



Stays LMR

6/16 change per Fred Ammerman

LFB:.....Dyck - Mandatory auto insurance

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2009 ASSEMBLY BILL 75

One change - p. 3

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

2 **1.** Page 394, line 10: after that line insert:

3 **"SECTION 675m.** 25.40 (1) (a) 27. of the statutes is created to read:

4 25.40 (1) (a) 27. Moneys received under s. 344.63 (1) (d) that are deposited in
5 a trust account for the benefit of the depositors and claimants."

6 **2.** Page 1309, line 7: after that line insert:

7 **"SECTION 2446m.** 165.755 (1) (b) of the statutes is amended to read:

8 165.755 (1) (b) A court may not impose the crime laboratories and drug law
9 enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar),
10 (bm), (br), or (bv) or (5) (b), for a financial responsibility violation under s. 344.62 (2),

1 for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101
2 (1) (b), if the person who committed the violation had a blood alcohol concentration
3 of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of a state
4 law or municipal or county ordinance involving a nonmoving traffic violation, a
5 violation under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).”.

6 **3.** Page 1437, line 7: after that line insert:

7 “**SECTION 2740y.** 302.46 (1) (a) of the statutes is amended to read:

8 302.46 (1) (a) If a court imposes a fine or forfeiture for a violation of state law
9 or for a violation of a municipal or county ordinance except for a violation of s. 101.123
10 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility violation
11 under s. 344.62 (2), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63
12 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood
13 alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,
14 or for a violation of state laws or municipal or county ordinances involving
15 nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use
16 violations under s. 347.48 (2m), the court, in addition, shall impose a jail surcharge
17 under ch. 814 in an amount of 1 percent of the fine or forfeiture imposed or \$10,
18 whichever is greater. If multiple offenses are involved, the court shall determine the
19 jail surcharge on the basis of each fine or forfeiture. If a fine or forfeiture is
20 suspended in whole or in part, the court shall reduce the jail surcharge in proportion
21 to the suspension.”.

22 **4.** Page 1495, line 5: after that line insert:

23 “**SECTION 2963t.** 344.14 (2) (L) of the statutes is created to read:

1 (c) The policy satisfies, as of the date of motor vehicle operation, all
2 requirements specified in s. 344.33 (2) and (3).

3 **344.62 Motor vehicle liability insurance required.** (1) Except as provided
4 in s. 344.63, no person may operate a motor vehicle upon a highway in this state
5 unless the owner or operator of the vehicle has in effect a motor vehicle liability policy
6 with respect to the vehicle being operated.

7 (2) Except as provided in s. 344.63, no person may operate a motor vehicle upon
8 a highway in this state unless the person, while operating the vehicle, has in his or
9 her immediate possession proof that he or she is in compliance with sub. (1). The
10 operator of the motor vehicle shall display the proof required under this subsection
11 upon demand from any traffic officer.

12 (3) Nothing in this subchapter prohibits a person who violates this section from
13 also being subject to any provision in subchs. I to IV of this chapter.

14 **344.63 Exceptions to motor vehicle liability insurance requirement.**

15 (1) A person operating a motor vehicle is not subject to s. 344.62 if any of the
16 following apply:

17 (a) The owner or operator of the motor vehicle has in effect a bond with respect
18 to the vehicle that meets the requirements under s. 344.36 (1), including the filing
19 of the bond with the secretary, and the vehicle is being operated with the permission
20 of the person who filed the bond.

21 (b) The motor vehicle is insured as required by s. 121.53, 194.41, or 194.42 and
22 the vehicle is being operated by the owner or with the owner's permission.

23 (c) The motor vehicle is owned by a self-insurer holding a valid certificate of
24 self-insurance under s. 344.16, the self-insurer has made an agreement described
25 in s. 344.30 (4), and the vehicle is being operated with the owner's permission.

1 (d) The owner or operator of the motor vehicle has made a deposit of cash or
2 securities meeting the requirements specified in s. 344.37 (1) and the vehicle is being
3 operated by or with the permission of the person who made the deposit.

4 (e) The motor vehicle is subject to s. 344.51, 344.52, or 344.55.

5 (f) The motor vehicle is owned by or leased to the United States, this or another
6 state, or any county or municipality of this or another state, and the vehicle is being
7 operated with the owner's or lessee's permission.

