

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/27/99

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **TNF
ISR**

Pre Topic:

SDC:.....Walter - # ?,

Topic:

Driver's license suspensions for failure to pay forfeitures

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 06/27/99	chanaman 06/28/99		_____			
/1			haugeca 06/28/99	_____	lrb_docadmin 06/28/99		
/2			mclark 06/29/99	_____	lrb_docadmin 06/29/99		

FE Sent For:

<END>

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/?	nilsepe 06/27/99	chanaman 06/28/99		_____			
/1		<i>cmh</i> 6/28 <i>12</i>	haugeca 06/28/99 <i>MRC</i>	_____	lrb_docadmin 06/28/99		
FE Sent For:			<i>6/29</i>	<i>cmh/jo</i> <i>6/29</i> <END>			

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1?	nilsepe	cmh /1	CH 6-28	WJL 6-28 jm			

FE Sent For: 6/28

<END>

ISK 60651

Passenger Railroad Station Improvement Grant Program. Delete a provision of the Joint Committee on Finance's substitute amendment that would provide \$60,000 SEG and \$120,000 SEG-L in 1999-00 for a new passenger railroad station improvement grant program.

Major Highway Development. Delete \$7,517,100 SEG and provide \$7,517,100 SEG-S (bonding proceeds) in 1999-00 and delete \$1,100,400 SEG and provide \$1,100,400 SEG-S (bonding proceeds) in 2000-01 in the major highway development program, which would maintain the same total funding for the program as the Joint Committee on Finance's substitute amendment, but would fund 55% of the program with bonding proceeds each year. Increase transportation revenue bonding authorization by \$8,617,500 to reflect this modification. Decrease estimated transportation fund revenue by \$103,100 in 1999-00 and \$441,100 in 2000-01 to reflect increased debt service due to the additional bonding.

Driver's License Suspensions for the Failure to Pay Forfeitures. Delete \$657,900 SEG and 2.0 SEG positions annually, which were provided by the Joint Committee on Finance's substitute amendment for processing driver's license suspensions and reinstatements. Eliminate the authority of courts to suspend driver's licenses solely for the failure to pay a forfeiture imposed for violating a local ordinance that is unrelated to the violator's operation of a vehicle, effective with cases adjudicated on the first day of the second month following the effective date of the bill. Decrease estimated transportation fund revenue by \$289,700 in 1999-00 and \$1,158,600 in 2000-01 to reflect a decrease in the number of license reinstatement fees collected.

Hazardous Materials Transportation Registration. Require DOT to promulgate rules to establish a hazardous materials transportation registration fee structure that is consistent with the procedures, limitations and recommendations developed by the Alliance for Uniform Hazmat Transportation Procedures in cooperation with the Secretary of the U.S. Department of Transportation. This procedure establishes a base state registration system that apportions fees to motor carriers based on the carrier's hazardous materials registration activity in participating states. Specify that the rules must establish the fees to initially generate \$700,000 in transportation fund revenue and increase estimated transportation fund revenue by \$700,000 in 2000-01 to reflect this requirement.

Salvage Vehicle Titles. Allow motor vehicle dealers to transfer the ownership of a salvage vehicle by submitting a properly assigned certificate of title to DOT instead of, under current law requiring the salvage vehicle dealer to apply for a new certificate of title upon acquiring the vehicle for sale and then executing a title transfer upon the resale of the vehicle. Specify that a salvage dealer would continue to be required to apply for a new salvage vehicle title for a salvage vehicle if the vehicle does not have a salvage vehicle title at the time the vehicle is acquired. Specify that these provisions would first apply to vehicles acquired on the first day of the first month beginning after publication of the bill. Decrease estimated transportation fund revenue by \$45,000 in 1999-00 and \$60,000 in 2000-01 to reflect a reduction in the number of titles issued.

Attachment



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb14237
PEN.....

cmj

SDC:.....Walter - # ?, Driver's license suspensions for failure to pay
forfeitures

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

7 NS
1-1

At the locations indicated, amend the substitute amendment as follows:

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2
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7
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1. Page 1347, line 7: after "suspended" insert "The operating privilege shall be suspended".

2. Page 1347, line 14: after "privilege" insert "This paragraph does not apply if the judgment was entered solely for violation of an ordinance unrelated to the violator's operation of a motor vehicle.".

