



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa1630/1
PJH:kjf:rs

**SENATE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 69**

February 23, 2006 – Offered by Senators CARPENTER and PLALE.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 2, line 1: before that line insert:

4 “**SECTION 1e.** 85.55 of the statutes is amended to read:

5 **85.55 Safe-ride grant program.** The department may award grants to any
6 county or municipality or to any nonprofit corporation, as defined in s. 66.0129 (6)
7 (b), to cover the costs of transporting persons suspected of having a prohibited alcohol
8 concentration, as defined in s. 340.01 (46m), from any premises licensed under ch.
9 125 to sell alcohol beverages to their places of residence. The amount of a grant under
10 this section may not exceed 50% of the costs necessary to provide the service. The
11 liability of a provider of a safe-ride program to persons transported under the
12 program is limited to the amounts required for ~~an automobile~~ a motor vehicle

1 liability policy under s. 344.15 (1). Grants awarded under this section shall be paid
2 from the appropriation under s. 20.395 (5) (ek).

3 **SECTION 1m.** 194.41 (1) of the statutes is amended to read:

4 194.41 (1) No permit or vehicle registration may be issued to a common motor
5 carrier of property, contract motor carrier, or rental company, no permit or vehicle
6 registration may remain in force to operate any motor vehicle under the authority
7 of this chapter, and no vehicle registration may be issued or remain in force for a
8 semitrailer unless the carrier or rental company has on file with the department and
9 in effect an approved certificate for a policy of insurance or other written contract in
10 such form and containing such terms and conditions as may be approved by the
11 department issued by an insurer authorized to do a surety or automobile motor
12 vehicle liability business in this state under which the insurer assumes the liability
13 prescribed by this section with respect to the operation of such motor vehicles. The
14 certificate or other contract is subject to the approval of the department and shall
15 provide that the insurer shall be directly liable for and shall pay all damages for
16 injuries to or for the death of persons or for injuries to or destruction of property that
17 may be recovered against the owner or operator of any such motor vehicles by reason
18 of the negligent operation thereof in such amount as the department may require.
19 Liability may be restricted so as to be inapplicable to damage claims on account of
20 injury to or destruction of property transported, but the department may require a
21 certificate or other contract protecting the owner of the property transported by
22 carriers from loss or damage in the amount and under the conditions as the
23 department may require. No permit or vehicle registration may be issued to a
24 common motor carrier of passengers by any motor vehicle, or other carrier of
25 passengers by motor bus, except those registered in accordance with s. 341.26 (2) (a)

1 and (d), and no permit or vehicle registration may remain in force to operate any
2 motor vehicle unless it has on file with the department a like certificate or other
3 contract in the form and containing the terms and conditions as may be approved by
4 the department for the payment of damages for injuries to property and injuries to
5 or for the death of persons, including passengers, in the amounts as the department
6 may require. This subsection does not apply to a motor carrier that is registered by
7 another state under a single-state registration system consistent with the standards
8 under 49 USC 14504.

9 **SECTION 1s.** 302.46 (1) (a) of the statutes is amended to read:

10 302.46 (1) (a) ~~On or after October 1, 1987, if~~ If a court imposes a fine or
11 forfeiture for a violation of state law or for a violation of a municipal or county
12 ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv)
13 or (5), for a financial responsibility violation under s. 344.10 (1) (a) 2., or for a first
14 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the
15 person who committed the violation had a blood alcohol concentration of 0.08 or more
16 but less than 0.1 at the time of the violation, or for a violation of state laws or
17 municipal or county ordinances involving nonmoving traffic violations or safety belt
18 use violations under s. 347.48 (2m), the court, in addition, shall impose a jail
19 surcharge under ch. 814 in an amount of 1% of the fine or forfeiture imposed or \$10,
20 whichever is greater. If multiple offenses are involved, the court shall determine the
21 jail surcharge on the basis of each fine or forfeiture. If a fine or forfeiture is
22 suspended in whole or in part, the court shall reduce the jail surcharge in proportion
23 to the suspension.”.

24 **2.** Page 2, line 1: substitute “**SECTION 1t**” for “**SECTION 1**”.

1 **3.** Page 2, line 3: after “(2)” insert “(ep) and”.

2 **4.** Page 2, line 3: after that line insert:

3 “**SECTION 1w.** 343.14 (2) (ep) of the statutes is created to read:

4 343.14 **(2)** (ep) Documentary proof of compliance with s. 344.10, if the applicant
5 is the owner of a motor vehicle.”.

6 **5.** Page 4, line 20: after that line insert:

7 “**SECTION 8b.** 344.10 of the statutes is created to read:

8 **344.10 Compulsory financial responsibility; limits and penalties. (1)**

9 (a) 1. No person may operate a motor vehicle upon a highway in this state unless the
10 owner or operator has in effect a motor vehicle liability policy or bond for the motor
11 vehicle, which meets the requirements under s. 344.15, insuring against loss
12 resulting from liability imposed by law for bodily injury, death, and property damage
13 sustained by any person arising out of the ownership, maintenance, operation, or use
14 of the motor vehicle.

15 2. No person may operate a motor vehicle upon a highway in this state unless
16 the person has in his or her immediate possession at all times while operating the
17 vehicle proof that he or she is in compliance with subd. 1. or that the requirements
18 of subd. 1. do not apply to him or her. The operator of the motor vehicle shall display
19 the proof required under this subdivision upon demand from any law enforcement
20 officer.

