

2001 DRAFTING REQUEST

Bill

Received: 10/30/2000

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Etzler

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Alt. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **TNF**

Pre Topic:

DOA:.....Etzler -

Topic:

Suspending or revoking juveniles' operating privileges for failure to pay forfeiture unrelated to the operation of a motor vehicle

Instructions:

replaces lrb 01-798

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>
/?	phurley 11/02/2000	jdye 11/03/2000					S&L
/1			pgreensl 11/03/2000		lrb_docadmin 11/03/2000		S&L
/2	phurley 11/07/2000	jdye 11/07/2000	rschluet 11/07/2000		lrb_docadmin 11/07/2000		S&L
/3	phurley 01/04/2001	jdye 01/05/2001	rschluet 01/05/2001		lrb_docadmin 01/05/2001		

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/1			pgreensl 11/03/2000		lrb_docadmin 11/03/2000		S&L
/2	phurley 11/07/2000	jdyer 11/07/2000	rschluet 11/07/2000		lrb_docadmin 11/07/2000		

FE Sent For:

Handwritten: 1-5-01, pb, 1501

<END>

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/?	phurley 11/02/2000	jdye 11/03/2000					S&L
/1		1/2 11/6 jld	pgreensl 11/03/2000		lrb_docadmin 11/03/2000		

FE Sent For:

[Handwritten signatures and dates: 11-7-00]

<END>

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1?	phurley	1 11/3 jld	11/3 P/G	11/3 [signature]			

FE Sent For:

<END>

2001

Date (time)

needed: soon (in 11-2-00)

LRB-08331

DOA BUDGET DRAFT

RH : jld :

Use the appropriate components and routines developed for bills.

>>FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT ... [DO NOT generate catalog]; relating to: the budget

.....
.....
.....

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

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

SECTION #.

2001 BILL

✓ COURTS AND PROCEDURES ← head
OTHER COURTS AND PROCEDURES ← subhead

Don't Gen

1 AN ACT to amend 938.17 (2) (d), 938.34 (8) and 938.343 (2) of the statutes;
2 relating to authority of a court to suspend a juvenile's operating privilege for
3 violations of ordinances unrelated to the operation of a motor vehicle or for
4 failing to pay a penalty for such a violation.

Analysis by the Legislative Reference Bureau

Under current law, circuit courts and municipal courts may suspend a person's motor vehicle operating privilege for a variety of reasons, including failure to pay an amount ordered by the court. Suspensions for failure to pay generally last until the person pays the amount owed. The suspension orders are forwarded to ~~the~~ department of transportation (DOT), which updates the person's driving record to reflect the suspension. However, under current law, circuit courts and municipal courts are not permitted to suspend a person's operating privilege solely because of the person's failure to pay a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

This bill permits circuit courts and municipal courts to suspend the operating privilege of a juvenile (a person under 17 years of age who is alleged to have committed a crime or, if no crime is alleged, a person under 18 years of age) solely because the juvenile has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

BILL

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

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

1 **SECTION 1.** 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 **SECTION 2.** 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act 185,
19 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

BILL

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

21 **SECTION 3.** 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act 185,
22 is amended to read:

23 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
24 be imposed on an adult for committing that violation or, if the violation is only
25 applicable to a person under 18 years of age, \$50. Any such order shall include a

BILL

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 9 forfeiture imposed by the court. If the forfeiture is paid during the period of
 10 suspension, the court shall immediately notify the department, which will thereupon
 11 return the license to the person. Any recovery under this subsection shall be reduced
 12 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

13 ⁹³⁵⁹ SECTION ~~A~~ ^{OTHER} Initial applicability ^{NO CAPS}

14 (1) ~~This act~~ first applies to forfeitures imposed on the day after publication.

(END)

15 The treatment of sections 938.17(2)(d), 938.34(8),
 and 938.343(2) of the statutes



DOA:.....Etzler – Suspending or revoking juveniles’ operating privileges for failure to pay forfeiture unrelated to the operation of a motor vehicle

FOR 2001-03 BUDGET – NOT READY FOR INTRODUCTION

D-note
sent 11-7-02
redraft already run

don't gen

- 1 AN ACT ...; relating to: authority of a court to suspend a juvenile’s operating
- 2 privilege for violations of ordinances unrelated to the operation of a motor
- 3 vehicle or for failing to pay a penalty for such a violation.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURES

OTHER COURTS AND PROCEDURES

Under current law, circuit courts and municipal courts may suspend a person’s motor vehicle operating privilege for a variety of reasons, including failure to pay an amount ordered by the court. Suspensions for failure to pay generally last until the person pays the amount owed. The suspension orders are forwarded to DOT, which updates the person’s driving record to reflect the suspension. However, under current law, circuit courts and municipal courts are not permitted to suspend a person’s operating privilege solely because of the person’s failure to pay a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

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4 by a juvenile is the maximum amount of the fine that may be imposed on an adult
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22 the same act under s. 938.45 (1r) (b).

23 **SECTION 3.** 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act 185,
24 is amended to read:

2001

DRAFTER'S NOTE

INSERTS

LRB 083312

PSH : _____ : _____

In the component bar:

Execute: create → text: → intent

Please review this draft carefully to ensure that it is consistent with your intent.

