



State of Wisconsin
2015 - 2016 LEGISLATURE

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EHS&PJH:kjf&amn

2015 ASSEMBLY BILL 803

January 25, 2016 - Introduced by Representatives JACQUE, MURPHY, BERCEAU, SUBECK and C. TAYLOR. Referred to Committee on Criminal Justice and Public Safety.

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),
9 350.101 (1) (c), 350.101 (1) (d), 350.101 (2) (c), 350.106, 350.11 (3) (a) 1., 350.11
10 (3) (a) 2., 350.11 (3) (a) 3., 350.11 (3) (bm), 350.11 (3) (cm), 940.09 (1m) (b) and
11 940.25 (1m) (b); and *to create* 23.33 (1) (ib), 23.33 (1) (ih), 23.33 (1) (jd), 23.33
12 (1) (jh), 23.33 (1) (jk), 23.33 (4y), 23.33 (13) (b) 4b., 23.33 (13) (b) 5., 23.33 (13)
13 (bm), 23.33 (13) (ce), 23.33 (13) (d) 2., 23.33 (13) (eg), 30.50 (4n), 30.50 (4v), 30.50
14 (9m), 30.50 (9s), 30.50 (9t), 30.688, 30.80 (6) (am), 30.80 (6) (ar), 30.80 (6) (bg),

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1 30.80 (6) (bn), 30.80 (6) (c) 2., 30.80 (6) (cm), 350.01 (9b), 350.01 (9j), 350.01
2 (10p), 350.01 (10q), 350.1075, 350.11 (3) (a) 4b., 350.11 (3) (a) 5., 350.11 (3) (am),
3 350.11 (3) (ar), 350.11 (3) (bg), 350.11 (3) (c) 2. and 350.11 (3) (e) of the statutes;
4 **relating to:** intoxicated operation of all-terrain vehicles, utility terrain
5 vehicles, snowmobiles, motorboats, and motor vehicles, snowmobile safety
6 instruction 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), a utility terrain vehicle (UTV), 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 UTV, 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 or UTV 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, a UTV, 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 or UTV, the intoxicated boating, or the intoxicated snowmobiling law, a court may only count 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 or UTV, 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 to 21. Current law requires absolute sobriety for persons under the age of 19 who are operating snowmobiles and for persons under the age of 21 for motorboats, ATVs, and UTVs.

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2. Adopting the higher penalties for various violations where the penalties for violations of the intoxicated operation of an ATV or UTV 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 or UTV law and the ATV or UTV refusal law.

4. Repealing the provisions that imposed increased penalties for operating an ATV or UTV 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, a UTV, 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 or UTV, the intoxicated boating, or the intoxicated snowmobiling law or the related refusal law. The bill allows the court, as part of the order, to authorize the person to operate an ATV, UTV, or snowmobile exclusively on land under the management and control of the person's immediate family, or to operate a recreational motorboat, if the court finds that such operation is essential for the purpose of engaging in an occupation or trade. The bill also provides a forfeiture and additional six-month period of operating privilege suspension for violating the order of suspension.

Under the bill, if the person is found guilty of a violation of the intoxicated operation of an ATV or UTV, 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 court is required to revoke the person's privilege to operate a motor vehicle for not less than six months and not more than 12 months. Also 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, a UTV, 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

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

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

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

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

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

8 23.33 (1) (jd) “Public premises” means all premises held out to the public for
9 use 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 utility
2 terrain vehicle, a recreational motorboat as defined in s. 30.50 (9m), or a snowmobile,
3 as defined in s. 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 or utility terrain vehicle refusal law, the boating refusal law, as defined
7 in s. 30.50 (2c), or 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) (at) and
9 amended to read:

10 23.33 (1) (at) “~~Refusal~~ All-terrain or utility terrain vehicle refusal law” means
11 sub. (4p) (e) or 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 21.’ ~~If a~~ A person who has not attained the legal drinking
15 age of 21, the person may not engage in the operation of an all-terrain vehicle or
16 utility terrain vehicle while he or she has an alcohol concentration of more than 0.0
17 but ~~not more~~ less than 0.08.

