



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-3896/1  
EHS:kjf

## 2017 ASSEMBLY BILL 873

January 25, 2018 - Introduced by Representatives JACQUE, HORLACHER, KREMER, ANDERSON, BERCEAU and SUBECK. Referred to Committee on Criminal Justice and Public Safety.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

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), 23.335 (1) (zf), 23.335 (23)  
3     (c) 4., 23.335 (23) (g), 30.50 (9x), 350.01 (10r) and 350.11 (3) (c); *to amend* 23.33  
4     (4c) (a) 3., 23.33 (4c) (a) 4., 23.33 (4c) (b) 3., 23.33 (4t), 23.33 (13) (b) 1., 23.33 (13)  
5     (b) 2., 23.33 (13) (b) 3., 23.33 (13) (bg), 23.33 (13) (cm), 23.33 (13) (dm), 23.335  
6     (12) (a) 3., 23.335 (12) (a) 4., 23.335 (12) (b) 3., 23.335 (12) (j), 23.335 (23) (c) 1.,  
7     23.335 (23) (c) 2., 23.335 (23) (c) 3., 23.335 (23) (h), 30.681 (1) (bn), 30.681 (1)  
8     (c), 30.681 (2) (c), 30.681 (2) (d) 1. a., 30.686, 30.74 (1) (bn), 30.80 (6) (a) 1., 30.80  
9     (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  
10    (6) (e), 59.54 (14) (g), 343.10 (1) (a), 343.10 (2) (a) 1., 343.10 (9), 343.21 (1) (jr),  
11    350.101 (1) (d), 350.101 (2) (c), 350.106, 350.11 (3) (a) 1., 350.11 (3) (a) 2., 350.11  
12    (3) (a) 3., 350.11 (3) (bm), 350.11 (3) (cm), 940.09 (1m) (b) and 940.25 (1m) (b);  
13    and *to create* 23.33 (1) (ib), 23.33 (1) (ih), 23.33 (1) (jd), 23.33 (1) (jh), 23.33 (1)  
14    (jk), 23.33 (4y), 23.33 (13) (b) 4b., 23.33 (13) (b) 5., 23.33 (13) (bm), 23.33 (13) (ce),

**ASSEMBLY BILL 873**

1           23.33 (13) (d) 2., 23.33 (13) (eg), 23.335 (1) (km), 23.335 (1) (nm), 23.335 (1) (zdr),  
2           23.335 (1) (zer), 23.335 (1) (zet), 23.335 (12) (km), 23.335 (23) (c) 4b., 23.335 (23)  
3           (c) 5., 23.335 (23) (cg), 23.335 (23) (dm), 23.335 (23) (dr), 23.335 (23) (fm), 23.335  
4           (23) (g) 2., 23.335 (23) (im), 30.50 (4n), 30.50 (4v), 30.50 (9m), 30.50 (9s), 30.50  
5           (9t), 30.688, 30.80 (6) (am), 30.80 (6) (ar), 30.80 (6) (bg), 30.80 (6) (bn), 30.80 (6)  
6           (c) 2., 30.80 (6) (cm), 350.01 (9b), 350.01 (10p), 350.01 (10q), 350.1075, 350.11  
7           (3) (a) 4b., 350.11 (3) (a) 5., 350.11 (3) (am), 350.11 (3) (ar), 350.11 (3) (bg), 350.11  
8           (3) (c) 2. and 350.11 (3) (e) of the statutes; **relating to:** intoxicated operation of  
9           all-terrain vehicles, utility terrain vehicles, off-highway motorcycles,  
10          snowmobiles, motorboats, and motor vehicles, snowmobile safety instruction  
11          for persons under 16 years of age, providing a penalty, and providing a criminal  
12          penalty.

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***Analysis by the Legislative Reference Bureau***

This bill makes the laws regulating the intoxicated operation of different recreational vehicles more consistent.

Under current law, a person may not operate a snowmobile, an all-terrain vehicle (ATV), a utility terrain vehicle (UTV), an off-highway motorcycle (OHM), 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, an OHM, 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 operation of an OHM 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, an OHM, 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 operation of an OHM, 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

**ASSEMBLY BILL 873**

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 operation of an OHM, the intoxicated boating, and the intoxicated snowmobiling laws more consistent. These changes include:

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

2. Imposing increased penalties for violating the intoxicated operation of an OHM law, the intoxicated boating law, or the intoxicated snowmobiling law or related refusal law if the OHM, 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.

3. 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 three 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, an OHM, 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 operation of an OHM, 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, OHM, 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 operation of an OHM, the intoxicated boating, or the intoxicated snowmobiling law or the related refusal law and has,

**ASSEMBLY BILL 873**

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

Because this bill proposes to revoke a person's operating privilege upon conviction for an offense, the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

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

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***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 operation of an  
4           off-highway motorcycle law, as defined in s. 23.335 (1) (km), the intoxicated boating  
5           law, as defined in s. 30.50 (4m), or the intoxicated snowmobiling law, as defined in  
6           s. 350.01 (9c).

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

**ASSEMBLY BILL 873**

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

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

3           23.33 (1) (jd) “Public premises” means all premises held out to the public for  
4 use of a motor vehicle, including highways, all premises provided by employers to  
5 employees for the use of their motor vehicles, and all premises provided to tenants  
6 of rental housing in buildings of 4 or more units for the use of their motor vehicles,  
7 whether such premises are publicly or privately owned and whether or not a fee is  
8 charged for the use of those premises.

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

10          23.33 (1) (jh) “Recreational vehicle” means an all-terrain vehicle, a utility  
11 terrain vehicle, an off-highway motorcycle as defined in s. 23.335 (1) (q), a  
12 recreational motorboat as defined in s. 30.50 (9m), or a snowmobile, as defined in s.  
13 340.01 (58a).

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

15          23.33 (1) (jk) “Recreational vehicle and boating refusal law” means the  
16 all-terrain or utility terrain vehicle refusal law, the boating refusal law, as defined  
17 in s. 30.50 (2c), or the snowmobiling refusal law, as defined in s. 350.01 (17m).

18          **SECTION 6.** 23.33 (1) (jm) of the statutes is renumbered 23.33 (1) (at) and  
19 amended to read:

20          23.33 (1) (at) “~~Refusal~~ All-terrain or utility terrain vehicle refusal law” means  
21 sub. (4p) (e) or a local ordinance in conformity therewith.

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

23          23.33 (4c) (a) 3. ‘Operating with alcohol concentrations at specified levels;  
24 below legal drinking age 21.’ ~~If a~~ A person who has not attained the legal drinking  
25 age of 21, the person may not engage in the operation of an all-terrain vehicle or

**ASSEMBLY BILL 873****SECTION 7**

1 utility terrain vehicle while he or she has an alcohol concentration of more than 0.0  
2 but not more less than 0.08.

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

4 23.33 (4c) (a) 4. '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., the offenses  
8 shall be joined. If the person is found guilty of any combination of subd. 1., 2., or 2m.  
9 for acts arising out of the same incident or occurrence, there shall be a single  
10 conviction for purposes of sentencing and for purposes of counting convictions under  
11 sub. (13) (b) 2. ~~and 3.~~ to 5. Subdivisions 1., 2., and 2m. each require proof of a fact  
12 for conviction ~~which~~ that the others do not require.

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

14 23.33 (4c) (b) 3. 'Related charges.' A person may be charged with and a  
15 prosecutor may proceed upon a complaint based upon a violation of any combination  
16 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the  
17 person is charged with violating any combination of subd. 1., 2., or 2m. in the  
18 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty  
19 of any combination of subd. 1., 2., or 2m. for acts arising out of the same incident or  
20 occurrence, there shall be a single conviction for purposes of sentencing and for  
21 purposes of counting convictions under sub. (13) (b) 2. ~~and 3.~~ to 5. Subdivisions 1.,  
22 2., and 2m. each require proof of a fact for conviction ~~which~~ that the others do not  
23 require.