3. Page 1424³ line 17⁽¹⁷⁾: after that line insert:

"SECTION 308³mg. 800.09 (1) (c) of the statutes is amended to read:

800.09 (1) (c) The court may suspend the defendant's operating privilege, as defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments

1 and costs are paid, if the defendant has not done so within 60 days after the date the
 2 restitution or payments or both are to be made under par. (a) and has not notified the
 3 court that he or she is unable to comply with the judgment, as provided under s.
 4 800.095 (4) (a), except that the suspension period may not exceed 5 years. The court
 5 shall take possession of the suspended license and shall forward the license, along
 6 with a notice of the suspension clearly stating that the suspension is for failure to
 7 comply with a judgment of the court, to the department of transportation. This
 8 paragraph does not apply if the forfeiture is assessed for violation of an ordinance
 9 that is unrelated to the violator's operation of a motor vehicle."

NOTE: NOTE: Par. (c) is amended eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84 to read:NOTE:

10 (c) The court may suspend the defendant's operating privilege, as defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments and costs are
 11 paid, if the defendant has not done so within 60 days after the date the restitution or payments or both are to be made under par. (a) and has not notified the court that
 12 he or she is unable to comply with the judgment, as provided under s. 800.095 (4) (a), except that the suspension period may not exceed 2 years. The court shall take
 13 possession of the suspended license and shall forward the license, along with a notice of the suspension clearly stating that the suspension is for failure to comply with
 14 a judgment of the court, to the department of transportation.

History: 1977 c. 305; 1979 c. 32 s. 68; Stats. 1979 s. 800.09; 1981 c. 317; 1985 a. 179; 1987 a. 27, 389; 1987 a. 399 s. 494u; 1989 a. 107; 1991 a. 39, 40, 189; 1993 a. 16; 1997 a. 27, 84.

15 SECTION 3083m. 800.095 (4) (b) 4. of the statutes is amended to read:

16 800.095 (4) (b) 4. That the defendant's operating privilege, as defined in s.
 17 340.01 (40), be suspended until the judgment is complied with, except that the
 18 suspension period may not exceed 5 years. This subdivision does not apply if the
 19 forfeiture is assessed for violation of an ordinance that is unrelated to the violator's
 20 operation of a motor vehicle."

NOTE: NOTE: Subd. 4. is amended eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84 to read:NOTE:

21 4. That the defendant's operating privilege, as defined in s. 340.01 (40), be suspended until the judgment is complied with, except that the suspension period may
 22 not exceed 2 years.

History: 1987 a. 389; 1987 a. 399 s. 494u; 1989 a. 31; 1991 a. 40; 1995 a. 27; 1997 a. 84, 250.

23 4. Page 1431, line 22: after that line insert:

24 SECTION 3129b. 938.17 (2) (d) of the statutes is amended to read:

25 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
 26 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
 27 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)

Page 1424, line 9: after that line insert:

1 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
 2 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
 3 imposed by the municipal court, the court may not impose a jail sentence but may
 4 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
 5 years, or, unless the forfeiture was imposed for violating an ordinance unrelated to
 6 the juvenile's operation of a motor vehicle, may suspend the juvenile's operating
 7 privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.

8 If a court suspends a license or privilege under this section, the court shall
 9 immediately take possession of the applicable license and forward it to the
 10 department that issued the license, together with the notice of suspension clearly
 11 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
 12 the forfeiture is paid during the period of suspension, the court shall immediately
 13 notify the department, which shall thereupon return the license to the person.”.

History: 1995 a. 77, 352, 448; 1997 a. 205, 229, 258. ✓

14 **5.** Page 1435, line 8: after that line insert: ✓

15 **SECTION 3159b.** 938.34 (8) of the statutes is amended to read:

16 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
 17 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
 18 maximum forfeiture that the court may impose under this subsection for a violation
 19 by a juvenile is the maximum amount of the fine that may be imposed on an adult
 20 for committing that violation or, if the violation is applicable only to a person under
 21 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
 22 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
 23 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
 24 other alternatives under this section, in accordance with the conditions specified in