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

19 23.33 (4c) (a) 4. ‘Related charges.’ A person may be charged with and a
20 prosecutor may proceed upon a complaint based upon a violation of any combination
21 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the
22 person is charged with violating any combination of subd. 1., 2., or 2m., the offenses
23 shall be joined. If the person is found guilty of any combination of subd. 1., 2., or 2m.
24 for acts arising out of the same incident or occurrence, there shall be a single
25 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~~ that 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~~ that the others do not
13 require.

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

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

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

20 23.33 (4y) SUSPENSION OR REVOCATION OF OPERATING PRIVILEGES. (a) *Orders to*
21 *suspend or revoke.* 1. If a court imposes a penalty for a violation of the intoxicated
22 operation of an all-terrain or utility terrain vehicle law or the all-terrain or utility
23 terrain vehicle refusal law, the court shall order the suspension of the person's
24 privilege to operate a recreational vehicle for a period of not less than 12 months and
25 not more than 16 months. As part of the order, the court may authorize the person

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1 to operate an all-terrain vehicle or utility terrain vehicle exclusively on land under
2 the management and control of the person's immediate family if the court finds that
3 such operation is essential for the purpose of engaging in an occupation or trade.
4 Whenever a court suspends an operating privilege under this subdivision, the court
5 shall notify the department of that action.

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

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

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

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

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

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

5 23.33 (13) (b) 2. ~~Except as provided under subd. 3., a~~ A person who violates sub.
6 (4c) (a) 1., 2., or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the
7 current violation, was convicted one time previously under the intoxicated operation
8 of an ~~all-terrain vehicle or utility terrain vehicle~~ operating law or the recreational
9 vehicle and boating refusal law shall be fined not less than \$300 nor more than
10 \$1,100 and shall be imprisoned not less than 5 days nor more than ~~6 months~~ one year
11 in the county jail.

12 **SECTION 14.** 23.33 (13) (b) 3. of the statutes is amended to read:

13 23.33 (13) (b) 3. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
14 who, within 5 years prior to the arrest for the current violation, was convicted 2 or
15 more times previously under the intoxicated operation of an ~~all-terrain vehicle or~~
16 ~~utility terrain vehicle~~ operating law ~~or, the recreational vehicle and boating~~ refusal
17 law, or any combination of these laws, shall be fined not less than \$600 nor more than
18 \$2,000 and shall be imprisoned not less than 30 days nor more than one year in the
19 county jail.

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

22 23.33 (13) (b) 6. A person who violates sub. (4c) (a) 3. or who violates sub. (4p)
23 (e) and who has not attained the legal drinking age of 21 shall forfeit ~~not more than~~
24 \$50.

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

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1 23.33 (13) (b) 4b. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
2 who, within 5 years prior to the arrest for the current violation, was convicted 3 times
3 previously under the intoxicated operating law, the recreational vehicle and boating
4 refusal law, or any combination of these laws, shall be fined not less than \$600 nor
5 more than \$2,000 and shall be imprisoned not less than 60 days nor more than one
6 year in the county jail.

7 **SECTION 17.** 23.33 (13) (b) 5. of the statutes is created to read:

8 23.33 (13) (b) 5. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
9 who, within 5 years prior to the arrest for the current violation, was convicted 4 or
10 more times previously under the intoxicated operating law, the recreational vehicle
11 and boating refusal law, or any combination of these laws, shall be fined not less than
12 \$600 nor more than \$2,000 and shall be imprisoned not less than 6 months nor more
13 than one year in the county jail.

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

15 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*
16 *vehicle or utility terrain vehicle; underage passengers.* If there is a passenger under
17 16 years of age on the all-terrain vehicle or utility terrain vehicle at the time of a
18 violation that gives rise to a conviction under sub. (4c) (a) 1. ~~or, 2., or 2m.~~ or (4p) (e),
19 the applicable minimum and maximum forfeitures, fines, and terms of
20 imprisonment under ~~pars. par.~~ par. (b) 1., 2., and, 3., 4b., and 5. for the conviction are
21 doubled.