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

**ASSEMBLY BILL 873**

1           23.33 (4t) REPORT ARREST TO DEPARTMENT. If a law enforcement officer arrests  
2 a person for a violation of the intoxicated operation of an all-terrain vehicle or utility  
3 terrain vehicle law or the all-terrain or utility terrain vehicle refusal law, the law  
4 enforcement officer shall notify the department of the arrest as soon as practicable.

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

6           23.33 (4y) SUSPENSION OR REVOCATION OF OPERATING PRIVILEGES. (a) *Orders to*  
7 *suspend or revoke.* 1. If a court imposes a penalty for a violation of the intoxicated  
8 operation of an all-terrain or utility terrain vehicle law or the all-terrain or utility  
9 terrain vehicle refusal law, 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. As part of the order, the court may authorize the person  
12 to operate an all-terrain vehicle or utility terrain vehicle exclusively on land under  
13 the management and control of the person's immediate family if the court finds that  
14 such operation is essential for the purpose of engaging in an occupation or trade.  
15 Whenever a court suspends an operating privilege under this subdivision, the court  
16 shall notify the department of that action.

17           2. In addition to the order under subd. 1., the court shall also order the  
18 revocation of the person's privilege to operate a motor vehicle on public premises if  
19 the person, within 5 years prior to the arrest for the current violation of the  
20 intoxicated operation of an all-terrain or utility terrain vehicle law or the all-terrain  
21 or utility terrain vehicle refusal law, violated the intoxicated operating law or the  
22 recreational vehicle and boating refusal law. The period of revocation shall be not  
23 less than 6 months and not more than 12 months. Whenever a court revokes an  
24 operating privilege under this subdivision, the court may take possession of the  
25 revoked license. If the court takes possession of the revoked license, the court shall

**ASSEMBLY BILL 873****SECTION 11**

1 destroy the license. The court shall forward to the department of transportation the  
2 record of the conviction and notice of revocation. The person is eligible for an  
3 occupational license under s. 343.10 at any time.

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

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

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

10 23.33 (13) (b) 1. Except as provided under subds. 2. ~~and 3. to 5.~~, a person who  
11 violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) shall forfeit not less than \$150 \$400 nor  
12 more than \$300 \$550.

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

14 23.33 (13) (b) 2. ~~Except as provided under subd. 3., a~~ A person who violates sub.  
15 (4c) (a) 1., 2., or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the  
16 current violation, was convicted one time previously under the intoxicated ~~operation~~  
17 ~~of an all-terrain vehicle or utility terrain vehicle operating law or the recreational~~  
18 vehicle and boating refusal law shall be fined not less than \$300 nor more than  
19 \$1,100 and shall be imprisoned not less than 5 days nor more than ~~6 months~~ one year  
20 in the county jail.

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

22 23.33 (13) (b) 3. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and  
23 who, within 5 years prior to the arrest for the current violation, was convicted 2 ~~or~~  
24 ~~more~~ times previously under the intoxicated ~~operation of an all-terrain vehicle or~~  
25 utility terrain vehicle operating law or, the recreational vehicle and boating refusal



**ASSEMBLY BILL 873**

1 law, or any combination of these laws, shall be fined not less than \$600 nor more than  
2 \$2,000 and shall be imprisoned not less than 30 days nor more than one year in the  
3 county jail.

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

6 23.33 (13) (b) 6. A person who violates sub. (4c) (a) 3. or who violates sub. (4p)  
7 (e) and who has not attained the legal drinking age of 21 shall forfeit ~~not more than~~  
8 \$50.

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

10 23.33 (13) (b) 4b. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and  
11 who, within 5 years prior to the arrest for the current violation, was convicted 3 times  
12 previously under the intoxicated operating law, the recreational vehicle and boating  
13 refusal law, or any combination of these laws, shall be fined not less than \$600 nor  
14 more than \$2,000 and shall be imprisoned not less than 60 days nor more than one  
15 year in the county jail.

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

17 23.33 (13) (b) 5. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and  
18 who, within 5 years prior to the arrest for the current violation, was convicted 4 or  
19 more times previously under the intoxicated operating law, the recreational vehicle  
20 and boating refusal law, or any combination of these laws, shall be fined not less than  
21 \$600 nor more than \$2,000 and shall be imprisoned not less than 6 months nor more  
22 than one year in the county jail.

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

24 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*  
25 *vehicle or utility terrain vehicle; underage passengers.* If there is a passenger under

**ASSEMBLY BILL 873****SECTION 18**

1 16 years of age on the all-terrain vehicle or utility terrain vehicle at the time of a  
2 violation that gives rise to a conviction under sub. (4c) (a) 1. ~~or 2., or 2m.~~ or (4p) (e),  
3 the applicable minimum and maximum forfeitures, fines, and terms of  
4 imprisonment under ~~pars. par. (b) 1., 2., and 3.~~ to 5. for the conviction are doubled.

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

6 23.33 (13) (bm) *Alcohol and drug treatment alternatives.* 1. In any county that  
7 opts to offer a reduced minimum period of imprisonment for the successful  
8 completion of a probation period that includes alcohol and other drug treatment, if  
9 the number of suspensions, revocations, and convictions for a violation of the  
10 intoxicated operation of an all-terrain or utility terrain vehicle law or of the  
11 all-terrain or utility terrain vehicle 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. (b) 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 operation of an all-terrain or utility terrain vehicle law  
21 or of the all-terrain or utility terrain vehicle refusal law within a 5-year period  
22 equals 3, except that suspensions, revocations, or convictions arising out of the same  
23 incident or occurrence shall be counted as one, the fine shall be the same as under  
24 par. (b) 3., but the period of imprisonment shall be not less than 30 days, except that

**ASSEMBLY BILL 873****SECTION 19**

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

13 4. A person may be sentenced under this paragraph or under s. 23.335 (23)  
14 (dm), 30.80 (6) (ar), or 350.11 (3) (ar) once in his or her lifetime.

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

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

17 23.33 (13) (ce) *Penalties related to suspension and revocation.* 1. A person who  
18 operates a recreational vehicle in violation of sub. (4y) (b) 1. is subject to a forfeiture  
19 of not less than \$50 nor more than \$250. In addition, for each such violation, the court  
20 may suspend the person's privilege to operate a recreational vehicle for a period of  
21 not more than 6 months. Whenever a court suspends an operating privilege under  
22 this subdivision, the court shall notify the department of that action.

23 2. A person who operates an all-terrain vehicle or utility terrain vehicle in  
24 violation of sub. (4y) (b) 2. is subject to a forfeiture of not less than \$150 nor more than  
25 \$300. In addition, the court may suspend the person's privilege to operate a

**ASSEMBLY BILL 873****SECTION 21**

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

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

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

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

11 23.33 (13) (d) 1. In determining the number of previous convictions under par.  
12 (b) 2. ~~and 3. to 5.,~~ convictions arising out of the same incident or occurrence shall be  
13 counted as one previous conviction.

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

15 23.33 (13) (d) 2. In determining the number of previous convictions under par.  
16 (b) 2. to 5., previous convictions under the intoxicated operation of an all-terrain or  
17 utility terrain vehicle law or under the all-terrain or utility terrain vehicle refusal  
18 law that occurred before, on, or after the effective date of this subdivision .... [LRB  
19 inserts date], and previous convictions under the intoxicated operation of an  
20 off-highway motorcycle law, as defined in s. 23.335 (1) (L), the off-highway  
21 motorcycle refusal law, as defined in s. 23.335 (1) (tm), the intoxicated boating law,  
22 as defined in s. 30.50 (4m), the boating refusal law, as defined in s. 30.50 (2c), the  
23 intoxicated snowmobiling law, as defined in s. 350.01 (9c), or the snowmobiling  
24 refusal law, as defined in s. 350.01 (17m), that occur after the effective date of this  
25 subdivision .... [LRB inserts date], shall count as previous convictions.

