chapter or s. 23.33 (4y) (a) 2., 30.688 (1) (b),
5 350.1075 (1) (b), 767.73, 938.34 (14q), 943.21 (3m), or 961.50, except that this
6 limitation does not apply to an application to amend an occupational license
7 restriction.

8 **SECTION 56.** 343.10 (2) (a) 1. of the statutes is amended to read:

9 343.10 (2) (a) 1. Except for a revocation or suspension that arose out of the same
10 incident or occurrence for which the person's license or operating privilege is
11 currently revoked or suspended, the person's license or operating privilege was not
12 revoked or suspended previously under this chapter or ch. 344 or s. 23.33 (4y) (a) 2.,
13 30.688 (1) (b), 350.1075 (1) (b), 943.21 (3m) or 961.50 within the one-year period
14 immediately preceding the present revocation or suspension, except as provided in
15 s. 344.40.

16 **SECTION 57.** 343.10 (9) of the statutes is amended to read:

17 343.10 (9) NOTICE. The department shall inform a person whose operating
18 privilege is revoked or suspended under this chapter or chs. 23, 30, or 350 of his or
19 her right to apply to the department for issuance of an occupational license under
20 this section.

21 **SECTION 58.** 343.21 (1) (jr) of the statutes is amended to read:

22 343.21 (1) (jr) In addition to any other fee under this subsection, for
23 reinstatement of an operating privilege previously revoked or suspended under s.
24 23.33 (4y) (a) 2., 30.688 (1) (b), 343.305 (7), or 350.1075 (1) (b) or resulting from the
25 commission of an offense listed in s. 343.307, \$140.

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1 **SECTION 59.** 350.01 (9b) of the statutes is created to read:

2 350.01 **(9b)** “Intoxicated operating law” means the intoxicated operation of an
3 all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated boating law, as
4 defined in s. 30.50 (4m), or the intoxicated snowmobiling law.

5 **SECTION 60.** 350.01 (9j) of the statutes is created to read:

6 350.01 **(9j)** “Legal drinking age” means 21 years of age.

7 **SECTION 61.** 350.01 (10p) of the statutes is created to read:

8 350.01 **(10p)** “Recreational vehicle” means an all-terrain vehicle, as defined
9 in s. 340.01 (2g), a recreational motorboat, as defined in s. 30.50 (9m), or a
10 snowmobile.

11 **SECTION 62.** 350.01 (10q) of the statutes is created to read:

12 350.01 **(10q)** “Recreational vehicle and boating refusal law” means the
13 all-terrain vehicle refusal law, as defined in s. 23.33 (1) (br), the boating refusal law,
14 as defined in s. 30.50 (2c), or the snowmobiling refusal law.

15 **SECTION 63.** 350.01 (10r) of the statutes is renumbered 350.01 (17m) and
16 amended to read:

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

19 **SECTION 64.** 350.055 (1) of the statutes is amended to read:

20 350.055 **(1)** The department shall establish a program of instruction on
21 snowmobile laws, including the intoxicated snowmobiling law, regulations, safety
22 and related subjects. The program shall be conducted by instructors certified by the
23 department. The department may procure liability insurance coverage for certified
24 instructors for work within the scope of their duties under this section. ~~For each~~
25 ~~person who is under the age of 16 years, the program shall include 6 hours of~~

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1 ~~classroom instruction, and the instructor may provide to the person up to 2~~
2 ~~additional hours of instruction on a snowmobile as to how it is actually operated.~~
3 Each person satisfactorily completing this program shall receive a snowmobile
4 safety certificate from the department. The department shall establish by rule an
5 instruction fee for this program. An instructor conducting a program of instruction
6 under this section shall collect the instruction fee from each person who receives
7 instruction. The department may determine the portion of this fee, which may not
8 exceed 50%, that the instructor may retain to defray expenses incurred by the
9 instructor in conducting the program. The instructor shall remit the remainder of
10 the fee or, if nothing is retained, the entire fee to the department. The department
11 shall issue a duplicate certificate of accomplishment to a person who is entitled to a
12 duplicate certificate of accomplishment and who pays a fee of \$2.75.

13 **SECTION 65.** 350.101 (1) (c) of the statutes is amended to read:

14 350.101 (1) (c) *Operating with alcohol concentrations at specified levels; below*
15 *legal drinking age 19.* ~~If a~~ A person who has not attained the legal drinking age of
16 ~~19, the person~~ may not engage in the operation of a snowmobile while he or she has
17 an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

18 **SECTION 66.** 350.101 (1) (d) of the statutes is amended to read:

19 350.101 (1) (d) *Related charges.* A person may be charged with and a prosecutor
20 may proceed upon a complaint based upon a violation of any combination of par. (a),
21 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is
22 charged with violating any combination of par. (a), (b), or (bm), the offenses shall be
23 joined. If the person is found guilty of any combination of par. (a), (b), or (bm) for acts
24 arising out of the same incident or occurrence, there shall be a single conviction for
25 purposes of sentencing and for purposes of counting convictions under s. 350.11 (3)

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1 (a) ~~2. and 3. to 5.~~ Paragraphs (a), (b), and (bm) each require proof of a fact for
2 conviction which the others do not require.