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

23 23.33 (13) (bm) *Alcohol and drug treatment alternatives.* 1. In any county that
24 opts to offer a reduced minimum period of imprisonment for the successful
25 completion of a probation period that includes alcohol and other drug treatment, if

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1 the number of suspensions, revocations, and convictions for a violation of the
2 intoxicated operation of an all-terrain or utility terrain vehicle law or of the
3 all-terrain or utility terrain vehicle refusal law within a 5-year period equals 2,
4 except that suspensions, revocations, or convictions arising out of the same incident
5 or occurrence shall be counted as one, the fine shall be the same as under par. (b) 2.,
6 but the period of imprisonment shall be not less than 5 days, except that if the person
7 successfully completes a period of probation that includes alcohol and other drug
8 treatment, the period of imprisonment shall be not less than 5 nor more than 7 days.

9 2. In any county that opts to offer a reduced minimum period of imprisonment
10 for the successful completion of a probation period that includes alcohol and other
11 drug treatment, if the number of suspensions, revocations, and convictions for a
12 violation of the intoxicated operation of an all-terrain or utility terrain vehicle law
13 or of the all-terrain or utility terrain vehicle refusal law within a 5-year period
14 equals 3, except that suspensions, revocations, or convictions arising out of the same
15 incident or occurrence shall be counted as one, the fine shall be the same as under
16 par. (b) 3., but the period of imprisonment shall be not less than 30 days, except that
17 if the person successfully completes a period of probation that includes alcohol and
18 other drug treatment, the period of imprisonment shall be not less than 14 days.

19 3. In any county that opts to offer a reduced minimum period of imprisonment
20 for the successful completion of a probation period that includes alcohol and other
21 drug treatment, if the number of suspensions, revocations, and convictions for a
22 violation of the intoxicated operation of an all-terrain or utility terrain vehicle law
23 or of the all-terrain or utility terrain vehicle refusal law within a 5-year period
24 equals 4, except that suspensions, revocations, or convictions arising out of the same
25 incident or occurrence shall be counted as one, the fine shall be the same as under

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1 par. (b) 4b., but the period of imprisonment shall be not less than 60 days, except that
2 if the person successfully completes a period of probation that includes alcohol and
3 other drug treatment, the period of imprisonment shall be not less than 29 days.

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

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

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

8 23.33 (13) (ce) *Penalties related to suspension and revocation.* 1. A person who
9 operates a recreational vehicle in violation of sub. (4y) (b) 1. is subject to a forfeiture
10 of not less than \$50 nor more than \$250. In addition, for each such violation, the court
11 may suspend the person's privilege to operate a recreational vehicle for a period of
12 not more than 6 months. Whenever a court suspends an operating privilege under
13 this subdivision, the court shall notify the department of that action.

14 2. A person who operates an all-terrain vehicle or utility terrain vehicle in
15 violation of sub. (4y) (b) 2. is subject to a forfeiture of not less than \$150 nor more than
16 \$300. In addition, the court may suspend the person's privilege to operate a
17 recreational vehicle for a period of not more than 6 months. Whenever a court
18 suspends an operating privilege under this subdivision, the court shall notify the
19 department of that action.

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

21 23.33 (13) (cm) *Sentence of detention.* The legislature intends that courts use
22 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
23 to par. (b) 2. ~~or 3., 4b., or 5.,~~ or (c). The use of this option can result in significant cost
24 savings for the state and local governments.