**ASSEMBLY BILL 873**

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

2           23.33 (13) (dm) *Reporting convictions to the department.* Whenever a person  
3 is convicted of a violation of the intoxicated operation of an all-terrain vehicle or  
4 utility terrain vehicle law or the all-terrain or utility terrain vehicle refusal law, the  
5 clerk of the court in which the conviction occurred, ~~or the justice, judge or magistrate~~  
6 ~~of a court not having a clerk~~, shall forward to the department the record of such  
7 conviction. The record of conviction forwarded to the department shall state whether  
8 the offender was involved in an accident at the time of the offense.

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

10          23.33 (13) (eg) *Certificate of completion of safety program.* In addition to any  
11 other penalty or order, a person who for the first time violates the intoxicated  
12 operation of an all-terrain or utility terrain vehicle law or the all-terrain or utility  
13 terrain vehicle refusal law shall be ordered by the court to obtain a certificate of  
14 satisfactory completion of a safety program established under sub. (5) (d). If the  
15 person has a valid certificate at the time that the court imposes a sentence for such  
16 a violation, the court shall permanently revoke the certificate and order the person  
17 to obtain another certificate of satisfactory completion of the safety program.

18          **SECTION 27.** 23.335 (1) (km) of the statutes is created to read:

19          23.335 (1) (km) “Intoxicated operating law” means the intoxicated operation  
20 of an off-highway motorcycle law, the intoxicated operation of an all-terrain or  
21 utility terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated boating law,  
22 as defined in s. 30.50 (4m), or the intoxicated snowmobiling law, as defined in s.  
23 350.01 (9c).

24          **SECTION 28.** 23.335 (1) (nm) of the statutes is created to read:

25          23.335 (1) (nm) “Legal drinking age” means 21 years of age.

**ASSEMBLY BILL 873****SECTION 29**

1           **SECTION 29.** 23.335 (1) (zdr) of the statutes is created to read:

2           23.335 (1) (zdr) “Public premises” means all premises held out to the public for  
3 use of a motor vehicle, including highways, all premises provided by employers to  
4 employees for the use of their motor vehicles, and all premises provided to tenants  
5 of rental housing in buildings of 4 or more units for the use of their motor vehicles,  
6 whether such premises are publicly or privately owned and whether or not a fee is  
7 charged for the use of those premises.

8           **SECTION 30.** 23.335 (1) (zer) of the statutes is created to read:

9           23.335 (1) (zer) “Recreational vehicle” means an off-highway motorcycle, an  
10 all-terrain vehicle as defined in s. 23.33 (1) (b), a utility terrain vehicle as defined  
11 in s. 23.33 (1) (ng), a recreational motorboat as defined in s. 30.50 (9m), or a  
12 snowmobile, as defined in s. 340.01 (58a).

13           **SECTION 31.** 23.335 (1) (zet) of the statutes is created to read:

14           23.335 (1) (zet) “Recreational vehicle and boating refusal law” means the  
15 off-highway motorcycle refusal law, the all-terrain or utility terrain vehicle refusal  
16 law, as defined in s. 23.33 (1) (jm), the boating refusal law, as defined in s. 30.50 (2c),  
17 or the snowmobiling refusal law, as defined in s. 350.01 (17m).

18           **SECTION 32.** 23.335 (1) (zf) of the statutes is renumbered 23.335 (1) (tm) and  
19 amended to read:

20           23.335 (1) (tm) “~~Refusal~~ Off-highway motorcycle refusal law” means sub. (12)  
21 (h) or a local ordinance in conformity therewith.

22           **SECTION 33.** 23.335 (12) (a) 3. of the statutes is amended to read:

23           23.335 (12) (a) 3. ~~If a~~ A person who has not attained the legal drinking age of  
24 ~~21, the person~~ may not engage in the operation of an off-highway motorcycle while  
25 he or she has an alcohol concentration of more than 0.0 but ~~not more~~ less than 0.08.

**ASSEMBLY BILL 873**

1           **SECTION 34.** 23.335 (12) (a) 4. of the statutes is amended to read:

2           23.335 **(12)** (a) 4. A person may be charged with and a prosecutor may proceed  
3 upon a complaint based upon a violation of any combination of subd. 1., 2., or 2m. for  
4 acts arising out of the same incident or occurrence. If the person is charged with  
5 violating any combination of subd. 1., 2., or 2m., the offenses shall be joined. If the  
6 person is found guilty of any combination of subd. 1., 2., or 2m. for acts arising out  
7 of the same incident or occurrence, there shall be a single conviction for purposes of  
8 sentencing and for purposes of counting convictions under sub. (23) (c) 2. ~~and 3.~~ to  
9 5. Subdivisions 1., 2., and 2m. each require proof of a fact for conviction ~~which~~ that  
10 the others do not require.

11           **SECTION 35.** 23.335 (12) (b) 3. of the statutes is amended to read:

12           23.335 **(12)** (b) 3. A person may be charged with and a prosecutor may proceed  
13 upon a complaint based upon a violation of any combination of subd. 1., 2., or 2m. for  
14 acts arising out of the same incident or occurrence. If the person is charged with  
15 violating any combination of subd. 1., 2., or 2m. in the complaint, the crimes shall be  
16 joined under s. 971.12. If the person is found guilty of any combination of subd. 1.,  
17 2., or 2m. for acts arising out of the same incident or occurrence, there shall be a  
18 single conviction for purposes of sentencing and for purposes of counting convictions  
19 under sub. (23) (c) 2. ~~and 3.~~ to 5. Subdivisions 1., 2., and 2m. each require proof of  
20 a fact for conviction ~~which~~ that the others do not require.

21           **SECTION 36.** 23.335 (12) (j) of the statutes is amended to read:

22           23.335 **(12)** (j) *Report of arrest to department.* If a law enforcement officer  
23 arrests a person for a violation of the intoxicated operation of an off-highway  
24 motorcycle law or the off-highway motorcycle refusal law, the law enforcement  
25 officer shall notify the department of the arrest as soon as practicable.

**ASSEMBLY BILL 873****SECTION 37**

1           **SECTION 37.** 23.335 (12) (km) of the statutes is created to read:

2           23.335 (12) (km) *Suspension or revocation of operating privileges.* 1. 'Orders  
3 to suspend or revoke.' a. If a court imposes a penalty for a violation of the intoxicated  
4 operation of an off-highway motorcycle law or the off-highway motorcycle refusal  
5 law, the court shall order the suspension of the person's privilege to operate a  
6 recreational vehicle for a period of not less than 12 months and not more than 16  
7 months. As part of the order, the court may authorize the person to operate an  
8 off-highway motorcycle exclusively on land under the management and control of  
9 the person's immediate family if the court finds that such operation is essential for  
10 the purpose of engaging in an occupation or trade. Whenever a court suspends an  
11 operating privilege under this subd. 1. a., the court shall notify the department of  
12 that action.

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



**ASSEMBLY BILL 873**

1           2. 'Operating while suspended or revoked.' a. No person may operate a  
2 recreational vehicle in violation of a suspension order imposed under subd. 1. a.

3           b. No person may operate an off-highway motorcycle during the time that the  
4 person's motor vehicle operating privilege is suspended or revoked for a conviction  
5 counted under s. 343.307 (1).

