



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4551/1  
ARG:jld

## 2017 BILL

1     **AN ACT** *to renumber and amend* 125.02 (8m); *to amend* 27.01 (18), 59.56 (12)  
2           (br), 346.65 (2g) (b) and 346.65 (2i); and *to create* 84.015 (3), 125.02 (8m) (b)  
3           and 125.032 of the statutes; **relating to:** lowering the legal drinking age under  
4           certain circumstances.

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### *Analysis by the Legislative Reference Bureau*

This bill lowers the legal drinking age to 19 years of age if doing so will not result in this state's loss of federal highway funds.

Under current law, the legal drinking age is the age at which a person may legally purchase, possess, and consume alcohol beverages and enter premises licensed for the retail sale of alcohol beverages unaccompanied by a parent, guardian, or spouse. The legal drinking age in this state is currently 21 years of age. Under the federal national minimum drinking age law, a state that provides for a legal drinking age of less than 21 years is subject to withholding of 8 percent of federal highway aid annually.

This bill requires the state Department of Transportation to petition the federal Department of Transportation for a determination as to whether lowering the legal drinking age in this state to 19 years of age will result in this state's loss of federal

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highway aid or other federal highway safety funds. If no such loss of federal funds will result, the bill lowers the legal drinking age in this state to 19 years of age.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 27.01 (18) of the statutes is amended to read:

2           27.01 **(18)** ALCOHOL SALES IN PENINSULA STATE PARK. The department shall  
3 allow a person with whom it contracts for the operation of a golf course or a golf  
4 clubhouse in Peninsula State Park to sell alcohol beverages on the golf course or in  
5 the golf clubhouse and shall allow users of the golf course or golf clubhouse who are  
6 at least ~~21 years of age~~ the legal drinking age, as defined in s. 125.02 (8m), to possess  
7 and consume those alcohol beverages. In the contract described under this  
8 subsection, the department may impose restrictions on the sale of alcohol beverages  
9 that are consistent with the restrictions imposed upon Class “B” licensees and “Class  
10 B” licensees under ch. 125.

11           **SECTION 2.** 59.56 (12) (br) of the statutes is amended to read:

12           59.56 **(12)** (br) Shall immediately revoke the license of any dance hall  
13 proprietor or manager issued under an ordinance enacted under par. (b) if there is  
14 allowed at any such dance presence of intoxicated persons, or of children 17 years of  
15 age or under or adults who have not attained the ~~age of 21 years~~ legal drinking age,  
16 as defined in s. 125.02 (8m), and who are unaccompanied by their parent or lawful  
17 guardian when alcohol beverages are available for consumption on the premises, or  
18 if any of the ordinances are violated. The board may enact an ordinance requiring  
19 the revocation of a dance hall license if the use of intoxicating liquor is permitted on  
20 the premises during the holding of a public dance. The chairperson of the board,  
21 when the board is not in session, is authorized to issue licenses or to suspend the

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1 license of any person violating this law or any regulation adopted by the board; such  
2 issuance of licenses or the suspension of such license to be acted on by the board at  
3 its next meeting.

4 **SECTION 3.** 84.015 (3) of the statutes is created to read:

5 84.015 (3) (a) The department, in consultation with the department of revenue,  
6 shall petition the applicable agency of the U.S. government for a determination as  
7 to whether lowering the legal drinking age in this state to 19 years of age will result  
8 in any withholding of this state's apportionment of federal highway aid under 23  
9 USC 104 and 158 or in this state's ineligibility for any other federal highway safety  
10 funds that would otherwise be available to this state.

11 (b) If the determination of the applicable agency of the U.S. government in  
12 response to the petition under par. (a) is that no such withholding or ineligibility will  
13 result from lowering the legal drinking age to 19 years of age, the department of  
14 transportation shall promptly certify this information to the department of revenue.

15 **SECTION 4.** 125.02 (8m) of the statutes is renumbered 125.02 (8m) (intro.) and  
16 amended to read:

17 125.02 (8m) (intro.) "Legal drinking age" means:

18 (a) Except as provided in par. (b), 21 years of age.