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

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

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

7 23.33 **(13)** (d) 2. In determining the number of previous convictions under par.
8 (b) 2. to 5., previous convictions under the intoxicated operation of an all-terrain or
9 utility terrain vehicle law or under the all-terrain or utility terrain vehicle refusal
10 law that occurred before, on, or after the effective date of this subdivision [LRB
11 inserts date], and previous convictions under the intoxicated boating law, as defined
12 in s. 30.50 (4m), the boating refusal law, as defined in s. 30.50 (2c), the intoxicated
13 snowmobiling law, as defined in s. 350.01 (9c), or the snowmobiling refusal law, as
14 defined in s. 350.01 (17m), that occur after the effective date of this subdivision ...
15 [LRB inserts date], shall count as previous convictions.

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

17 23.33 **(13)** (dm) *Reporting convictions to the department.* Whenever a person
18 is convicted of a violation of the intoxicated operation of an all-terrain vehicle or
19 utility terrain vehicle law or the all-terrain or utility terrain vehicle refusal law, the
20 ~~clerk of the court in which the conviction occurred, or the justice, judge or magistrate~~
21 ~~of a court not having a clerk~~, shall forward to the department the record of such
22 conviction. The record of conviction forwarded to the department shall state whether
23 the offender was involved in an accident at the time of the offense.

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

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1 23.33 (13) (eg) *Certificate of completion of safety program*. In addition to any
2 other penalty or order, a person who for the first time violates the intoxicated
3 operation of an all-terrain or utility terrain vehicle law or the all-terrain or utility
4 terrain vehicle refusal law shall be ordered by the court to obtain a certificate of
5 satisfactory completion of a safety program established under s. 23.33 (5) (d). If the
6 person has a valid certificate at the time that the court imposes sentence for such a
7 violation, the court shall permanently revoke the certificate and order the person to
8 obtain another certificate of satisfactory completion of the safety program.

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

10 30.50 (4n) “Intoxicated operating law” means the intoxicated operation of an
11 all-terrain or utility terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated
12 boating law, or the intoxicated snowmobiling law, as defined in s. 350.01 (9c).

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

14 30.50 (4v) “Legal drinking age” means 21 years of age.

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

16 30.50 (9m) “Recreational motorboat” means a motorboat that is not a
17 commercial motorboat.

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

19 30.50 (9s) “Recreational vehicle” means an all-terrain vehicle, as defined in s.
20 340.01 (2g), a utility terrain vehicle, as defined in s. 23.33 (1) (ng), a recreational
21 motorboat, or a snowmobile, as defined in s. 340.01 (58a).

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

23 30.50 (9t) “Recreational vehicle and boating refusal law” means the all-terrain
24 or utility terrain vehicle refusal law, as defined in s. 23.33 (1) (at), the boating refusal
25 law, or the snowmobiling refusal law, as defined in s. 350.01 (17m).

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

3 30.50 (2c) “~~Refusal~~ Boating refusal law” means s. 30.684 (5) or a local ordinance
4 in conformity with that subsection.

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

6 30.681 (1) (bn) *Operating with alcohol concentrations at specified levels; below*
7 *legal drinking age.* A person who has not attained the legal drinking age, ~~as defined~~
8 ~~in s. 125.02 (8m)~~, may not engage in the operation of a motorboat while he or she has
9 ~~a blood~~ an alcohol concentration of more than 0.0 but less than 0.08.

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

11 30.681 (1) (c) *Related charges.* A person may be charged with and a prosecutor
12 may proceed upon a complaint based upon a violation of any combination of par. (a)
13 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person
14 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2., the offenses
15 shall be joined. If the person is found guilty of any combination of par. (a) or (b) 1.,
16 1m., or 2. for acts arising out of the same incident or occurrence, there shall be a
17 single conviction for purposes of sentencing and for purposes of counting convictions
18 under s. 30.80 (6) (a) 2. ~~and 3.~~ to 5. Paragraphs (a) and (b) 1., 1m., and 2. each require
19 proof of a fact for conviction ~~which~~ that the others do not require.

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

21 30.681 (2) (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. in the
25 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty

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

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

7 30.681 (2) (d) 1. a. In an action under this subsection for a violation of the
8 intoxicated boating law where the defendant was operating a recreational motorboat
9 ~~that is not a commercial motorboat~~, the defendant has a defense if he or she proves
10 by a preponderance of the evidence that the injury would have occurred even if he
11 or she had been exercising due care and he or she had not been under the influence
12 of an intoxicant or did not have an alcohol concentration of 0.08 or more or a
13 detectable amount of a restricted controlled substance in his or her blood.