3 **SECTION 67.** 350.101 (2) (c) of the statutes is amended to read:

4 350.101 (2) (c) *Related charges.* A person may be charged with and a prosecutor
5 may proceed upon a complaint based upon a violation of any combination of par. (a),
6 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is
7 charged with violating any combination of par. (a), (b), or (bm) in the complaint, the
8 crimes shall be joined under s. 971.12. If the person is found guilty of any
9 combination of par. (a), (b), or (bm) for acts arising out of the same incident or
10 occurrence, there shall be a single conviction for purposes of sentencing and for
11 purposes of counting convictions under s. 350.11 (3) (a) ~~2. and 3. to 5.~~ Paragraphs
12 (a), (b), and (bm) each require proof of a fact for conviction which the others do not
13 require.

14 **SECTION 68.** 350.106 of the statutes is amended to read:

15 **350.106 Report arrest to department.** If a law enforcement officer arrests
16 a person for a violation of the intoxicated snowmobiling law or the snowmobiling
17 refusal law, the law enforcement officer shall notify the department of the arrest as
18 soon as practicable.

19 **SECTION 69.** 350.1075 of the statutes is created to read:

20 **350.1075 Suspension or revocation of operating privileges. (1) ORDERS**
21 **TO SUSPEND OR REVOKE.** (a) If a court imposes a penalty for a violation of the
22 intoxicated snowmobiling law or the snowmobiling refusal law, the court shall order
23 the suspension of the person's privilege to operate a recreational vehicle for a period
24 of not less than 12 months and not more than 16 months. Whenever a court suspends

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

3 (b) In addition to the order under par. (a), the court shall also order the
4 revocation of the person's privilege to operate a motor vehicle on public premises, as
5 defined in s. 23.33 (1) (jc), if the person, within 5 years prior to the arrest for the
6 current violation of the intoxicated snowmobiling law or the snowmobiling refusal
7 law, violated the intoxicated operating law or the recreational vehicle and boating
8 refusal law. The period of revocation shall be not less than 6 months and not more
9 than 12 months. Whenever a court revokes an operating privilege under this
10 paragraph, the court may take possession of the revoked license. If the court takes
11 possession of the revoked license, the court shall destroy the license. The court shall
12 forward to the department of transportation the record of the conviction and notice
13 of revocation. The person is eligible for an occupational license under s. 343.10 at any
14 time.

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

17 (b) No person may operate a snowmobile during the time that the person's
18 motor vehicle operating privilege is suspended or revoked for a conviction counted
19 under s. 343.307 (1).

20 **SECTION 70.** 350.11 (3) (a) 1. of the statutes is amended to read:

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

24 **SECTION 71.** 350.11 (3) (a) 2. of the statutes is amended to read:

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1 350.11 (3) (a) 2. ~~Except as provided under subd. 3., a~~ A person who violates
2 s. 350.101 (1) (a), (b), or (bm) or 350.104 (5) and who, within 5 years prior to the arrest
3 for the current violation, was convicted one time previously under the intoxicated
4 ~~snowmobiling operating~~ law or the recreational vehicle and boating refusal law shall
5 be fined not less than \$300 nor more than ~~\$1,000~~ \$1,100 and shall be imprisoned not
6 less than 5 days nor more than ~~6 months~~ one year in the county jail.

7 **SECTION 72.** 350.11 (3) (a) 3. of the statutes is amended to read:

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

14 **SECTION 73.** 350.11 (3) (a) 4. of the statutes is renumbered 350.11 (3) (a) 6. and
15 amended to read:

16 350.11 (3) (a) 6. A person who violates s. 350.101 (1) (c) or who violates 350.104
17 (5) and ~~who~~ has not attained the legal drinking age of 19 shall forfeit ~~not more than~~
18 \$50.

19 **SECTION 74.** 350.11 (3) (a) 4b. of the statutes is created to read:

20 350.11 (3) (a) 4b. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104
21 (5) and who, within 5 years prior to the arrest for the current violation, was convicted
22 3 times previously under the intoxicated operating law, the recreational vehicle and
23 boating refusal law, or any combination of these laws, shall be fined not less than
24 \$600 nor more than \$2,000 and shall be imprisoned not less than 60 days nor more
25 than one year in the county jail.