8 **(2)** (a) The provisions of ss. 344.34 and 344.36 (2) and (3) shall apply with
9 respect to a bond filed with the secretary under sub. (1) (a).

10 (b) The provisions of s. 344.37 (2) shall apply with respect to a deposit made
11 with the secretary under sub. (1) (d). Any deposit received by the department under
12 sub. (1) (d) shall be maintained in an interest-bearing trust account. All deposits
13 received by the department under sub. (1) (d) shall be held for the benefit of the
14 depositors and potential claimants against the deposits and shall be applied only to
15 the payment of judgments and assignments relating to motor vehicle accidents,
16 following the procedure described in s. 344.20 (2).

17 **(3)** (a) Except as provided in par. (b), the secretary shall, upon request, consent
18 to the immediate cancellation of any bond filed under sub. (1) (a) or to the return of
19 any deposit of money or securities made under sub. (1) (d) if any of the following
20 apply:

21 1. The owner or operator of a motor vehicle provides proof satisfactory to the
22 department that the owner or operator has in effect a motor vehicle liability policy
23 with respect to the vehicle or provides proof that a different exception under sub. (1)
24 applies with respect to the vehicle.

1 2. The person on whose behalf the bond was filed or deposit made has died, has
2 become permanently incapacitated to operate a motor vehicle, or no longer
3 maintains a valid operator's license.

4 3. The person on whose behalf the bond was filed or deposit made no longer
5 owns any motor vehicle registered with the department.

6 (b) The secretary may not consent to the cancellation of any bond filed under
7 sub. (1) (a) or to the return of any deposit of money or securities made under sub. (1)
8 (d) if any action for damages upon the bond or deposit is then pending or any
9 judgment against the person, for which a claim may be made against the bond or
10 deposit, is then unsatisfied. If a judgment is in excess of the amounts specified in s.
11 344.33 (2), for purposes of this paragraph the judgment is considered satisfied when
12 payments in the amounts specified in s. 344.33 (2) have been made. An affidavit of
13 the applicant that the applicant satisfies the provisions of this paragraph is
14 sufficient for the department to consent to the cancellation of a bond or to return any
15 deposit, in the absence of evidence in the records of the department contradicting the
16 affidavit.

17 **344.64 Fraudulent, false, or invalid proof of insurance.** No person may
18 do any of the following for purposes of creating the appearance of satisfying the
19 requirements under s. 344.62 (2):

20 (1) Forge, falsify, counterfeit, or fraudulently alter any proof of insurance,
21 policy of insurance, or other insurance document, or possess any forged, falsified,
22 fictitious, counterfeit, or fraudulently altered proof of insurance, policy of insurance,
23 or other insurance document.

24 (2) Represent that any proof of insurance, policy of insurance, or other
25 insurance document is valid and in effect, knowing or having reason to believe that

1 the proof of insurance, policy of insurance, or other insurance document is not valid
2 or not in effect.

3 **344.65 Violations.** (1) (a) Any person who violates s. 344.62 (1) may be
4 required to forfeit not more than \$500.

5 (b) Except as provided in par. (c), any person who violates s. 344.62 (2) may be
6 required to forfeit \$10.

7 (c) No person charged with violating s. 344.62 (2) may be convicted if the person
8 produces proof that he or she was in compliance with s. 344.62 (1) at the time the
9 person was issued a uniform traffic citation for violating s. 344.62 (2). This proof may
10 be produced either at the time of the person's appearance in court in response to the
11 citation or in the office of the traffic officer issuing the citation.

12 (2) Any person who violates s. 344.64 may be required to forfeit not more than
13 \$5,000.

14 (3) A traffic officer may not stop or inspect a vehicle solely to determine
15 compliance with s. 344.62 or a local ordinance in conformity therewith. This
16 subsection does not limit the authority of a traffic officer to issue a citation for a
17 violation of s. 344.62 or a local ordinance in conformity therewith observed in the
18 course of a stop or inspection made for other purposes, except that a traffic officer
19 may not take a person into physical custody solely for a violation of s. 344.62 or a local
20 ordinance in conformity therewith.

21 **344.66 Rules.** The department shall promulgate rules, and prescribe any
22 necessary forms, to implement and administer this subchapter.

23 **344.67 Notice.** The department shall include with each operator's license
24 issued under ch. 343 notification of the requirements and penalties under this
25 subchapter.".