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

15 **30.686 Report arrest to department.** If a law enforcement officer arrests
16 a person for a violation of the intoxicated boating law or the boating refusal law, the
17 law enforcement officer shall notify the department of the arrest as soon as
18 practicable.

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

20 **30.688 Suspension or revocation of operating privileges. (1) ORDERS TO**
21 **SUSPEND OR REVOKE.** (a) If a court imposes a penalty for a violation of the intoxicated
22 boating law or the boating refusal law and if the violation involved the operation of
23 a recreational motorboat, the court shall order the suspension of the person's
24 privilege to operate a recreational vehicle for a period of not less than 12 months and
25 not more than 16 months. As part of the order, the court may authorize the person

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1 to operate a recreational motorboat if the court finds that such operation is essential
2 for the purpose of engaging in an occupation or trade. Whenever a court suspends
3 an operating privilege under this paragraph, the court shall notify the department
4 of that action.

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

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

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

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

22 30.74 (1) (bn) A certificate issued to a person under this subsection is valid for
23 life unless the certificate or the person's privilege to operate a motorboat is
24 suspended or revoked by a court under s. 30.688 (1) (a), 30.80 (2m) or (6) (e), or
25 938.343 (5).

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

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

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

7 30.80 **(6)** (a) 2. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~
8 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law~~ or 30.684 (5) and who,
9 within 5 years prior to the arrest for the current violation, was convicted one time
10 previously under the intoxicated ~~boating~~ operating law or the recreational vehicle
11 and boating refusal law shall be fined not less than \$300 nor more than ~~\$1,000~~ \$1,100
12 and shall be imprisoned for not less than 5 days nor more than ~~6 months~~ one year
13 in the county jail.

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

15 30.80 **(6)** (a) 3. 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 2 times
18 previously under the intoxicated ~~boating~~ operating law ~~or, the recreational vehicle~~
19 and boating refusal law, or any combination of these laws, shall be fined not less than
20 \$600 nor more than \$2,000 and shall be imprisoned for not less than 30 days nor more
21 than one year in the county jail.

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

23 30.80 **(6)** (a) 4. 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 3 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 60 days nor more
4 than one year in the county jail.

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

6 30.80 (6) (a) 5. 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 4 or more
9 times previously under the intoxicated ~~boating~~ operating law ~~or, the recreational~~
10 vehicle and boating refusal law, or any combination of these laws, shall be fined not
11 less than \$600 nor more than \$2,000 and shall be imprisoned for not less than 6
12 months nor more than one year in the county jail.

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

14 30.80 (6) (a) 6. A person who violates s. 30.681 (1) (bn) or ~~a local ordinance in~~
15 ~~conformity with s. 30.681 (1) (bn)~~ who violates s. 30.684 (5) and has not attained the
16 legal drinking age shall forfeit \$50.

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

18 30.80 (6) (am) *Penalties related to operating with underage passengers.* If there
19 is a passenger under 16 years of age in a motorboat at the time of a violation that
20 gives rise to a conviction under s. 30.681 (1) (a) or (b) 1. or 1m. or 30.684 (5), the
21 applicable minimum and maximum forfeitures, fines, and terms of imprisonment
22 under par. (a) 1., 2., 3., 4., and 5. for the conviction are doubled.

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

24 30.80 (6) (ar) *Alcohol and drug treatment alternatives.* 1. In any county that
25 opts to offer a reduced minimum period of imprisonment for the successful

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1 completion of a probation period that includes alcohol and other drug treatment, if
2 the number of suspensions, revocations, and convictions for a violation of the
3 intoxicated boating law or the boating refusal law within a 5-year period equals 2,
4 except that suspensions, revocations, or convictions arising out of the same incident
5 or occurrence shall be counted as one, the fine shall be the same as under par. (a) 2.,
6 but the period of imprisonment shall be not less than 5 days, except that if the person
7 successfully completes a period of probation that includes alcohol and other drug
8 treatment, the period of imprisonment shall be not less than 5 nor more than 7 days.

