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*Testimony before the Assembly Committee on Criminal Justice and Public Safety
State Senator André Jacque
March 7th, 2019*

Chairman Spiros and Members of the Assembly Committee on Criminal Justice and Public Safety,

Thank you for the opportunity to testify before you today in support of Assembly Bill 7, legislation Rep. Horlacher and I have re-introduced relating to the use of snowmobile while intoxicated.

The winter season remains in full force around Wisconsin, which means an increased use of snowmobiles recreationally throughout the state. Snowmobile riding is a growing sport in Wisconsin but along with the privilege of enjoying the sport comes the obligation of making sure you are operating snowmobiles safely and responsibly.

Under current law absolute sobriety is required for those under the age of 21 to operate any recreational vehicle with the exception of snowmobiles. AB 7 seeks to establish uniformity under the law for individuals under the age of 21 while operating a snowmobile, thus ensuring safety and that individuals are not treated differently under statute when operating recreational vehicles.

Operating while intoxicated is a significant contributing factor for fatalities with any motorized vehicle. Based on statistics from the Wisconsin Department of Natural Resources Snowmobile Safety and Enforcement 2016-2017 Annual Report, there were sixteen snowmobile related fatalities and out of those fatalities, 65% had the involvement of alcohol. It should be noted that sixteen drivers were arrested for operating a snowmobile with a BAC at or above 0.08%. Additionally, according to the DNR Snowmobile Fatality Summaries for 2018, 14 of the 19 fatalities involved the use of alcohol with a BAC at or above 0.08%.

These fatality reports note that collisions with trees or other fixed objects occur while failing to react to changes in landscapes such as a curve in the trail or a shoreline due to operating with a high BAC. With the high speeds snowmobiles can reach, some as high as 150 mph, it's common sense that we place similar operational restrictions on snowmobiles as those placed on vehicles much slower.

This legislation enjoyed strong bi-partisan support last session, passing this committee with a unanimous 11-0 vote. AB 7 is also supported by the Association of Wisconsin Snowmobile Clubs, the WI Chiefs of Police, Wisconsin Professional Police Association, Wisconsin Sheriffs and Deputy Sheriffs Association, and the Badger Sheriffs Association.

Thank you again for your consideration of Assembly Bill 7.



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March 7, 2019

Chairman Spiros and Criminal Justice and Public Safety Committee Members,

Thank you for holding a Public Hearing on AB 7 relating to the intoxicated operation of snowmobiles.

Current law requires absolute sobriety for those under the age of 21 to operate any recreational vehicle except snowmobiles. This bill establishes parity for any person under the age of 21 for the purpose of operating a snowmobile therefore, making the sobriety requirement the same as that of any other recreational vehicle

Operating while intoxicated is a significant contributing factor for fatalities with any motorized vehicle. According to the DNR Wisconsin Snowmobile Safety and Enforcement 2016-2017 Annual Report, there were sixteen snowmobile related fatalities and out of those fatalities, thirteen had the involvement of alcohol. Also, sixteen drivers were arrested for operating a snowmobile with a BAC at or above 0.08%. Similar legislation has already been passed in our neighboring state of Michigan. This incentivizes those under the age of 21 residing in Michigan to cross the border and come into northern Wisconsin counties to take advantage of our laws. This brings the possibility of increasing violations, accidents, and deaths in our state.

Opponents of this bill may say this will have a negative impact on businesses in northern Wisconsin. It is my position that for the small number of underage drinkers, who this affects, the overall economic impact to our local taverns and restaurants will be minimal.

Snowmobiles can reach up to 150 mph, faster than that of an average car. If we put certain operational restrictions on other motor vehicles, it would only make sense to put the same restrictions on snowmobiles that can be far more dangerous.

This bill has been supported by the WI Police Chiefs, WI Professional Police Association, and the Association of Wisconsin Snowmobile Clubs, Inc.

I appreciate your consideration of this bill and I would be happy to answer any questions you may have.



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Assembly Committee on Criminal Justice & Public Safety

2019 Assembly Bill 7 Intoxicated Operation of Snowmobiles March 7, 2019

Good morning Chairman Spiros and members of the Committee. My name is Todd Schaller, and I am the Chief Conservation Warden with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Assembly Bill 7.

Under current law, operation of both motor vehicles and recreational vehicles (boats, all-terrain vehicles, snowmobiles, etc.) is generally subject to absolute sobriety standards for individuals who are under the legal drinking age. For motor vehicles and recreational vehicle types other than snowmobiles, that age is 21. However, for snowmobiles, that age is still 19.

This proposal makes a simple change to the intoxicated snowmobile law by changing the snowmobile absolute sobriety age to 21, which is consistent with all other recreational vehicle types. This change would reduce enforcement challenges and simplify training for law enforcement officers.

The general snowmobile intoxicated operation provisions, such as operating while under the influence of an intoxicant, operating with a prohibited alcohol concentration, or operating with a restricted controlled substance in blood, remain unchanged by this proposal.

Snowmobiling in Wisconsin is a safe, enjoyable, and economically valuable activity throughout the state. Partner organizations and local volunteers invest countless hours and dollars to create and maintain trail systems and routes that showcase Wisconsin's natural resources and support tourism in local communities. Wisconsin truly is a destination for snowmobilers.

To maintain both the safety and positive image of snowmobiling in Wisconsin, Wisconsin conservation wardens, alongside our local law enforcement partners, engage in proactive education, community involvement, and enforcement to achieve voluntary compliance with Wisconsin's snowmobiling laws. Historic accident data indicates that alcohol use and speed are major contributing factors of snowmobile accidents in the state. Modification of the intoxicated snowmobiling law, such as this proposal's alignment of the absolute sobriety age, is directly related to maintaining the safety of Wisconsin's trails.

On behalf of the Bureau of Law Enforcement, I would like to thank you again for your time today. Your partnership and commitment to providing a safe and positive experience for Wisconsin's recreational vehicle users is appreciated. I would be happy to answer any questions you may have.