1 **7.** Page 1637, line 15: after that line insert:

2 “**SECTION 3203m.** 757.05 (1) (a) of the statutes is amended to read:

3 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
4 state law or for a violation of a municipal or county ordinance except for a violation
5 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility
6 violation under s. 344.62 (2), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1)
7 (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had
8 a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
9 violation, or for a violation of state laws or municipal or county ordinances involving
10 nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use
11 violations under s. 347.48 (2m), there shall be imposed in addition a penalty
12 surcharge under ch. 814 in an amount of 26 percent of the fine or forfeiture imposed.
13 If multiple offenses are involved, the penalty surcharge shall be based upon the total
14 fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or
15 in part, the penalty surcharge shall be reduced in proportion to the suspension.”.

16 **8.** Page 1652, line 10: after that line insert:

17 “**SECTION 3233c.** 814.63 (1) (c) of the statutes is amended to read:

18 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
19 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility
20 violation under s. 344.62 (2), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b)
21 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a
22 blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
23 violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under
24 s. 347.48 (2m).

1 **SECTION 3233e.** 814.63 (2) of the statutes is amended to read:

2 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
3 violation of a county, town, city, village, town sanitary district or public inland lake
4 protection and rehabilitation district ordinance, except for an action for a first
5 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the
6 person who committed the violation had a blood alcohol concentration of 0.08 or more
7 but less than 0.1 at the time of the violation, for a financial responsibility violation
8 under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use
9 violation under s. 347.48 (2m), the county, town, city, village, town sanitary district
10 or public inland lake protection and rehabilitation district shall pay a nonrefundable
11 fee of \$5 to the clerk of circuit court.

12 **SECTION 3233r.** 814.65 (1) of the statutes is amended to read:

13 814.65 (1) COURT COSTS. In a municipal court action, except for an action for
14 a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)
15 (b), if the person who committed the violation had a blood alcohol concentration of
16 0.08 or more but less than 0.1 at the time of the violation, for a financial responsibility
17 violation under s. 344.62 (2), or for a violation of an ordinance in conformity with s.
18 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect a fee of not less than
19 \$15 nor more than \$28 on each separate matter, whether it is on default of
20 appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or
21 the action is tried as a contested matter. Of each fee received by the judge under this
22 subsection, the municipal treasurer shall pay monthly \$5 to the secretary of
23 administration for deposit in the general fund and shall retain the balance for the
24 use of the municipality.”

1 **9.** Page 1653, line 5: after that line insert:

2 “**SECTION 3239m.** 814.85 (1) (a) of the statutes is amended to read:

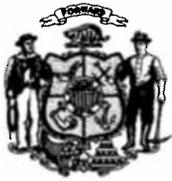
3 814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,
4 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the
5 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
6 time of the violation, for a financial responsibility violation under s. 344.62 (2), or for
7 a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m),
8 the clerk of circuit court shall charge and collect a \$68 court support services
9 surcharge from any person, including any governmental unit as defined in s. 108.02
10 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).”

11 **10.** Page 1653, line 15: after that line insert:

12 “**SECTION 3240m.** 814.86 (1) of the statutes, as affected by 2009 Wisconsin Act
13 (this act), is amended to read:

14 814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681
15 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
16 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
17 violation, for a financial responsibility violation under s. 344.62 (2), or for a violation
18 under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk
19 of circuit court shall charge and collect a \$21.50 justice information system surcharge
20 from any person, including any governmental unit, as defined in s. 108.02 (17),
21 paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or
22 814.63 (1). The justice information system surcharge is in addition to the surcharge
23 listed in sub. (1m).”

24 **11.** Page 1834, line 5: after that line insert:



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBb1198/3
ARG:nwn:jf

LFB:.....Dyck - Mandatory auto insurance

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2009 ASSEMBLY BILL 75

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

2 **1.** Page 394, line 10: after that line insert:

3 **"SECTION 675m.** 25.40 (1) (a) 27. of the statutes is created to read:

4 25.40 (1) (a) 27. Moneys received under s. 344.63 (1) (d) that are deposited in
5 a trust account for the benefit of the depositors and claimants."

6 **2.** Page 1309, line 7: after that line insert:

7 **"SECTION 2446m.** 165.755 (1) (b) of the statutes is amended to read:

8 165.755 (1) (b) A court may not impose the crime laboratories and drug law
9 enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar),
10 (bm), (br), or (bv) or (5) (b), for a financial responsibility violation under s. 344.62 (2),

1 for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101
2 (1) (b), if the person who committed the violation had a blood alcohol concentration
3 of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of a state
4 law or municipal or county ordinance involving a nonmoving traffic violation, a
5 violation under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).”.