9 2. In any county that opts to offer a reduced minimum period of imprisonment
10 for the successful completion of a probation period that includes alcohol and other
11 drug treatment, if the number of suspensions, revocations, and convictions for a
12 violation of the intoxicated boating law or the boating refusal law within a 5-year
13 period equals 3, except that suspensions, revocations, or convictions arising out of
14 the same incident or occurrence shall be counted as one, the fine shall be the same
15 as under par. (a) 3., but the period of imprisonment shall be not less than 30 days,
16 except that if the person successfully completes a period of probation that includes
17 alcohol and other drug treatment, the period of imprisonment shall be not less than
18 14 days.

19 3. In any county that opts to offer a reduced minimum period of imprisonment
20 for the successful completion of a probation period that includes alcohol and other
21 drug treatment, if the number of suspensions, revocations, and convictions for a
22 violation of the intoxicated boating law or the boating refusal law within a 5-year
23 period equals 4, except that suspensions, revocations, or convictions arising out of
24 the same incident or occurrence shall be counted as one, the fine shall be the same
25 as under par. (a) 4., but the period of imprisonment shall be not less than 60 days,

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1 except that if the person successfully completes a period of probation that includes
2 alcohol and other drug treatment, the period of imprisonment shall be not less than
3 29 days.

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

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

7 30.80 (6) (bg) *Penalties related to suspension and revocation.* 1. A person who
8 operates a recreational vehicle in violation of s. 30.688 (2) (a) is subject to a forfeiture
9 of not less than \$50 nor more than \$250. In addition, for each such violation, the court
10 may suspend the person's privilege to operate a recreational vehicle for a period of
11 not more than 6 months. Whenever a court suspends an operating privilege under
12 this subdivision, the court shall notify the department of that action.

13 2. A person who operates a recreational motorboat in violation of s. 30.688 (2)
14 (b) is subject to a forfeiture of not less than \$150 nor more than \$300. In addition,
15 the court may suspend the person's privilege to operate a recreational vehicle for a
16 period of not more than 6 months. Whenever a court suspends an operating privilege
17 under this subdivision, the court shall notify the department of that action.

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

19 30.80 (6) (bn) *Sentence of detention.* The legislature intends that courts use the
20 sentencing option under s. 973.03 (4) whenever appropriate for persons subject to
21 par. (a) 2., 3., 4., or 5. or (b). The use of this option can result in significant cost savings
22 for the state and local governments.

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

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

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

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

11 30.80 (6) (cm) *Reporting convictions to the department.* Whenever a person is
12 convicted of a violation of the intoxicated boating law or the boating refusal law, the
13 court in which the conviction occurred shall forward to the department the record of
14 such conviction. The record of conviction forwarded to the department shall state
15 whether the offender was involved in an accident at the time of the offense.

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

17 30.80 (6) (e) *Certificate of satisfactory completion of safety course.* In addition
18 to any other penalty or order, a person who for the first time violates s. 30.681 (1) or
19 ~~(2) or 30.684 (5) or who violates s. 940.09 or 940.25 if the violation involves the~~
20 ~~operation of a motorboat,~~ the intoxicated boating law or the boating refusal law shall
21 be ordered by the court to obtain a certificate of satisfactory completion of a safety
22 course under s. 30.74 (1). If the person has a valid certificate at the time that the
23 court imposes a sentence for such a violation, the court shall permanently revoke the
24 certificate and order the person to obtain ~~a~~ another certificate of satisfactory
25 completion of ~~a~~ the safety course under s. ~~30.74 (1).~~