19 **SECTION 5.** 125.02 (8m) (b) of the statutes is created to read:

20 125.02 (8m) (b) Nineteen years of age upon publication of notice under s.  
21 125.032.

22 **SECTION 6.** 125.032 of the statutes is created to read:

23 **125.032 Department to arrange for publication of change in legal**  
24 **drinking age.** Upon receiving the certification under s. 84.015 (3) (b), the  
25 department shall provide notice to the legislative reference bureau that the legal

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1 drinking age in this state is 19 years of age and the legislative reference bureau shall  
2 publish this notice in the Wisconsin administrative register under s. 35.93 (2).

3 **SECTION 7.** 346.65 (2g) (b) of the statutes, as affected by 2017 Wisconsin Act 34,  
4 is amended to read:

5 346.65 **(2g)** (b) The court may require a person ordered to perform community  
6 service work under par. (a) or (ag), or under s. 973.05 (3) (a) if that person's fine  
7 resulted from violating s. 346.63 (2), 940.09 (1) or 940.25, to participate in community  
8 service work that demonstrates the adverse effects of substance abuse or of operating  
9 a vehicle while under the influence of an intoxicant or other drug, including working  
10 at a treatment facility approved under s. 51.45, an emergency room of a general  
11 hospital or a driver awareness program under s. 346.637. The court may order the  
12 person to pay a reasonable fee, based on the person's ability to pay, to offset the cost  
13 of establishing, maintaining and monitoring the community service work ordered  
14 under this paragraph. If the opportunities available to perform community service  
15 work are fewer in number than the number of defendants eligible under this  
16 subsection, the court shall, when making an order under this paragraph, give  
17 preference to defendants who were under ~~21 years of age~~ the legal drinking age, as  
18 defined in s. 125.02 (8m), at the time of the offense. All provisions of par. (am) apply  
19 to any community service work ordered under this paragraph.

20 **SECTION 8.** 346.65 (2i) of the statutes, as affected by 2017 Wisconsin Act 34, is  
21 amended to read:

22 346.65 **(2i)** In addition to the authority of the court under sub. (2g) and s. 973.05  
23 (3) (a), the court may order a defendant subject to sub. (2), or a defendant subject to  
24 s. 973.05 (3) (a) who violated s. 346.63 (2), 940.09 (1), or 940.25, to visit a site that  
25 demonstrates the adverse effects of substance abuse or of operating a vehicle while

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1 under the influence of an intoxicant or other drug, including a treatment facility  
2 approved under s. 51.45 or an emergency room of a general hospital in lieu of part  
3 or all of any forfeiture imposed or in addition to any penalty imposed. The court may  
4 order the defendant to pay a reasonable fee, based on the person's ability to pay, to  
5 offset the costs of establishing, maintaining, and monitoring the visits ordered under  
6 this subsection. The court may order a visit to the site only if agreed to by the person  
7 responsible for the site. If the opportunities available to visit sites under this  
8 subsection are fewer than the number of defendants eligible for a visit, the court  
9 shall, when making an order under this subsection, give preference to defendants  
10 who were under 21 years of age the legal drinking age, as defined in s. 125.02 (8m),  
11 at the time of the offense. The court shall ensure that the visit is monitored. A visit  
12 to a site may be ordered for a specific time and a specific day to allow the defendant  
13 to observe victims of vehicle accidents involving intoxicated drivers. If it appears to  
14 the court that the defendant has not complied with the court order to visit a site or  
15 to pay a reasonable fee, the court may order the defendant to show cause why he or  
16 she should not be held in contempt of court. Any organization or agency acting in  
17 good faith to which a defendant is assigned pursuant to an order under this  
18 subsection has immunity from any civil liability in excess of \$25,000 for acts or  
19 omissions by or impacting on the defendant. The issuance or possibility of the  
20 issuance of an order under this subsection does not entitle an indigent defendant who  
21 is subject to sub. (2) (am) 1. to representation by counsel under ch. 977.

**SECTION 9. Nonstatutory provisions.**

22  
23 (1) The petition under section 84.015 (3) (a) of the statutes shall be in writing  
24 and made in accordance with any procedures required by the applicable federal

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1 agency. The petition shall be made within 30 days of the effective date of this  
2 subsection.

3 (END)