6 **3.** Page 1437, line 7: after that line insert:

7 “**SECTION 2740y.** 302.46 (1) (a) of the statutes is amended to read:

8 302.46 (1) (a) If a court imposes a fine or forfeiture for a violation of state law
9 or for a violation of a municipal or county ordinance except for a violation of s. 101.123
10 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility violation
11 under s. 344.62 (2), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63
12 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood
13 alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,
14 or for a violation of state laws or municipal or county ordinances involving
15 nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use
16 violations under s. 347.48 (2m), the court, in addition, shall impose a jail surcharge
17 under ch. 814 in an amount of 1 percent of the fine or forfeiture imposed or \$10,
18 whichever is greater. If multiple offenses are involved, the court shall determine the
19 jail surcharge on the basis of each fine or forfeiture. If a fine or forfeiture is
20 suspended in whole or in part, the court shall reduce the jail surcharge in proportion
21 to the suspension.”.

22 **4.** Page 1495, line 5: after that line insert:

23 “**SECTION 2963t.** 344.14 (2) (L) of the statutes is created to read:

1 (c) The policy satisfies, as of the date of motor vehicle operation, all
2 requirements specified in s. 344.33 (2) and (3).

3 **344.62 Motor vehicle liability insurance required.** (1) Except as provided
4 in s. 344.63, no person may operate a motor vehicle upon a highway in this state
5 unless the owner or operator of the vehicle has in effect a motor vehicle liability policy
6 with respect to the vehicle being operated.

7 (2) Except as provided in s. 344.63, no person may operate a motor vehicle upon
8 a highway in this state unless the person, while operating the vehicle, has in his or
9 her immediate possession proof that he or she is in compliance with sub. (1). The
10 operator of the motor vehicle shall display the proof required under this subsection
11 upon demand from any traffic officer.

12 (3) Nothing in this subchapter prohibits a person who violates this section from
13 also being subject to any provision in subchs. I to IV of this chapter.

14 **344.63 Exceptions to motor vehicle liability insurance requirement.**

15 (1) A person operating a motor vehicle is not subject to s. 344.62 if any of the
16 following apply:

17 (a) The owner or operator of the motor vehicle has in effect a bond with respect
18 to the vehicle that meets the requirements under s. 344.36 (1), including the filing
19 of the bond with the secretary, and the vehicle is being operated with the permission
20 of the person who filed the bond.

21 (b) The motor vehicle is insured as required by s. 121.53, 194.41, or 194.42 and
22 the vehicle is being operated by the owner or with the owner's permission.

23 (c) The motor vehicle is owned by a self-insurer holding a valid certificate of
24 self-insurance under s. 344.16, the self-insurer has made an agreement described
25 in s. 344.30 (4), and the vehicle is being operated with the owner's permission.

1 (d) The owner or operator of the motor vehicle has made a deposit of cash or
2 securities meeting the requirements specified in s. 344.37 (1) and the vehicle is being
3 operated by or with the permission of the person who made the deposit.

4 (e) The motor vehicle is subject to s. 344.51, 344.52, or 344.55.

5 (f) The motor vehicle is owned by or leased to the United States, this or another
6 state, or any county or municipality of this or another state, and the vehicle is being
7 operated with the owner's or lessee's permission.

8 **(2)** (a) The provisions of ss. 344.34 and 344.36 (2) and (3) shall apply with
9 respect to a bond filed with the secretary under sub. (1) (a).

10 (b) The provisions of s. 344.37 (2) shall apply with respect to a deposit made
11 with the secretary under sub. (1) (d). Any deposit received by the department under
12 sub. (1) (d) shall be maintained in an interest-bearing trust account. All deposits
13 received by the department under sub. (1) (d) shall be held for the benefit of the
14 depositors and potential claimants against the deposits and shall be applied only to
15 the payment of judgments and assignments relating to motor vehicle accidents,
16 following the procedure described in s. 344.20 (2).