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

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

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

12 343.10 (1) (a) If a person's license or operating privilege is revoked or
13 suspended under this chapter or s. 23.33 (4y) (a) 2., 30.688 (1) (b), 350.1075 (1) (b),
14 767.73, 938.34 (14q), 943.21 (3m), or 961.50 and if the person is engaged in an
15 occupation, including homemaking or full-time or part-time study, or a trade
16 making it essential that he or she operate a motor vehicle, the person, after payment
17 of the fee provided in sub. (6), may file an application with the department setting
18 forth in detail the need for operating a motor vehicle. No person may file more than
19 one application with respect to each revocation or suspension of the person's license
20 or operating privilege under this chapter or s. 23.33 (4y) (a) 2., 30.688 (1) (b),
21 350.1075 (1) (b), 767.73, 938.34 (14q), 943.21 (3m), or 961.50, except that this
22 limitation does not apply to an application to amend an occupational license
23 restriction.

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

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1 343.10 (2) (a) 1. Except for a revocation or suspension that arose out of the same
2 incident or occurrence for which the person's license or operating privilege is
3 currently revoked or suspended, the person's license or operating privilege was not
4 revoked or suspended previously under this chapter or ch. 344 or s. 23.33 (4y) (a) 2.,
5 30.688 (1) (b), 350.1075 (1) (b), 943.21 (3m) or 961.50 within the one-year period
6 immediately preceding the present revocation or suspension, except as provided in
7 s. 344.40.

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

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

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

14 343.21 (1) (jr) In addition to any other fee under this subsection, for
15 reinstatement of an operating privilege previously revoked or suspended under s.
16 23.33 (4y) (a) 2., 30.688 (1) (b), 343.305 (7), or 350.1075 (1) (b) or resulting from the
17 commission of an offense listed in s. 343.307, \$140.

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

19 350.01 (9b) "Intoxicated operating law" means the intoxicated operation of an
20 all-terrain or utility terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated
21 boating law, as defined in s. 30.50 (4m), or the intoxicated snowmobiling law.

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

23 350.01 (9j) "Legal drinking age" means 21 years of age.

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

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1 350.01 (10p) “Recreational vehicle” means an all-terrain vehicle, as defined
2 in s. 340.01 (2g), a utility terrain vehicle, as defined in s. 23.33 (1) (ng), a recreational
3 motorboat, as defined in s. 30.50 (9m), or a snowmobile.

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

5 350.01 (10q) “Recreational vehicle and boating refusal law” means the
6 all-terrain or utility terrain vehicle refusal law, as defined in s. 23.33 (1) (at), the
7 boating refusal law, as defined in s. 30.50 (2c), or the snowmobiling refusal law.

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

10 350.01 (17m) “~~Refusal~~ Snowmobiling refusal law” means s. 350.104 (5) or a
11 local ordinance in conformity therewith.

12 **SECTION 64.** 350.101 (1) (c) of the statutes is amended to read:

13 350.101 (1) (c) *Operating with alcohol concentrations at specified levels; below*
14 *legal drinking age 19.* ~~If a~~ A person who has not attained the legal drinking age of
15 ~~19, the person~~ may not engage in the operation of a snowmobile while he or she has
16 an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

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

18 350.101 (1) (d) *Related charges.* A person may be charged with and a prosecutor
19 may proceed upon a complaint based upon a violation of any combination of par. (a),
20 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is
21 charged with violating any combination of par. (a), (b), or (bm), the offenses shall be
22 joined. If the person is found guilty of any combination of par. (a), (b), or (bm) for acts
23 arising out of the same incident or occurrence, there shall be a single conviction for
24 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 that the others do not require.

3 **SECTION 66.** 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 that the others do
13 not require.

14 **SECTION 67.** 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 68.** 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. As part of the order, the
25 court may authorize the person to operate a snowmobile exclusively on land under

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1 the management and control of the person's immediate family if the court finds that
2 such operation is essential for the purpose of engaging in an occupation or trade.
3 Whenever a court suspends an operating privilege under this paragraph, the court
4 shall notify the department of that action.