1 this chapter; or the court may suspend any license issued under ch. 29 for not less
 2 than 30 days nor more than 5 years, or, unless the forfeiture was imposed for
 3 violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may
 4 suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not less
 5 than 30 days nor more than 5 years. If the court suspends any license under this
 6 subsection, the clerk of the court shall immediately take possession of the suspended
 7 license and forward it to the department which issued the license, together with a
 8 notice of suspension clearly stating that the suspension is for failure to pay a
 9 forfeiture imposed by the court. If the forfeiture is paid during the period of
 10 suspension, the suspension shall be reduced to the time period which has already
 11 elapsed and the court shall immediately notify the department which shall then
 12 return the license to the juvenile. Any recovery under this subsection shall be
 13 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)
 14 (b).

NOTE: NOTE: Sub. (8) is amended eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84 to read:NOTE:

15 (8) FORFEITURE. Impose a forfeiture based upon a determination that this disposition is in the best interest of the juvenile and in aid of rehabilitation. The maximum
 16 forfeiture that the court may impose under this subsection for a violation by a juvenile is the maximum amount of the fine that may be imposed on an adult for committing
 17 that violation or, if the violation is applicable only to a person under 18 years of age, \$100. Any such order shall include a finding that the juvenile alone is financially
 18 able to pay the forfeiture and shall allow up to 12 months for payment. If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order other
 19 alternatives under this section, in accordance with the conditions specified in this chapter; or the court may suspend any license issued under ch. 29 for not less than
 20 30 days nor more than 5 years, or suspend the juvenile's operating privilege as defined in s. 340.01 (40) for not more than 2 years. If the court suspends any license
 21 under this subsection, the clerk of the court shall immediately take possession of the suspended license and forward it to the department which issued the license, together
 22 with a notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the period of
 23 suspension, the suspension shall be reduced to the time period which has already elapsed and the court shall immediately notify the department which shall then return
 24 the license to the juvenile. Any recovery under this subsection shall be reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

NOTE: NOTE: Sub. (8) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 205; s. 13.93 (2) (c).

25 SECTION 3161b. 938.343 (2) of the statutes is amended to read:

26 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
 27 be imposed on an adult for committing that violation or, if the violation is only
 28 applicable to a person under 18 years of age, \$50. Any such order shall include a
 29 finding that the juvenile alone is financially able to pay and shall allow up to 12
 30 months for the payment. If a juvenile fails to pay the forfeiture, the court may

1 suspend any license issued under ch. 29 or, unless the forfeiture was imposed for
 2 violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may
 3 suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not less
 4 than 30 days nor more than 5 years. The court shall immediately take possession
 5 of the suspended license and forward it to the department which issued the license,
 6 together with the notice of suspension clearly stating that the suspension is for
 7 failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the
 8 period of suspension, the court shall immediately notify the department, which will
 9 thereupon return the license to the person. Any recovery under this subsection shall
 10 be reduced by the amount recovered as a forfeiture for the same act under s. 938.45
 11 (1r) (b)."

NOTE: NOTE: Sub. (2) is amended eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84 to read: NOTE:

(2) Impose a forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing that violation or, if the violation is only applicable to a person under 18 years of age, \$50. Any such order shall include a finding that the juvenile alone is financially able to pay and shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may suspend any license issued under ch. 29 or suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not more than 2 years. The court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the period of suspension, the court shall immediately notify the department, which will thereupon return the license to the person. Any recovery under this subsection shall be reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

NOTE: NOTE: Sub. (2) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:

History: 1995 a. 77, 352, 448; 1997 a. 84, 183, 197, 198, 205, 248; s. 13.93 (2) (c).

19 **6. Page 1602, line 6: after that line insert:**
 20 **"(11**g**) SUSPENSION OF OPERATING PRIVILEGES FOR FAILURE TO PAY CERTAIN**
 21 **FORFEITURES. The treatment of sections 800.09 (1) (c), 800.095 (4) (b) 4., 938.17 (2) (d),**
 22 **938.34 (8) and 938.343 (2) of the statutes first applies to forfeitures imposed on the**
 23 **first day of the second month beginning after publication."**

Initial App. (20)

(END)

1999

AMENDMENTS

LRB _____ / _____

\$\$\$ INCREASE/DECREASE

In the component bar, for a "regular" amendment item:

For the item text, execute: create -> item: -> m: -> \$in-dec

#. Page 182, line 13: (de)crease the dollar amount for fiscal year 1999-00 by \$ 657,900 and (de)crease the dollar amount for fiscal year 2000-01 by \$ 657,900. No increase funding for the [purpose] [purposes] for which the appropriation is made [to ...crease funding for ... to reduce the authorized STATE FEY for the department of transportation by 2.0 SEG on the effective positions date of this act

#. Page, line: in(de)crease the dollar amount for fiscal year 1999-00 by \$ and in(de)crease the dollar amount for fiscal year 2000-01 by \$ [to ...crease funding for the [purpose] [purposes] for which the appropriation is made] [to ...crease funding for]*

In the component bar, for a "frozen" amendment item (used in amendments to amendments):

For the item text, execute: create -> item: -> afterline [or the applicable item]

For the "frozen" item text, execute: . create -> item: -> frz: -> m: -> \$inc-dec

#. Page, line: Page, line: in(de)crease the dollar amount for fiscal year 1999-00 by \$ and in(de)crease the dollar amount for fiscal year 2000-01 by \$ [to ...crease funding for the [purpose] [purposes] for which the appropriation is made] [to ...crease funding for]*

* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

related to processing requests to suspend or revoke operators' licenses for failure to pay fines or for feitures

[rev: 6/2/98 1999amdt/\$inc-dec(fm)]

(END OF INSERT)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb14281
PEN:cmh:ch

W.P.O.
Please retrieve from hold

2

SDC:.....Walter - # ?, Driver's license suspensions for failure to pay forfeitures

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

last page only

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 182, line 13: decrease the dollar amount for fiscal year 1999-00 by
3 \$657,900 and decrease the dollar amount for fiscal year 2000-01 by \$657,900 to
4 reduce the authorized FTE positions for the department of transportation related to
5 processing requests to suspend or revoke operators' licenses for failure to pay fines
6 or forfeitures by 2.0 SEG positions on the effective date of this act.

7 **2.** Page 1347, line 7: after "suspended" insert "The operating privilege shall
8 be suspended".

1 **3.** Page 1347, line 14: after “privilege.” insert “This paragraph does not apply
2 if the judgment was entered solely for violation of an ordinance unrelated to the
3 violator’s operation of a motor vehicle.”.

4 **4.** Page 1423, line 17: after that line insert:

5 **“SECTION 3080mg.** 800.09 (1) (c) of the statutes is amended to read:

6 800.09 (1) (c) The court may suspend the defendant’s operating privilege, as
7 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
8 and costs are paid, if the defendant has not done so within 60 days after the date the
9 restitution or payments or both are to be made under par. (a) and has not notified the
10 court that he or she is unable to comply with the judgment, as provided under s.
11 800.095 (4) (a), except that the suspension period may not exceed 5 years. The court
12 shall take possession of the suspended license and shall forward the license, along
13 with a notice of the suspension clearly stating that the suspension is for failure to
14 comply with a judgment of the court, to the department of transportation. This
15 paragraph does not apply if the forfeiture is assessed for violation of an ordinance
16 that is unrelated to the violator’s operation of a motor vehicle.”.

17 **5.** Page 1424, line 9: after that line insert:

18 **“SECTION 3083m.** 800.095 (4) (b) 4. of the statutes is amended to read:

19 800.095 (4) (b) 4. That the defendant’s operating privilege, as defined in s.
20 340.01 (40), be suspended until the judgment is complied with, except that the
21 suspension period may not exceed 5 years. This subdivision does not apply if the
22 forfeiture is assessed for violation of an ordinance that is unrelated to the violator’s
23 operation of a motor vehicle.”.

24 **6.** Page 1431, line 22: after that line insert:

1 **“SECTION 3129b.** 938.17 (2) (d) of the statutes is amended to read:

2 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
3 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
4 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
5 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
6 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
7 imposed by the municipal court, the court may not impose a jail sentence but may
8 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
9 years, or, unless the forfeiture was imposed for violating an ordinance unrelated to
10 the juvenile’s operation of a motor vehicle, may suspend the juvenile’s operating
11 privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.
12 If a court suspends a license or privilege under this section, the court shall
13 immediately take possession of the applicable license and forward it to the
14 department that issued the license, together with the notice of suspension clearly
15 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
16 the forfeiture is paid during the period of suspension, the court shall immediately
17 notify the department, which shall thereupon return the license to the person.”.