6           **SECTION 38.** 23.335 (23) (c) 1. of the statutes is amended to read:

7           23.335 (23) (c) 1. Except as provided under subds. ~~2., 3., and 4. to 5.~~, a person  
8 who violates sub. (12) (a) 1., 2., or 2m. or (h) shall forfeit not less than \$150 \$400 nor  
9 more than \$300 \$550.

10          **SECTION 39.** 23.335 (23) (c) 2. of the statutes is amended to read:

11          23.335 (23) (c) 2. ~~Except as provided under subds. 3. and 4., a~~ A person who  
12 violates sub. (12) (a) 1., 2., or 2m. or (h) and who, within 5 years prior to the arrest  
13 for the current violation, was convicted one time previously under the intoxicated  
14 ~~operation of an off-highway motorcycle operating law or the recreational vehicle and~~  
15 boating refusal law shall be fined not less than \$300 nor more than \$1,100 and shall  
16 be imprisoned not less than 5 days nor more than ~~6 months~~ one year in the county  
17 jail.

18          **SECTION 40.** 23.335 (23) (c) 3. of the statutes is amended to read:

19          23.335 (23) (c) 3. ~~Except as provided in subd. 4., a~~ A person who violates sub.  
20 (12) (a) 1., 2., or 2m. or (h) and who, within 5 years prior to the arrest for the current  
21 violation, was convicted ~~2 or more times~~ previously under the intoxicated ~~operation~~  
22 ~~of an off-highway motorcycle operating law, the recreational vehicle and boating~~  
23 refusal law, or any combination of these laws, shall be fined not less than \$600 nor  
24 more than \$2,000 and shall be imprisoned not less than 30 days nor more than one  
25 year in the county jail.

**ASSEMBLY BILL 873****SECTION 41**

1           **SECTION 41.** 23.335 (23) (c) 4. of the statutes is renumbered 23.335 (23) (c) 6.  
2 and amended to read:

3           23.335 **(23)** (c) 6. A person who violates sub. (12) (a) 3. or who violates sub. (12)  
4 (h) and ~~who~~ has not attained the legal drinking age of 21 shall forfeit ~~not more than~~  
5 \$50.

6           **SECTION 42.** 23.335 (23) (c) 4b. of the statutes is created to read:

7           23.335 **(23)** (c) 4b. A person who violates sub. (12) (a) 1., 2., or 2m. or (h) and  
8 who, within 5 years prior to the arrest for the current violation, was convicted 3 times  
9 previously under the intoxicated operating law, the recreational vehicle and boating  
10 refusal law, or any combination of these laws, shall be fined not less than \$600 nor  
11 more than \$2,000 and shall be imprisoned not less than 60 days nor more than one  
12 year in the county jail.

13           **SECTION 43.** 23.335 (23) (c) 5. of the statutes is created to read:

14           23.335 **(23)** (c) 5. A person who violates sub. (12) (a) 1., 2., or 2m. or (h) and who,  
15 within 5 years prior to the arrest for the current violation, was convicted 4 or more  
16 times previously under the intoxicated operating law, the recreational vehicle and  
17 boating refusal law, or any combination of these laws, shall be fined not less than  
18 \$600 nor more than \$2,000 and shall be imprisoned not less than 6 months nor more  
19 than one year in the county jail.

20           **SECTION 44.** 23.335 (23) (cg) of the statutes is created to read:

21           23.335 **(23)** (cg) *Penalties related to intoxicated operation; underage*  
22 *passengers.* If there is a passenger under 16 years of age on the off-road motorcycle  
23 at the time of a violation that gives rise to a conviction under sub. (12) (a) 1., 2., or  
24 2m. or (h), the applicable minimum and maximum forfeitures, fines, and terms of  
25 imprisonment under par. (c) 1. to 5. for the conviction are doubled.

**ASSEMBLY BILL 873**

1           **SECTION 45.** 23.335 (23) (dm) of the statutes is created to read:

2           23.335 **(23)** (dm) *Alcohol and drug treatment alternatives.* 1. In any county  
3 that opts to offer a reduced minimum period of imprisonment for the successful  
4 completion of a probation period that includes alcohol and other drug treatment, if  
5 the number of suspensions, revocations, and convictions for a violation of the  
6 intoxicated operation of an off-highway motorcycle law or of the off-highway  
7 motorcycle refusal law within a 5-year period equals 2, except that suspensions,  
8 revocations, or convictions arising out of the same incident or occurrence shall be  
9 counted as one, the fine shall be the same as under par. (c) 2., but the period of  
10 imprisonment shall be not less than 5 days, except that if the person successfully  
11 completes a period of probation that includes alcohol and other drug treatment, the  
12 period of imprisonment shall be not less than 5 nor more than 7 days.

13           2. 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 operation of an off-highway motorcycle law or of the  
17 off-highway motorcycle refusal law within a 5-year period equals 3, except that  
18 suspensions, revocations, or convictions arising out of the same incident or  
19 occurrence shall be counted as one, the fine shall be the same as under par. (c) 3., but  
20 the period of imprisonment shall be not less than 30 days, except that if the person  
21 successfully completes a period of probation that includes alcohol and other drug  
22 treatment, the period of imprisonment shall be not less than 14 days.

23           3. 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

**ASSEMBLY BILL 873****SECTION 45**

1 violation of the intoxicated operation of an off-highway motorcycle law or of the  
2 off-highway motorcycle refusal law within a 5-year period equals 4, 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. (c) 4b.,  
5 but the period of imprisonment shall be not less than 60 days, except that if the  
6 person successfully completes a period of probation that includes alcohol and other  
7 drug treatment, the period of imprisonment shall be not less than 29 days.

8 4. A person may be sentenced under this paragraph or under s. 23.33 (13) (bm),  
9 30.80 (6) (ar), or 350.11 (3) (ar) once in his or her lifetime.

10 **SECTION 46.** 23.335 (23) (dr) of the statutes is created to read:

11 23.335 (23) (dr) *Penalties related to suspension and revocation.* 1. A person  
12 who operates a recreational vehicle in violation of sub. (12) (km) 2. a. is subject to a  
13 forfeiture of not less than \$50 nor more than \$250. In addition, for each such  
14 violation, the court may suspend the person's privilege to operate a recreational  
15 vehicle for a period of not more than 6 months. Whenever a court suspends an  
16 operating privilege under this subdivision, the court shall notify the department of  
17 that action.

18 2. A person who operates an off-highway motorcycle in violation of sub. (12)  
19 (km) 2. b. is subject to a forfeiture of not less than \$150 nor more than \$300. In  
20 addition, the court may suspend the person's privilege to operate a recreational  
21 vehicle for a period of not more than 6 months. Whenever a court suspends an  
22 operating privilege under this subdivision, the court shall notify the department of  
23 that action.

24 **SECTION 47.** 23.335 (23) (fm) of the statutes is created to read:

**ASSEMBLY BILL 873**

1           23.335 (23) (fm) *Sentence of detention.* The legislature intends that courts use  
2 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject  
3 to par. (c) 2., 3., 4b., or 5. or (d). The use of this option can result in significant cost  
4 savings for the state and local governments.

5           **SECTION 48.** 23.335 (23) (g) of the statutes is renumbered 23.335 (23) (g) 1. and  
6 amended to read:

7           23.335 (23) (g) 1. In determining the number of previous convictions under  
8 pars. (c) 2. ~~and 3.~~ to 5. and (e), convictions arising out of the same incident or  
9 occurrence shall be counted as one previous conviction.