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

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

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

22 **SECTION 69.** 350.11 (3) (a) 1. of the statutes is amended to read:

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

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1 **SECTION 70.** 350.11 (3) (a) 2. of the statutes is amended to read:

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

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

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

15 **SECTION 72.** 350.11 (3) (a) 4. of the statutes is renumbered 350.11 (3) (a) 6. and
16 amended to read:

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

20 **SECTION 73.** 350.11 (3) (a) 4b. of the statutes is created to read:

21 350.11 (3) (a) 4b. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104
22 (5) and who, within 5 years prior to the arrest for the current violation, was convicted
23 3 times previously under the intoxicated operating law, the recreational vehicle and
24 boating refusal law, or any combination of these laws, shall be fined not less than

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1 \$600 nor more than \$2,000 and shall be imprisoned not less than 60 days nor more
2 than one year in the county jail.

3 **SECTION 74.** 350.11 (3) (a) 5. of the statutes is created to read:

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

10 **SECTION 75.** 350.11 (3) (am) of the statutes is created to read:

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

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

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

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

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

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

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

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1 350.11 (3) (bg) *Penalties related to suspension and revocation.* 1. A person who
2 operates a recreational vehicle in violation of s. 350.1075 (2) (a) is subject to a
3 forfeiture of not less than \$50 nor more than \$250. In addition, for each such
4 violation, the court may suspend the person's privilege to operate a recreational
5 vehicle for a period of not more than 6 months. Whenever a court suspends an
6 operating privilege under this subdivision, the court shall notify the department of
7 that action.

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

13 **SECTION 78.** 350.11 (3) (bm) of the statutes is amended to read:

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

18 **SECTION 79.** 350.11 (3) (c) of the statutes is renumbered 350.11 (3) (c) 1. and
19 amended to read:

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

23 **SECTION 80.** 350.11 (3) (c) 2. of the statutes is created to read:

24 350.11 (3) (c) 2. In determining the number of previous convictions under par.
25 (a) 2. to 5., previous convictions under the intoxicated snowmobiling law or the

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

8 **SECTION 81.** 350.11 (3) (cm) of the statutes is amended to read:

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

15 **SECTION 82.** 350.11 (3) (e) of the statutes is created to read:

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

24 **SECTION 83.** 940.09 (1m) (b) of the statutes is amended to read:

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1 940.09 **(1m)** (b) If a person is charged in an information with any of the
 2 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
 3 971.12. If the person is found guilty of more than one of the crimes so charged for
 4 acts arising out of the same incident or occurrence, there shall be a single conviction
 5 for purposes of sentencing and for purposes of counting convictions under s. 23.33
 6 (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
 7 s. 350.11 (3) (a) ~~2. and 3. to 5.~~ Subsection (1) (a), (am), (b), (bm), (c), (cm), (d), and (e)
 8 each require proof of a fact for conviction ~~which~~ that the others do not require, and
 9 sub. (1g) (a), (am), (b), (c), (cm), and (d) each require proof of a fact for conviction
 10 ~~which~~ that the others do not require.

SECTION 84. 940.25 (1m) (b) of the statutes is amended to read:

11 940.25 **(1m)** (b) If a person is charged in an information with any of the
 12 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
 13 971.12. If the person is found guilty of more than one of the crimes so charged for
 14 acts arising out of the same incident or occurrence, there shall be a single conviction
 15 for purposes of sentencing and for purposes of counting convictions under s. 23.33
 16 (13) (b) ~~2. and 3. to 5.~~, under s. 30.80 (6) (a) ~~2. or 3. to 5.~~, under ss. 343.30 (1q) and
 17 343.305 or under s. 350.11 (3) (a) ~~2. and 3. to 5.~~ Subsection (1) (a), (am), (b), (bm), (c),
 18 (cm), (d), and (e) each require proof of a fact for conviction ~~which~~ that the others do
 19 not require.
 20

SECTION 85. Effective date.

21 (1) This act takes effect on the first day of the 4th month beginning after
 22 publication.
 23