18 **7.** Page 1435, line 8: after that line insert:

19 **“SECTION 3159b.** 938.34 (8) of the statutes is amended to read:

20 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
21 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
22 maximum forfeiture that the court may impose under this subsection for a violation
23 by a juvenile is the maximum amount of the fine that may be imposed on an adult
24 for committing that violation or, if the violation is applicable only to a person under

1 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
2 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
3 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
4 other alternatives under this section, in accordance with the conditions specified in
5 this chapter; or the court may suspend any license issued under ch. 29 for not less
6 than 30 days nor more than 5 years, or, unless the forfeiture was imposed for
7 violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may
8 suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not less
9 than 30 days nor more than 5 years. If the court suspends any license under this
10 subsection, the clerk of the court shall immediately take possession of the suspended
11 license and forward it to the department which issued the license, together with a
12 notice of suspension clearly stating that the suspension is for failure to pay a
13 forfeiture imposed by the court. If the forfeiture is paid during the period of
14 suspension, the suspension shall be reduced to the time period which has already
15 elapsed and the court shall immediately notify the department which shall then
16 return the license to the juvenile. Any recovery under this subsection shall be
17 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)
18 (b).

19 **SECTION 3161b.** 938.343 (2) of the statutes is amended to read:

20 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
21 be imposed on an adult for committing that violation or, if the violation is only
22 applicable to a person under 18 years of age, \$50. Any such order shall include a
23 finding that the juvenile alone is financially able to pay and shall allow up to 12
24 months for the payment. If a juvenile fails to pay the forfeiture, the court may
25 suspend any license issued under ch. 29 or, unless the forfeiture was imposed for

1 violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may
2 suspend the juvenile's operating privilege as defined in s. 340.01 (10), for not less
3 than 30 days nor more than 5 years. The court shall immediately take possession
4 of the suspended license and forward it to the department which issued the license,
5 together with the notice of suspension clearly stating that the suspension is for
6 failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the
7 period of suspension, the court shall immediately notify the department, which will
8 thereupon return the license to the person. Any recovery under this subsection shall
9 be reduced by the amount recovered as a forfeiture for the same act under s. 938.45
10 (1r) (b).”.

11 **8.** Page 1602, line 6: after that line insert:

12 “(11g) SUSPENSION OF OPERATING PRIVILEGES FOR FAILURE TO PAY CERTAIN
13 FORFEITURES. The treatment of sections 800.09 (1) (c), 800.095 (4) (b) 4., 938.17 (2)
14 (d), 938.34 (8) and 938.343 (2) of the statutes first applies to forfeitures imposed on
15 the first day of the second month beginning after publication.”.

16

(END)

345.47 (1) (b),



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1423/2
PEN:cmh:mrc

SDC:.....Walter - # ?, Driver's license suspensions for failure to pay forfeitures

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 182, line 13: decrease the dollar amount for fiscal year 1999-00 by
3 \$657,900 and decrease the dollar amount for fiscal year 2000-01 by \$657,900 to
4 reduce the authorized FTE positions for the department of transportation related to
5 processing requests to suspend or revoke operators' licenses for failure to pay fines
6 or forfeitures by 2.0 SEG positions on the effective date of this act.

7 **2.** Page 1347, line 7: after "suspended" insert "The operating privilege shall
8 be suspended".

1 **3.** Page 1347, line 14: after “privilege.” insert “This paragraph does not apply
2 if the judgment was entered solely for violation of an ordinance unrelated to the
3 violator’s operation of a motor vehicle.”.

4 **4.** Page 1423, line 17: after that line insert:

5 “SECTION 3080mg. 800.09 (1) (c) of the statutes is amended to read:

6 800.09 (1) (c) The court may suspend the defendant’s operating privilege, as
7 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
8 and costs are paid, if the defendant has not done so within 60 days after the date the
9 restitution or payments or both are to be made under par. (a) and has not notified the
10 court that he or she is unable to comply with the judgment, as provided under s.
11 800.095 (4) (a), except that the suspension period may not exceed 5 years. The court
12 shall take possession of the suspended license and shall forward the license, along
13 with a notice of the suspension clearly stating that the suspension is for failure to
14 comply with a judgment of the court, to the department of transportation. This
15 paragraph does not apply if the forfeiture is assessed for violation of an ordinance
16 that is unrelated to the violator’s operation of a motor vehicle.”.