This draft is identical to ^{LRB-}083311 except that a title has been added to the initial applicability section.

In the component bar:

Execute: create → text: → \$0

For this draft, I have included an appropriation but have specified "\$-0-" for expenditure in fiscal years 2001-02 and 2002-03. When you know the dollar amounts that you need to include in the proposal, contact me and I will either redraft the proposal or draft an amendment, whichever is appropriate.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0833/2dn
PJII:jld:rs

November 7, 2000

This draft is identical to LRB-0833/1 except that a title has been added to the initial applicability section.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0833/2 3

PJH:jld:rs

redraft
already
1/21

DOA:.....Etzler – Suspending or revoking juveniles’ operating privileges for failure to pay forfeiture unrelated to the operation of a motor vehicle

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

soon
1-21-01

DO not gen

1 AN ACT ...; relating to: authority of a court to suspend a juvenile’s operating
2 privilege for violations of ordinances unrelated to the operation of a motor
3 vehicle or for failing to pay a penalty for such a violation.

Analysis by the Legislative Reference Bureau

~~COURTS AND PROCEDURES~~

TRANSPORTATION ^{head}

~~OTHER COURTS AND PROCEDURES~~

~~DRIVERS AND MOTOR VEHICLES~~ ^{sub}

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 14 return the license to the person. Any recovery under this subsection shall be reduced
 15 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

16 **SECTION 9359** ⁽⁵²⁾ ~~Initial applicability; other~~ transportation ✓
 keep

17 (1) SUSPENSION OF JUVENILES' OPERATING PRIVILEGES ^S The treatment of sections
 18 938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes first applies to forfeitures ^{keep period}
 19 imposed on the ~~day after publication~~ effective date of this subsection

20 →

(END)

INSERT 4/19

EFFECTIVE DATE

- 1. In the component bar: For the action phrase, execute: ... create → action: → *NS: → effdate
For the text, execute: create → text: → *NS: → effdateA
- 2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # _____ • **Effective date.**

(#1) () This act takes effect on

- 1. In the component bar: For the action phrase, execute: ... create → action: → *NS: → effdateE
For the text, execute: create → text: → *NS: → effdate
- 2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # _____ • **Effective dates;**

..... This act takes effect on the day after publication, except as follows:
(#1) () The treatment of sections of the statutes takes effect on

- 1. In the component bar: For the budget action phrase, execute: ... create → action: → *NS: → 94XX
For the text, execute: create → text: → *NS: → effdate
- 2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9400 department code.

SECTION 94 5 2 ✓ • **Effective dates;** transportation (CS) (B)

(#1) () ✓ Suspension of JUVENILES' OPERATING PRIVILEGES. The treatment of sections 938.17(2)(d) ✓, 938.34(8) ✓, and 938.343(2) of the statutes takes effect on the first day of the 7th month beginning after publication.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0833/3

PJH:jld:rs

DOA:.....Etzler – Suspending or revoking juveniles’ operating privileges for failure to pay forfeiture unrelated to the operation of a motor vehicle

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

- 1 **AN ACT ...; relating to:** authority of a court to suspend a juvenile’s operating
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9 other alternatives under this section, in accordance with the conditions specified in
10 this chapter; or the court may suspend any license issued under ch. 29 for not less
11 than 30 days nor more than 5 years, or, ~~unless the forfeiture was imposed for~~
12 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~
13 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more
14 than 2 years. If the court suspends any license under this subsection, the clerk of the
15 court shall immediately take possession of the suspended license and forward it to
16 the department which issued the license, together with a notice of suspension clearly
17 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
18 the forfeiture is paid during the period of suspension, the suspension shall be reduced
19 to the time period which has already elapsed and the court shall immediately notify
20 the department which shall then return the license to the juvenile. Any recovery
21 under this subsection shall be reduced by the amount recovered as a forfeiture for
22 the same act under s. 938.45 (1r) (b).

23 **SECTION 3.** 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act 185,
24 is amended to read:

1 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
2 be imposed on an adult for committing that violation or, if the violation is only
3 applicable to a person under 18 years of age, \$50. Any such order shall include a
4 finding that the juvenile alone is financially able to pay and shall allow up to 12
5 months for the payment. If a juvenile fails to pay the forfeiture, the court may
6 suspend any license issued under ch. 29 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 more than 2 years. The court shall immediately take possession of the suspended
10 license and forward it to the department which issued the license, together with the
11 notice of suspension clearly stating that the suspension is for failure to pay a
12 forfeiture imposed by the court. If the forfeiture is paid during the period of
13 suspension, the court shall immediately notify the department, which will thereupon
14 return the license to the person. Any recovery under this subsection shall be reduced
15 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

16 **SECTION 9352. Initial applicability; transportation.**

17 (1) SUSPENSION OF JUVENILES' OPERATING PRIVILEGES. The treatment of sections
18 938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes first applies to forfeitures
19 imposed on the effective date of this subsection.

20 **SECTION 9452. Effective dates; transportation.**

21 (1) SUSPENSION OF JUVENILES' OPERATING PRIVILEGES. The treatment of sections
22 938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes takes effect on the first day
23 of the 7th month beginning after publication.

24 (END)