10          **SECTION 49.** 23.335 (23) (g) 2. of the statutes is created to read:

11          23.335 (23) (g) 2. In determining the number of previous convictions under par.  
12 (b) 2. to 5., previous convictions under the intoxicated operation of an off-highway  
13 motorcycle law or under the off-highway motorcycle refusal law that occurred  
14 before, on, or after the effective date of this subdivision .... [LRB inserts date], and  
15 previous convictions under the intoxicated operation of an all-terrain or utility  
16 terrain vehicle law, as defined in s. 23.33 (1) (ic), the all-terrain or utility terrain  
17 vehicle refusal law, as defined in s. 23.33 (1) (at), the intoxicated boating law, as  
18 defined in s. 30.50 (4m), the boating refusal law, as defined in s. 30.50 (2c), the  
19 intoxicated snowmobiling law, as defined in s. 350.01 (9c), or the snowmobiling  
20 refusal law, as defined in s. 350.01 (17m), that occur after the effective date of this  
21 subdivision .... [LRB inserts date], shall count as previous convictions.

22          **SECTION 50.** 23.335 (23) (h) of the statutes is amended to read:

23          23.335 (23) (h) *Reporting convictions to the department.* Whenever a person  
24 is convicted of a violation of the intoxicated operation of an off-highway motorcycle  
25 law or the off-highway motorcycle refusal law, the clerk of the court in which the

**ASSEMBLY BILL 873****SECTION 50**

1 conviction occurred, or the justice, judge, or magistrate of a court not having a clerk,  
2 shall forward to the department the record of such conviction. The record of  
3 conviction forwarded to the department shall state whether the offender was  
4 involved in an accident at the time of the offense.

5 **SECTION 51.** 23.335 (23) (im) of the statutes is created to read:

6 23.335 (23) (im) *Certificate of completion of safety program.* In addition to any  
7 other penalty or order, a person who for the first time violates the intoxicated  
8 operation of an off-highway motorcycle law or the off-highway motorcycle refusal  
9 law shall be ordered by the court to obtain a certificate of satisfactory completion of  
10 a safety program established under sub. (14). If the person has a valid certificate at  
11 the time that the court imposes sentence for such a violation, the court shall  
12 permanently revoke the certificate and order the person to obtain another certificate  
13 of satisfactory completion of the safety program.

14 **SECTION 52.** 30.50 (4n) of the statutes is created to read:

15 30.50 (4n) "Intoxicated operating law" means the intoxicated operation of an  
16 all-terrain or utility terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated  
17 boating law, or the intoxicated snowmobiling law, as defined in s. 350.01 (9c).

18 **SECTION 53.** 30.50 (4v) of the statutes is created to read:

19 30.50 (4v) "Legal drinking age" means 21 years of age.

20 **SECTION 54.** 30.50 (9m) of the statutes is created to read:

21 30.50 (9m) "Recreational motorboat" means a motorboat that is not a  
22 commercial motorboat.

23 **SECTION 55.** 30.50 (9s) of the statutes is created to read:

24 30.50 (9s) "Recreational vehicle" means an all-terrain vehicle, as defined in s.  
25 340.01 (2g), a utility terrain vehicle, as defined in s. 23.33 (1) (ng), an off-highway

**ASSEMBLY BILL 873**

1 motorcycle, as defined in s. 23.335 (1) (q), a recreational motorboat, or a snowmobile,  
2 as defined in s. 340.01 (58a).

3 **SECTION 56.** 30.50 (9t) of the statutes is created to read:

4 30.50 (9t) "Recreational vehicle and boating refusal law" means the all-terrain  
5 or utility terrain vehicle refusal law, as defined in s. 23.33 (1) (at), the off-highway  
6 motorcycle refusal law, as defined in s. 23.335 (1) (tm), the boating refusal law, or the  
7 snowmobiling refusal law, as defined in s. 350.01 (17m).

8 **SECTION 57.** 30.50 (9x) of the statutes is renumbered 30.50 (2c) and amended  
9 to read:

10 30.50 (2c) "Refusal Boating refusal law" means s. 30.684 (5) or a local ordinance  
11 in conformity with that subsection.

12 **SECTION 58.** 30.681 (1) (bn) of the statutes is amended to read:

13 30.681 (1) (bn) *Operating with alcohol concentrations at specified levels; below*  
14 *legal drinking age.* A person who has not attained the legal drinking age, as defined  
15 in s. 125.02 (8m), may not engage in the operation of a motorboat while he or she has  
16 ~~a blood~~ an alcohol concentration of more than 0.0 but less than 0.08.

17 **SECTION 59.** 30.681 (1) (c) of the statutes is amended to read:

18 30.681 (1) (c) *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 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person  
21 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2., the offenses  
22 shall be joined. If the person is found guilty of any combination of par. (a) or (b) 1.,  
23 1m., or 2. for acts arising out of the same incident or occurrence, there shall be a  
24 single conviction for purposes of sentencing and for purposes of counting convictions

**ASSEMBLY BILL 873****SECTION 59**

1 under s. 30.80 (6) (a) 2. ~~and 3.~~ to 5. Paragraphs (a) and (b) 1., 1m., and 2. each require  
2 proof of a fact for conviction ~~which~~ that the others do not require.

3 **SECTION 60.** 30.681 (2) (c) of the statutes is amended to read:

4 30.681 (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 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person  
7 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2. in the  
8 complaint, the crimes shall be joined under s. 971.12. If the person is found guilty  
9 of any combination of par. (a) or (b) 1., 1m., or 2. for acts arising out of the same  
10 incident or occurrence, there shall be a single conviction for purposes of sentencing  
11 and for purposes of counting convictions under s. 30.80 (6) (a) 2. ~~and 3.~~ to 5.  
12 Paragraphs (a) and (b) 1., 1m., and 2. each require proof of a fact for conviction ~~which~~  
13 that the others do not require.

14 **SECTION 61.** 30.681 (2) (d) 1. a. of the statutes is amended to read:

15 30.681 (2) (d) 1. a. In an action under this subsection for a violation of the  
16 intoxicated boating law where the defendant was operating a recreational motorboat  
17 ~~that is not a commercial motorboat~~, the defendant has a defense if he or she proves  
18 by a preponderance of the evidence that the injury would have occurred even if he  
19 or she had been exercising due care and he or she had not been under the influence  
20 of an intoxicant or did not have an alcohol concentration of 0.08 or more or a  
21 detectable amount of a restricted controlled substance in his or her blood.

22 **SECTION 62.** 30.686 of the statutes is amended to read:

23 **30.686 Report arrest to department.** If a law enforcement officer arrests  
24 a person for a violation of the intoxicated boating law or the boating refusal law, the



**ASSEMBLY BILL 873**

1 law enforcement officer shall notify the department of the arrest as soon as  
2 practicable.

3 **SECTION 63.** 30.688 of the statutes is created to read:

4 **30.688 Suspension or revocation of operating privileges. (1) ORDERS TO**  
5 **SUSPEND OR REVOKE.** (a) If a court imposes a penalty for a violation of the intoxicated  
6 boating law or the boating refusal law and if the violation involved the operation of  
7 a recreational motorboat, the court shall order the suspension of the person's  
8 privilege to operate a recreational vehicle for a period of not less than 12 months and  
9 not more than 16 months. As part of the order, the court may authorize the person  
10 to operate a recreational motorboat if the court finds that such operation is essential  
11 for the purpose of engaging in an occupation or trade. Whenever a court suspends  
12 an operating privilege under this paragraph, the court shall notify the department  
13 of that action.

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

**ASSEMBLY BILL 873****SECTION 63**

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

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

6           **SECTION 64.** 30.74 (1) (bn) of the statutes is amended to read:

7           30.74 **(1)** (bn) A certificate issued to a person under this subsection is valid for  
8 life unless the certificate or the person's privilege to operate a motorboat is  
9 suspended or revoked by a court under s. 30.688 (1) (a), 30.80 (2m) or (6) (e), or  
10 938.343 (5).