17 **5.** Page 1424, line 9: after that line insert:

18 “SECTION 3083m. 800.095 (4) (b) 4. of the statutes is amended to read:

19 800.095 (4) (b) 4. That the defendant’s operating privilege, as defined in s.
20 340.01 (40), be suspended until the judgment is complied with, except that the
21 suspension period may not exceed 5 years. This subdivision does not apply if the
22 forfeiture is assessed for violation of an ordinance that is unrelated to the violator’s
23 operation of a motor vehicle.”.

24 **6.** Page 1431, line 22: after that line insert:

1 **“SECTION 3129b.** 938.17 (2) (d) of the statutes is amended to read:

2 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
3 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
4 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
5 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
6 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
7 imposed by the municipal court, the court may not impose a jail sentence but may
8 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
9 years, or, unless the forfeiture was imposed for violating an ordinance unrelated to
10 the juvenile’s operation of a motor vehicle, may suspend the juvenile’s operating
11 privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.
12 If a court suspends a license or privilege under this section, the court shall
13 immediately take possession of the applicable license and forward it to the
14 department that issued the license, together with the notice of suspension clearly
15 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
16 the forfeiture is paid during the period of suspension, the court shall immediately
17 notify the department, which shall thereupon return the license to the person.”.

18 **7.** Page 1435, line 8: after that line insert:

19 **“SECTION 3159b.** 938.34 (8) of the statutes is amended to read:

20 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
21 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
22 maximum forfeiture that the court may impose under this subsection for a violation
23 by a juvenile is the maximum amount of the fine that may be imposed on an adult
24 for committing that violation or, if the violation is applicable only to a person under

1 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
2 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
3 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
4 other alternatives under this section, in accordance with the conditions specified in
5 this chapter; or the court may suspend any license issued under ch. 29 for not less
6 than 30 days nor more than 5 years, or, unless the forfeiture was imposed for
7 violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may
8 suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not less
9 than 30 days nor more than 5 years. If the court suspends any license under this
10 subsection, the clerk of the court shall immediately take possession of the suspended
11 license and forward it to the department which issued the license, together with a
12 notice of suspension clearly stating that the suspension is for failure to pay a
13 forfeiture imposed by the court. If the forfeiture is paid during the period of
14 suspension, the suspension shall be reduced to the time period which has already
15 elapsed and the court shall immediately notify the department which shall then
16 return the license to the juvenile. Any recovery under this subsection shall be
17 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)
18 (b).

19 **SECTION 3161b.** 938.343 (2) of the statutes is amended to read:

20 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
21 be imposed on an adult for committing that violation or, if the violation is only
22 applicable to a person under 18 years of age, \$50. Any such order shall include a
23 finding that the juvenile alone is financially able to pay and shall allow up to 12
24 months for the payment. If a juvenile fails to pay the forfeiture, the court may
25 suspend any license issued under ch. 29 or, unless the forfeiture was imposed for

1 violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may
2 suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not less
3 than 30 days nor more than 5 years. The court shall immediately take possession
4 of the suspended license and forward it to the department which issued the license,
5 together with the notice of suspension clearly stating that the suspension is for
6 failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the
7 period of suspension, the court shall immediately notify the department, which will
8 thereupon return the license to the person. Any recovery under this subsection shall
9 be reduced by the amount recovered as a forfeiture for the same act under s. 938.45
10 (1r) (b).".

11 **8.** Page 1602, line 6: after that line insert:

12 "(11g) SUSPENSION OF OPERATING PRIVILEGES FOR FAILURE TO PAY CERTAIN
13 FORFEITURES. The treatment of sections 345.47 (1) (b), 800.09 (1) (c), 800.095 (4) (b)
14 4., 938.17 (2) (d), 938.34 (8) and 938.343 (2) of the statutes first applies to forfeitures
15 imposed on the first day of the second month beginning after publication."

16

(END)