17 **(3)** (a) Except as provided in par. (b), the secretary shall, upon request, consent
18 to the immediate cancellation of any bond filed under sub. (1) (a) or to the return of
19 any deposit of money or securities made under sub. (1) (d) if any of the following
20 apply:

21 1. The owner or operator of a motor vehicle provides proof satisfactory to the
22 department that the owner or operator has in effect a motor vehicle liability policy
23 with respect to the vehicle or provides proof that a different exception under sub. (1)
24 applies with respect to the vehicle.

1 2. The person on whose behalf the bond was filed or deposit made has died, has
2 become permanently incapacitated to operate a motor vehicle, or no longer
3 maintains a valid operator's license.

4 3. The person on whose behalf the bond was filed or deposit made no longer
5 owns any motor vehicle registered with the department.

6 (b) The secretary may not consent to the cancellation of any bond filed under
7 sub. (1) (a) or to the return of any deposit of money or securities made under sub. (1)
8 (d) if any action for damages upon the bond or deposit is then pending or any
9 judgment against the person, for which a claim may be made against the bond or
10 deposit, is then unsatisfied. If a judgment is in excess of the amounts specified in s.
11 344.33 (2), for purposes of this paragraph the judgment is considered satisfied when
12 payments in the amounts specified in s. 344.33 (2) have been made. An affidavit of
13 the applicant that the applicant satisfies the provisions of this paragraph is
14 sufficient for the department to consent to the cancellation of a bond or to return any
15 deposit, in the absence of evidence in the records of the department contradicting the
16 affidavit.

17 **344.64 Fraudulent, false, or invalid proof of insurance.** No person may
18 do any of the following for purposes of creating the appearance of satisfying the
19 requirements under s. 344.62 (2):

20 (1) Forge, falsify, counterfeit, or fraudulently alter any proof of insurance,
21 policy of insurance, or other insurance document, or possess any forged, falsified,
22 fictitious, counterfeit, or fraudulently altered proof of insurance, policy of insurance,
23 or other insurance document.

24 (2) Represent that any proof of insurance, policy of insurance, or other
25 insurance document is valid and in effect, knowing or having reason to believe that

1 the proof of insurance, policy of insurance, or other insurance document is not valid
2 or not in effect.

3 **344.65 Violations.** (1) (a) Any person who violates s. 344.62 (1) may be
4 required to forfeit not more than \$500.

5 (b) Except as provided in par. (c), any person who violates s. 344.62 (2) may be
6 required to forfeit \$10.

7 (c) No person charged with violating s. 344.62 (2) may be convicted if the person
8 produces proof that he or she was in compliance with s. 344.62 (1) at the time the
9 person was issued a uniform traffic citation for violating s. 344.62 (2). This proof may
10 be produced either at the time of the person's appearance in court in response to the
11 citation or in the office of the traffic officer issuing the citation.

12 (2) Any person who violates s. 344.64 may be required to forfeit not more than
13 \$5,000.

14 (3) A traffic officer may not stop or inspect a vehicle solely to determine
15 compliance with s. 344.62 or a local ordinance in conformity therewith. This
16 subsection does not limit the authority of a traffic officer to issue a citation for a
17 violation of s. 344.62 or a local ordinance in conformity therewith observed in the
18 course of a stop or inspection made for other purposes, except that a traffic officer
19 may not take a person into physical custody solely for a violation of s. 344.62 or a local
20 ordinance in conformity therewith.

21 **344.66 Rules.** The department shall promulgate rules, and prescribe any
22 necessary forms, to implement and administer this subchapter.

23 **344.67 Notice.** The department shall include with each operator's license
24 issued under ch. 343 notification of the requirements and penalties under this
25 subchapter.”.

1 **7.** Page 1637, line 15: after that line insert:

2 “**SECTION 3203m.** 757.05 (1) (a) of the statutes is amended to read:

3 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
4 state law or for a violation of a municipal or county ordinance except for a violation
5 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility
6 violation under s. 344.62 (2), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1)
7 (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had
8 a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
9 violation, or for a violation of state laws or municipal or county ordinances involving
10 nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use
11 violations under s. 347.48 (2m), there shall be imposed in addition a penalty
12 surcharge under ch. 814 in an amount of 26 percent of the fine or forfeiture imposed.
13 If multiple offenses are involved, the penalty surcharge shall be based upon the total
14 fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or
15 in part, the penalty surcharge shall be reduced in proportion to the suspension.”.

