



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 17
[2009 Senate Bill 37]

Payment of Judgments

Prior Law

Under the law prior to the enactment of 2009 Wisconsin Act 17, when a person failed to pay a forfeiture imposed by a circuit court for a traffic violation, the court would order one of the following:

1. Imprisonment until the judgment was paid, but not to exceed 90 days.
2. Suspension of the person's motor vehicle operating privilege.

Generally, a municipal court*, in response to failure to pay a judgment for a local ordinance violation, could defer payment of a forfeiture or provide for installment payments; order community service; or, for traffic violations, order suspension of the operating privilege if money payments were not made within 60 days of the imposition of a forfeiture. If a person could not pay for good cause or because of indigency, a municipal court could order that the payment schedule be modified, suspended, or permanently stayed or order community service. If a person otherwise failed to pay, a municipal court was required to order imprisonment, payment modification, community service, or, for traffic violations, suspension of the operating privilege.

Act 17

Act 17, with respect to the imposition of a forfeiture in a traffic violation, requires a circuit court to inform the defendant that the defendant should notify the court if he or she is unable to pay a forfeiture because of poverty. If the court receives this notice and the defendant is unable to pay, the court may not suspend the defendant's operating privilege without first providing the defendant with an opportunity to pay the judgment in installments. Further, Act 17 specifically requires that if a defendant

* Or a circuit court if there is no municipal court. See s. 66.0114 (1) (c), Stats.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

is present at the time of judgment and the court determines the defendant is unable to pay a traffic forfeiture because of poverty, the court may not suspend the defendant's operating privilege without first providing the defendant with an opportunity to pay the forfeiture in installments. A court may order a suspension of the operating privilege if the defendant fails to pay under a court-ordered installment plan. If an operating privilege already has been suspended, a court may lift the suspension and order installment payments or, if the defendant is indigent and the defendant has not previously failed to comply with an installment plan, a court must order installment payments.

Act 17 also requires a municipal court to inform a defendant that the defendant should notify the court if he or she is unable to pay a judgment because of poverty. If a defendant proves indigency, a municipal court may not order suspension of the operating privilege for failure to pay an ordinance violation judgment. Again, Act 17 specifically requires that if a defendant is present at the time of judgment and the court determines the defendant is unable to pay a traffic forfeiture because of poverty, the court may not suspend the defendant's operating privilege without first providing the defendant with an opportunity to pay the forfeiture in installments. If a defendant is unable to comply with an installment plan, a municipal court may modify, suspend, or permanently stay the payment plan or the municipal court may order the performance of community service. If an operating privilege has been suspended, a municipal court may lift the suspension and order an installment plan and must do so if the defendant is indigent and the defendant has not previously failed to comply with an installment plan.

Effective Date: The Act takes effect on June 13, 2009.

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