11           **SECTION 65.** 30.80 (6) (a) 1. of the statutes is amended to read:

12           30.80 **(6)** (a) 1. Except as provided under subds. 2. to 5., a person who violates  
13 s. 30.681 (1) (a) or (b), ~~a local ordinance in conformity with s. 30.681 (1) (a) or (b) or~~  
14 ~~the refusal law 30.684 (5)~~ shall forfeit not less than \$150 \$400 nor more than \$300  
15 \$550.

16           **SECTION 66.** 30.80 (6) (a) 2. of the statutes is amended to read:

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

24           **SECTION 67.** 30.80 (6) (a) 3. of the statutes is amended to read:

**ASSEMBLY BILL 873**

1           30.80 (6) (a) 3. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~  
2 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,  
3 within 5 years prior to the arrest for the current violation, was convicted 2 times  
4 previously under the intoxicated boating operating law ~~or, the recreational vehicle~~  
5 and boating refusal law, or any combination of these laws, shall be fined not less than  
6 \$600 nor more than \$2,000 and shall be imprisoned for not less than 30 days nor more  
7 than one year in the county jail.

8           **SECTION 68.** 30.80 (6) (a) 4. of the statutes is amended to read:

9           30.80 (6) (a) 4. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~  
10 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,  
11 within 5 years prior to the arrest for the current violation, was convicted 3 times  
12 previously under the intoxicated boating operating law ~~or, the recreational vehicle~~  
13 and boating refusal law, or any combination of these laws, shall be fined not less than  
14 \$600 nor more than \$2,000 and shall be imprisoned for not less than 60 days nor more  
15 than one year in the county jail.

16           **SECTION 69.** 30.80 (6) (a) 5. of the statutes is amended to read:

17           30.80 (6) (a) 5. A person who violates s. 30.681 (1) (a) or (b), ~~a local ordinance~~  
18 ~~in conformity with s. 30.681 (1) (a) or (b) or the refusal law or 30.684 (5)~~ and who,  
19 within 5 years prior to the arrest for the current violation, was convicted 4 or more  
20 times previously under the intoxicated boating operating law ~~or, the recreational~~  
21 vehicle and boating refusal law, or any combination of these laws, shall be fined not  
22 less than \$600 nor more than \$2,000 and shall be imprisoned for not less than 6  
23 months nor more than one year in the county jail.

24           **SECTION 70.** 30.80 (6) (a) 6. of the statutes is amended to read:

**ASSEMBLY BILL 873****SECTION 70**

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

4           **SECTION 71.** 30.80 (6) (am) of the statutes is created to read:

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

10          **SECTION 72.** 30.80 (6) (ar) of the statutes is created to read:

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

21          2. In any county that opts to offer a reduced minimum period of imprisonment  
22 for the successful completion of a probation period that includes alcohol and other  
23 drug treatment, if the number of suspensions, revocations, and convictions for a  
24 violation of the intoxicated boating law or the boating refusal law within a 5-year  
25 period equals 3, except that suspensions, revocations, or convictions arising out of

**ASSEMBLY BILL 873**

1 the same incident or occurrence shall be counted as one, the fine shall be the same  
2 as under par. (a) 3., but the period of imprisonment shall be not less than 30 days,  
3 except that if the person successfully completes a period of probation that includes  
4 alcohol and other drug treatment, the period of imprisonment shall be not less than  
5 14 days.

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

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

18 **SECTION 73.** 30.80 (6) (bg) of the statutes is created to read:

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

**ASSEMBLY BILL 873****SECTION 73**

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

6           **SECTION 74.** 30.80 (6) (bn) of the statutes is created to read:

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

11           **SECTION 75.** 30.80 (6) (c) of the statutes is renumbered 30.80 (6) (c) 1.

12           **SECTION 76.** 30.80 (6) (c) 2. of the statutes is created to read:

13           30.80 (6) (c) 2. In determining the number of previous convictions under par.  
14 (a) 2. to 5., previous convictions under the intoxicated boating law or the boating  
15 refusal law that occurred before, on, or after the effective date of this subdivision ...  
16 [LRB inserts date], and previous convictions under the intoxicated operation of an  
17 all-terrain or utility terrain vehicle law, as defined in s. 23.33 (1) (ic), the all-terrain  
18 or utility terrain vehicle refusal law, as defined in s. 23.33 (1) (at), the intoxicated  
19 operation of an off-highway motorcycle law, as defined in s. 23.335 (1) (L), the  
20 off-highway motorcycle refusal law, as defined in s. 23.335 (1) (tm), the intoxicated  
21 snowmobiling law, as defined in s. 350.01 (9c), or the snowmobiling refusal law, as  
22 defined in s. 350.01 (17m), that occur after the effective date of this subdivision ...  
23 [LRB inserts date], shall count as previous convictions.

24           **SECTION 77.** 30.80 (6) (cm) of the statutes is created to read:

**ASSEMBLY BILL 873**

1           30.80 (6) (cm) *Reporting convictions to the department.* Whenever a person is  
2 convicted of a violation of the intoxicated boating law or the boating refusal law, the  
3 court in which the conviction occurred shall forward to the department the record of  
4 such conviction. The record of conviction forwarded to the department shall state  
5 whether the offender was involved in an accident at the time of the offense.

6           **SECTION 78.** 30.80 (6) (e) of the statutes is amended to read:

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

16           **SECTION 79.** 59.54 (14) (g) of the statutes is amended to read:

17           59.54 (14) (g) A county may establish extensions of the jail, which need not be  
18 at the county seat, to serve as places of temporary confinement. No person may be  
19 detained in such an extension for more than 24 consecutive hours, except that a court  
20 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. ~~or 3., 4b.~~  
21 ~~or 5.~~ or (c), 23.335 (23) (c) 2. ~~or 3., 4b., or 5.~~ or (d), 30.80 (6) (a) 2., 3., 4., or 5. or (b),  
22 ~~or 350.11 (3) (a) 2. or 3., 4b., or 5.~~ or (b) be imprisoned for more than 24 consecutive  
23 hours in such an extension. Jail extensions shall be subject to the approval of plans  
24 and specifications ~~approval~~ by the department of corrections and shall conform to

**ASSEMBLY BILL 873****SECTION 79**

1 other requirements imposed by law on jails, except that cells may be designed and  
2 used for multiple occupancy.

3 **SECTION 80.** 343.10 (1) (a) of the statutes is amended to read:

4 343.10 (1) (a) If a person's license or operating privilege is revoked or  
5 suspended under this chapter or s. 23.33 (4y) (a) 2., 23.335 (12) (km) 1. b., 30.688 (1)  
6 (b), 350.1075 (1) (b), 767.73, 938.34 (14q), 943.21 (3m), or 961.50 and if the person  
7 is engaged in an occupation, including homemaking or full-time or part-time study,  
8 or a trade making it essential that he or she operate a motor vehicle, the person, after  
9 payment of the fee provided in sub. (6), may file an application with the department  
10 setting forth in detail the need for operating a motor vehicle. No person may file more  
11 than one application with respect to each revocation or suspension of the person's  
12 license or operating privilege under this chapter or s. 23.33 (4y) (a) 2., 23.335 (12)  
13 (km) 1. b., 30.688 (1) (b), 350.1075 (1) (b), 767.73, 938.34 (14q), 943.21 (3m), or 961.50,  
14 except that this limitation does not apply to an application to amend an occupational  
15 license restriction.

16 **SECTION 81.** 343.10 (2) (a) 1. of the statutes is amended to read:

17 343.10 (2) (a) 1. Except for a revocation or suspension that arose out of the same  
18 incident or occurrence for which the person's license or operating privilege is  
19 currently revoked or suspended, the person's license or operating privilege was not  
20 revoked or suspended previously under this chapter or ch. 344 or s. 23.33 (4y) (a) 2.,  
21 23.335 (12) (km) 1. b., 30.688 (1) (b), 350.1075 (1) (b), 943.21 (3m) or 961.50 within  
22 the one-year period immediately preceding the present revocation or suspension,  
23 except as provided in s. 344.40.