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1 **SECTION 75.** 350.11 (3) (a) 5. of the statutes is created to read:

2 350.11 (3) (a) 5. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104
3 (5) and who, within 5 years prior to the arrest for the current violation, was convicted
4 4 or more times previously under the intoxicated operating law, the recreational
5 vehicle and boating refusal law, or any combination of these laws, shall be fined not
6 less than \$600 nor more than \$2,000 and shall be imprisoned not less than 6 months
7 nor more than one year in the county jail.

8 **SECTION 76.** 350.11 (3) (am) of the statutes is created to read:

9 350.11 (3) (am) *Penalties related to operating with underage passengers.* If
10 there is a passenger under 16 years of age on a snowmobile at the time of a violation
11 that gives rise to a conviction under s. 350.101 (1) (a), (b), or (bm) or 350.104 (5), the
12 applicable minimum and maximum forfeitures, fines, and terms of imprisonment
13 under par. (a) 1., 2., 3., 4b., and 5. for the conviction are doubled.

14 **SECTION 77.** 350.11 (3) (ar) of the statutes is created to read:

15 350.11 (3) (ar) *Alcohol and drug treatment alternatives.* 1. In any county that
16 opts to offer a reduced minimum period of imprisonment for the successful
17 completion of a probation period that includes alcohol and other drug treatment, if
18 the number of suspensions, revocations, and convictions for a violation of the
19 intoxicated snowmobiling law or the snowmobiling refusal law within a 5-year
20 period equals 2, except that suspensions, revocations, or convictions arising out of
21 the same incident or occurrence shall be counted as one, the fine shall be the same
22 as under par. (a) 2., but the period of imprisonment shall be not less than 5 days,
23 except that if the person successfully completes a period of probation that includes
24 alcohol and other drug treatment, the period of imprisonment shall be not less than
25 5 nor more than 7 days.

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

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

21 4. A person may be sentenced under this paragraph or under s. 23.33 (13) (bm)
22 or 30.80 (6) (ar) once in his or her lifetime.

23 **SECTION 78.** 350.11 (3) (bg) of the statutes is created to read:

24 350.11 (3) (bg) *Penalties related to suspension and revocation.* 1. A person who
25 operates a recreational vehicle in violation of s. 350.1075 (2) (a) is subject to a

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1 forfeiture of not less than \$50 nor more than \$250. In addition, for each such
2 violation, the court may suspend the person's privilege to operate a recreational
3 vehicle for a period of not more than 6 months. Whenever a court suspends an
4 operating privilege under this subdivision, the court shall notify the department of
5 that action.

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

11 **SECTION 79.** 350.11 (3) (bm) of the statutes is amended to read:

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

16 **SECTION 80.** 350.11 (3) (c) of the statutes is renumbered 350.11 (3) (c) 1. and
17 amended to read:

18 350.11 (3) (c) 1. In determining the number of previous convictions under par.
19 (a) 2. ~~and 3. to 5.~~, convictions arising out of the same incident or occurrence shall be
20 counted as one previous conviction.

21 **SECTION 81.** 350.11 (3) (c) 2. of the statutes is created to read:

22 350.11 (3) (c) 2. In determining the number of previous convictions under par.
23 (a) 2. to 5., previous convictions under the intoxicated snowmobiling law or the
24 snowmobiling refusal law that occurred before, on, or after the effective date of this
25 subdivision ... [LRB inserts date], and previous convictions under the intoxicated

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1 operation of an all-terrain vehicle law, as defined in s. 23.33 (1) (ic), the all-terrain
2 vehicle refusal law, as defined in s. 23.33 (1) (br), the intoxicated boating law, as
3 defined in s. 30.50 (4m), or the boating refusal law, as defined in s. 30.50 (2c), that
4 occur after the effective date of this subdivision [LRB inserts date], shall count as
5 previous convictions.

6 **SECTION 82.** 350.11 (3) (cm) of the statutes is amended to read:

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

13 **SECTION 83.** 350.11 (3) (e) of the statutes is created to read:

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

22 **SECTION 84.** 940.09 (1m) (b) of the statutes is amended to read:

23 940.09 (1m) (b) If a person is charged in an information with any of the
24 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
25 971.12. If the person is found guilty of more than one of the crimes so charged for

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1 acts arising out of the same incident or occurrence, there shall be a single conviction
2 for purposes of sentencing and for purposes of counting convictions under s. 23.33
3 (13) (b) 2. ~~and 3. to 5.~~, under s. 30.80 (6) (a) 2. ~~and 3. to 5.~~, under s. 343.307 (1) or under
4 s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Subsection (1) (a), (am), (b), (bm), (c), (cm), (d), and (e)
5 each require proof of a fact for conviction which the others do not require, and sub.
6 (1g) (a), (am), (b), (c), (cm), and (d) each require proof of a fact for conviction which
7 the others do not require.

8 **SECTION 85.** 940.25 (1m) (b) of the statutes is amended to read:

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

18 **SECTION 86. Effective date.**

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

21 (END)