16 **8.** Page 1652, line 10: after that line insert:

17 “**SECTION 3233c.** 814.63 (1) (c) of the statutes is amended to read:

18 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
19 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility
20 violation under s. 344.62 (2), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b)
21 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a
22 blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
23 violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under
24 s. 347.48 (2m).

1 **SECTION 3233e.** 814.63 (2) of the statutes is amended to read:

2 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
3 violation of a county, town, city, village, town sanitary district or public inland lake
4 protection and rehabilitation district ordinance, except for an action for a first
5 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the
6 person who committed the violation had a blood alcohol concentration of 0.08 or more
7 but less than 0.1 at the time of the violation, for a financial responsibility violation
8 under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use
9 violation under s. 347.48 (2m), the county, town, city, village, town sanitary district
10 or public inland lake protection and rehabilitation district shall pay a nonrefundable
11 fee of \$5 to the clerk of circuit court.

12 **SECTION 3233r.** 814.65 (1) of the statutes is amended to read:

13 814.65 (1) COURT COSTS. In a municipal court action, except for an action for
14 a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)
15 (b), if the person who committed the violation had a blood alcohol concentration of
16 0.08 or more but less than 0.1 at the time of the violation, for a financial responsibility
17 violation under s. 344.62 (2), or for a violation of an ordinance in conformity with s.
18 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect a fee of not less than
19 \$15 nor more than \$28 on each separate matter, whether it is on default of
20 appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or
21 the action is tried as a contested matter. Of each fee received by the judge under this
22 subsection, the municipal treasurer shall pay monthly \$5 to the secretary of
23 administration for deposit in the general fund and shall retain the balance for the
24 use of the municipality.”.

1 **9.** Page 1653, line 5: after that line insert:

2 “**SECTION 3239m.** 814.85 (1) (a) of the statutes is amended to read:

3 814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,
4 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the
5 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
6 time of the violation, for a financial responsibility violation under s. 344.62 (2), or for
7 a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m),
8 the clerk of circuit court shall charge and collect a \$68 court support services
9 surcharge from any person, including any governmental unit as defined in s. 108.02
10 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).”.

11 **10.** Page 1653, line 15: after that line insert:

12 “**SECTION 3240m.** 814.86 (1) of the statutes, as affected by 2009 Wisconsin Act
13 (this act), is amended to read:

14 814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681
15 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
16 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
17 violation, for a financial responsibility violation under s. 344.62 (2), or for a violation
18 under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk
19 of circuit court shall charge and collect a \$21.50 justice information system surcharge
20 from any person, including any governmental unit, as defined in s. 108.02 (17),
21 paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or
22 814.63 (1). The justice information system surcharge is in addition to the surcharge
23 listed in sub. (1m).”.

24 **11.** Page 1834, line 5: after that line insert:

1 “(11v) RULE-MAKING FOR COMPULSORY FINANCIAL RESPONSIBILITY FOR MOTOR
2 VEHICLE OPERATION.

3 (a) The department of transportation shall submit in proposed form the rule
4 required under section 344.66 of the statutes, as created by this act, to the legislative
5 council staff under section 227.15 (1) of the statutes no later than the first day of the
6 9th month beginning after the effective date of this subsection.

7 (b) Using the procedure under section 227.24 of the statutes, the department
8 of transportation shall promulgate the rule described under section 344.66 of the
9 statutes, as created by this act, for the period before the permanent rule becomes
10 effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2)
11 of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,
12 the department of transportation is not required to provide evidence that
13 promulgating a rule under this subsection as an emergency rule is necessary for the
14 preservation of the public peace, health, safety, or welfare and is not required to
15 provide a finding of emergency for the rules promulgated under this subsection.”.

16 **12.** Page 1901, line 23: after that line insert:

17 “(15v) COMPULSORY FINANCIAL RESPONSIBILITY FOR MOTOR VEHICLE OPERATION.

18 (a) The treatment of sections 25.40 (1) (a) 27., 165.755 (1) (b), 302.46 (1) (a),
19 344.14 (2) (L), 344.25 (7), 757.05 (1) (a), 814.63 (1) (c), 814.63 (2), 814.65 (1), 814.85
20 (1) (a), and 814.86 (1) (by SECTION 3240m) and subchapter VI of chapter 344 of the
21 statutes takes effect on the first day of the 12th month beginning after publication.

22 (b) SECTION 9150 (11v) of this act takes effect on the day after publication.”.

23

(END)