24 **SECTION 82.** 343.10 (9) of the statutes is amended to read:



**ASSEMBLY BILL 873**

1           343.10 **(9)** NOTICE. The department shall inform a person whose operating  
2 privilege is revoked or suspended under this chapter or chs. 23, 30, or 350 of his or  
3 her right to apply to the department for issuance of an occupational license under  
4 this section.

5           **SECTION 83.** 343.21 (1) (jr) of the statutes is amended to read:

6           343.21 **(1)** (jr) In addition to any other fee under this subsection, for  
7 reinstatement of an operating privilege previously revoked or suspended under s.  
8 23.33 (4y) (a) 2., 23.335 (12) (km) 1. b., 30.688 (1) (b), 343.305 (7), or 350.1075 (1) (b)  
9 or resulting from the commission of an offense listed in s. 343.307, \$140.

10          **SECTION 84.** 350.01 (9b) of the statutes is created to read:

11          350.01 **(9b)** “Intoxicated operating law” means the intoxicated operation of an  
12 all-terrain or utility terrain vehicle law, as defined in s. 23.33 (1) (ic), the intoxicated  
13 operation of an off-highway motorcycle law, as defined in s. 23.335 (1) (L), the  
14 intoxicated boating law, as defined in s. 30.50 (4m), or the intoxicated snowmobiling  
15 law.

16          **SECTION 85.** 350.01 (10p) of the statutes is created to read:

17          350.01 **(10p)** “Recreational vehicle” means an all-terrain vehicle, as defined  
18 in s. 340.01 (2g), a utility terrain vehicle, as defined in s. 23.33 (1) (ng), an  
19 off-highway motorcycle, as defined in s. 23.335 (1) (q), a recreational motorboat, as  
20 defined in s. 30.50 (9m), or a snowmobile.

21          **SECTION 86.** 350.01 (10q) of the statutes is created to read:

22          350.01 **(10q)** “Recreational vehicle and boating refusal law” means the  
23 all-terrain or utility terrain vehicle refusal law, as defined in s. 23.33 (1) (at), the  
24 off-highway motorcycle refusal law, as defined in s. 23.335 (1) (tm), the boating  
25 refusal law, as defined in s. 30.50 (2c), or the snowmobiling refusal law.

**ASSEMBLY BILL 873****SECTION 87**

1           **SECTION 87.** 350.01 (10r) of the statutes is renumbered 350.01 (17m) and  
2 amended to read:

3           350.01 (**17m**) “~~Refusal~~ Snowmobiling refusal law” means s. 350.104 (5) or a  
4 local ordinance in conformity therewith.

5           **SECTION 88.** 350.101 (1) (d) of the statutes is amended to read:

6           350.101 (**1**) (d) *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 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is  
9 charged with violating any combination of par. (a), (b), or (bm), the offenses shall be  
10 joined. If the person is found guilty of any combination of par. (a), (b), or (bm) for acts  
11 arising out of the same incident or occurrence, there shall be a single conviction for  
12 purposes of sentencing and for purposes of counting convictions under s. 350.11 (3)  
13 (a) 2. ~~and 3.~~ to 5. Paragraphs (a), (b), and (bm) each require proof of a fact for  
14 conviction ~~which~~ that the others do not require.

15           **SECTION 89.** 350.101 (2) (c) of the statutes is amended to read:

16           350.101 (**2**) (c) *Related charges.* A person may be charged with and a prosecutor  
17 may proceed upon a complaint based upon a violation of any combination of par. (a),  
18 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is  
19 charged with violating any combination of par. (a), (b), or (bm) in the complaint, the  
20 crimes shall be joined under s. 971.12. If the person is found guilty of any  
21 combination of par. (a), (b), or (bm) for acts arising out of the same incident or  
22 occurrence, there shall be a single conviction for purposes of sentencing and for  
23 purposes of counting convictions under s. 350.11 (3) (a) 2. ~~and 3.~~ to 5. Paragraphs  
24 (a), (b), and (bm) each require proof of a fact for conviction ~~which~~ that the others do  
25 not require.

**ASSEMBLY BILL 873**

1           **SECTION 90.** 350.106 of the statutes is amended to read:

2           **350.106 Report arrest to department.** If a law enforcement officer arrests  
3 a person for a violation of the intoxicated snowmobiling law or the snowmobiling  
4 refusal law, the law enforcement officer shall notify the department of the arrest as  
5 soon as practicable.

6           **SECTION 91.** 350.1075 of the statutes is created to read:

7           **350.1075 Suspension or revocation of operating privileges. (1) ORDERS**  
8 **TO SUSPEND OR REVOKE.** (a) If a court imposes a penalty for a violation of the  
9 intoxicated snowmobiling law or the snowmobiling refusal law, the court shall order  
10 the suspension of the person's privilege to operate a recreational vehicle for a period  
11 of not less than 12 months and not more than 16 months. As part of the order, the  
12 court may authorize the person to operate a snowmobile exclusively on land under  
13 the management and control of the person's immediate family if the court finds that  
14 such operation is essential for the purpose of engaging in an occupation or trade.  
15 Whenever a court suspends an operating privilege under this paragraph, the court  
16 shall notify the department of that action.

17           (b) In addition to the order under par. (a), the court shall also order the  
18 revocation of the person's privilege to operate a motor vehicle on public premises, as  
19 defined in s. 23.33 (1) (jd), if the person, within 5 years prior to the arrest for the  
20 current violation of the intoxicated snowmobiling law or the snowmobiling refusal  
21 law, violated the intoxicated operating law or the recreational vehicle and boating  
22 refusal law. The period of revocation shall be not less than 6 months and not more  
23 than 12 months. Whenever a court revokes an operating privilege under this  
24 paragraph, the court may take possession of the revoked license. If the court takes  
25 possession of the revoked license, the court shall destroy the license. The court shall

**ASSEMBLY BILL 873****SECTION 91**

1 forward to the department of transportation the record of the conviction and notice  
2 of revocation. The person is eligible for an occupational license under s. 343.10 at any  
3 time.

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

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

9 **SECTION 92.** 350.11 (3) (a) 1. of the statutes is amended to read:

10 350.11 **(3)** (a) 1. Except as provided under subs. 2. and ~~3.~~ to 5., a person who  
11 violates s. 350.101 (1) (a), (b), or (bm) or s. 350.104 (5) shall forfeit not less than \$400  
12 nor more than \$550.

13 **SECTION 93.** 350.11 (3) (a) 2. of the statutes is amended to read:

14 350.11 **(3)** (a) 2. ~~Except as provided under subd. 3., a~~ A person who violates  
15 s. 350.101 (1) (a), (b), or (bm) or 350.104 (5) and who, within 5 years prior to the arrest  
16 for the current violation, was convicted one time previously under the intoxicated  
17 snowmobiling operating law or the recreational vehicle and boating refusal law shall  
18 be fined not less than \$300 nor more than ~~\$1,000~~ \$1,100 and shall be imprisoned not  
19 less than 5 days nor more than ~~6 months~~ one year in the county jail.

20 **SECTION 94.** 350.11 (3) (a) 3. of the statutes is amended to read:

21 350.11 **(3)** (a) 3. 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 ~~2 or more times~~ previously under the intoxicated snowmobiling operating law ~~or, the~~  
24 recreational vehicle and boating refusal law, or any combination of these laws, shall

**ASSEMBLY BILL 873**

1 be fined not less than \$600 nor more than \$2,000 and shall be imprisoned not less  
2 than 30 days nor more than one year in the county jail.

3 **SECTION 95.** 350.11 (3) (a) 4b. of the statutes is created to read:

4 350.11 (3) (a) 4b. 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 3 times previously under the intoxicated operating law, the recreational vehicle and  
7 boating refusal law, or any combination of these laws, shall be fined not less than  
8 \$600 nor more than \$2,000 and shall be imprisoned not less than 60 days nor more  
9 than one year in the county jail.

10 **SECTION 96.** 350.11 (3) (a) 5. of the statutes is created to read:

11 350.11 (3) (a) 5. A person who violates s. 350.101 (1) (a), (b), or (bm) or 350.104  
12 (5) and who, within 5 years prior to the arrest for the current violation, was convicted  
13 4 or more times previously under the intoxicated operating law, the recreational  
14 vehicle and boating refusal law, or any combination of these laws, shall be fined not  
15 less than \$600 nor more than \$2,000 and shall be imprisoned not less than 6 months  
16 nor more than one year in the county jail.

17 **SECTION 97.** 350.11 (3) (am) of the statutes is created to read:

18 350.11 (3) (am) *Penalties related to operating with underage passengers.* If  
19 there is a passenger under 16 years of age on a snowmobile at the time of a violation  
20 that gives rise to a conviction under s. 350.101 (1) (a), (b), or (bm) or 350.104 (5), the  
21 applicable minimum and maximum forfeitures, fines, and terms of imprisonment  
22 under par. (a) 1. to 5. for the conviction are doubled.

23 **SECTION 98.** 350.11 (3) (ar) of the statutes is created to read:

24 350.11 (3) (ar) *Alcohol and drug treatment alternatives.* 1. In any county that  
25 opts to offer a reduced minimum period of imprisonment for the successful

**ASSEMBLY BILL 873****SECTION 98**

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 snowmobiling law or the snowmobiling refusal law within a 5-year  
4 period equals 2, except that suspensions, revocations, or convictions arising out of  
5 the same incident or occurrence shall be counted as one, the fine shall be the same  
6 as under par. (a) 2., but the period of imprisonment shall be not less than 5 days,  
7 except that if the person successfully completes a period of probation that includes  
8 alcohol and other drug treatment, the period of imprisonment shall be not less than  
9 5 nor more than 7 days.

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

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

**ASSEMBLY BILL 873**

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

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

7 **SECTION 99.** 350.11 (3) (bg) of the statutes is created to read:

8 350.11 (3) (bg) *Penalties related to suspension and revocation.* 1. A person who  
9 operates a recreational vehicle in violation of s. 350.1075 (2) (a) is subject to a  
10 forfeiture of not less than \$50 nor more than \$250. In addition, for each such  
11 violation, the court may suspend the person's privilege to operate a recreational  
12 vehicle for a period of not more than 6 months. Whenever a court suspends an  
13 operating privilege under this subdivision, the court shall notify the department of  
14 that action.

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

20 **SECTION 100.** 350.11 (3) (bm) of the statutes is amended to read:

21 350.11 (3) (bm) *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. (a) 2. ~~or~~ 3., 4b., or 5. or (b). The use of this option can result in significant cost  
24 savings for the state and local governments.

**ASSEMBLY BILL 873****SECTION 101**

1           **SECTION 101.** 350.11 (3) (c) of the statutes is renumbered 350.11 (3) (c) 1. and  
2 amended to read:

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

6           **SECTION 102.** 350.11 (3) (c) 2. of the statutes is created to read:

7           350.11 **(3)** (c) 2. In determining the number of previous convictions under par.  
8 (a) 2. to 5., previous convictions under the intoxicated snowmobiling law or the  
9 snowmobiling refusal law that occurred before, on, or after the effective date of this  
10 subdivision ... [LRB inserts date], and previous convictions under the intoxicated  
11 operation of an all-terrain or utility terrain vehicle law, as defined in s. 23.33 (1) (ic),  
12 the all-terrain or utility terrain vehicle refusal law, as defined in s. 23.33 (1) (at), the  
13 intoxicated operation of an off-highway motorcycle law, as defined in s. 23.335 (1) (L),  
14 the off-highway motorcycle refusal law, as defined in s. 23.335 (1) (tm), the  
15 intoxicated boating law, as defined in s. 30.50 (4m), or the boating refusal law, as  
16 defined in s. 30.50 (2c), that occur after the effective date of this subdivision ... [LRB  
17 inserts date], shall count as previous convictions.

18           **SECTION 103.** 350.11 (3) (cm) of the statutes is amended to read:

19           350.11 **(3)** (cm) *Reporting convictions to the department.* Whenever a person  
20 is convicted of a violation of the intoxicated snowmobiling law or the snowmobiling  
21 refusal law, the clerk of the court in which the conviction occurred, ~~or the justice,~~  
22 ~~judge or magistrate of a court not having a clerk,~~ shall forward to the department the  
23 record of such conviction. The record of conviction forwarded to the department shall  
24 state whether the offender was involved in an accident at the time of the offense.

25           **SECTION 104.** 350.11 (3) (e) of the statutes is created to read:



**ASSEMBLY BILL 873****SECTION 104**

1           350.11 (3) (e) *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 snowmobiling law or the snowmobiling refusal law shall be ordered by the court to  
4 obtain a certificate of satisfactory completion of a safety program established under  
5 s. 350.055 (1). If the person has a valid certificate at the time that the court imposes  
6 a sentence for such a violation, the court shall permanently revoke the certificate and  
7 order the person to obtain another certificate of satisfactory completion of the safety  
8 program.

9           **SECTION 105.** 940.09 (1m) (b) of the statutes is amended to read:

10           940.09 (1m) (b) If a person is charged in an information with any of the  
11 combinations of crimes referred to in par. (a), the crimes shall be joined under s.  
12 971.12. If the person is found guilty of more than one of the crimes so charged for  
13 acts arising out of the same incident or occurrence, there shall be a single conviction  
14 for purposes of sentencing and for purposes of counting convictions under s. 23.33  
15 (13) (b) 2. ~~and 3. to 5.~~, under s. 23.335 (23) (c) 2. ~~and 3. to 5.~~, under s. 30.80 (6) (a) 2.  
16 ~~and 3. to 5.~~, under s. 343.307 (1), or under s. 350.11 (3) (a) 2. ~~and 3. to 5.~~ Subsection  
17 (1) (a), (am), (b), (bm), (c), (cm), (d), and (e) each require proof of a fact for conviction  
18 which ~~that~~ the others do not require, and sub. (1g) (a), (am), (b), (c), (cm), and (d) each  
19 require proof of a fact for conviction which ~~that~~ the others do not require.

20           **SECTION 106.** 940.25 (1m) (b) of the statutes is amended to read:

21           940.25 (1m) (b) If a person is charged in an information with any of the  
22 combinations of crimes referred to in par. (a), the crimes shall be joined under s.  
23 971.12. If the person is found guilty of more than one of the crimes so charged for  
24 acts arising out of the same incident or occurrence, there shall be a single conviction  
25 for purposes of sentencing and for purposes of counting convictions under s. 23.33

**ASSEMBLY BILL 873****SECTION 106**

1 (13) (b) 2. ~~and 3. to 5.~~, under s. 23.335 (23) (c) 2. ~~and 3. to 5.~~, under s. 30.80 (6) (a) 2.  
2 ~~or 3. to 5.~~, under ss. 343.30 (1q) and 343.305, or under s. 350.11 (3) (a) 2. ~~and 3. to 5.~~  
3 Subsection (1) (a), (am), (b), (bm), (c), (cm), (d), and (e) each require proof of a fact for  
4 conviction ~~which~~ that the others do not require.

5 **SECTION 107. Effective date.**

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

8 (END)