21 (b) 1. No person charged with violating par. (a) 1. may be convicted if the person
22 produces proof that he or she was in compliance with par. (a) 1. or that the
23 requirements of par. (a) 1. did not apply to him or her at the time of the arrest. Such
24 proof may be produced either at the time of the person’s appearance in court in

1 response to the uniform traffic citation, or in the office of the arresting officer within
2 5 days after the date of issuance of the uniform traffic citation.

3 2. Proof of compliance with par. (a) 1. may be evidenced by display of the motor
4 vehicle policy or bond in effect for the motor vehicle under s. 344.15, a copy of that
5 policy or bond, or an identification card issued to the person by the insurer indicating
6 that the policy or bond is in effect or by display of certification of insurance under s.
7 344.31 or a copy of that certification.

8 3. The department shall promulgate a rule specifying the form of proof that
9 may be displayed by a person under par. (c) to show that the requirements under par.
10 (a) 1. do not apply to him or her.

11 (c) Paragraph (a) 1. does not apply to any of the following:

12 1. A person operating a vehicle owned by a self-insurer under s. 344.16 if
13 operating with the owner's permission.

14 2. A person operating a vehicle insured as required by s. 121.53, 194.41, or
15 194.42 if operating with the owner's permission.

16 3. A person who has filed proof of financial responsibility as provided under
17 sub. (2) or a person operating a vehicle owned by the person who has deposited money
18 or security if operating with the owner's permission.

19 4. The operator of a vehicle owned by or leased to the United States, this or
20 another state, or any county or municipality of this or another state, if operating with
21 the owner's or lessee's permission.

22 **(2)** Proof of financial responsibility may be evidenced by a deposit of money or
23 securities in the amount, form, and manner specified in s. 344.37.

24 **(3)** Notwithstanding s. 349.02, a law enforcement officer may not stop or
25 inspect a vehicle solely to determine compliance with sub. (1) (a) 1. or 2. or both or

1 a local ordinance in conformity with sub. (1) (a) 1. or 2. or both. This subsection does
2 not limit the authority of a law enforcement officer to issue a citation for a violation
3 of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity with sub. (1) (a) 1. or
4 2. or both observed in the course of a stop or inspection made for other purposes,
5 except that a law enforcement officer may not take a person into physical custody
6 solely for a violation of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity
7 with sub. (1) (a) 1. or 2. or both.

8 (4) The department shall include with each operator's license issued under ch.
9 343 notification of the requirements and penalties under this section.

10 (5) (a) Any person who violates sub. (1) (a) 1. shall forfeit not more than \$500.

11 (b) Any person who violates sub. (1) (a) 2. may be required to forfeit \$10.

12 **SECTION 8c.** 344.15 (1) of the statutes is amended to read:

13 344.15 (1) No policy or bond is effective under s. 344.10 or 344.14 unless issued
14 by an insurer authorized to do ~~an automobile~~ a motor vehicle liability or surety
15 business in this state, except as provided in sub. (2), or unless the policy or bond is
16 subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of
17 interest and costs, of not less than \$25,000 because of bodily injury to or death of one
18 person in any one accident and, subject to that limit for one person, to a limit of not
19 less than \$50,000 because of bodily injury to or death of 2 or more persons in any one
20 accident and, if the accident has resulted in injury to or destruction of property, to
21 a limit of not less than \$10,000 because of injury to or destruction of property of
22 others in any one accident.

23 **SECTION 8e.** 344.15 (2) (intro.) of the statutes is amended to read:

24 344.15 (2) (intro.) A policy or bond with respect to a vehicle which was not
25 registered in this state or was registered elsewhere at the time of the effective date

1 of the policy or bond or the most recent renewal thereof may be effective under s.
2 344.10 or 344.14 even though not issued by an insurer authorized to do ~~an automobile~~
3 a motor vehicle liability or surety business in this state if the following conditions are
4 complied with:

5 **SECTION 8f.** 344.15 (4) of the statutes is amended to read:

6 344.15 (4) After receipt of the report of an accident of the type specified in s.
7 344.12, the secretary may forward to the insurer named therein, that portion of the
8 report or other notice which pertains to ~~an automobile~~ a motor vehicle liability policy
9 or bond. The secretary shall assume that ~~an automobile~~ a motor vehicle liability
10 policy or bond as described in this section was in effect and applied to both the owner
11 and operator with respect to the accident unless the insurer notifies the secretary
12 otherwise within 30 days from the mailing to the insurer of that portion of the report
13 or other notice pertaining to the ~~automobile~~ motor vehicle liability policy or bond.
14 Upon receipt of notice from the insurer that ~~an automobile~~ a motor vehicle liability
15 policy or bond was in effect as to the owner only, the operator only or was not in effect
16 as to either of them, the secretary shall within the remainder of the 90-day period
17 specified in s. 344.13 (3) require the owner or operator or both, whichever is
18 applicable, to deposit security pursuant to this chapter. As respects permission to
19 operate the vehicle, the insurer may correct the report or other notice only if it files
20 with the secretary within the 30-day period specified in this subsection an affidavit
21 signed by the owner stating that the operator did not have the owner's permission
22 to operate the vehicle. Where the insurer's failure to notify the secretary within 30
23 days of a correction in that portion of the report or other notice pertaining to ~~an~~
24 ~~automobile~~ a motor vehicle liability policy or bond is caused by fraud, the insurer

1 shall notify the secretary of the correction within 30 days of the time the fraud is
2 discovered.

3 **SECTION 8h.** 344.15 (5) of the statutes is amended to read:

4 344.15 (5) Nothing in this chapter shall be construed to impose any obligation
5 not otherwise assumed by the insurer in its ~~automobile~~ motor vehicle liability policy
6 or bond except that if no correction is made in the report or other notice within 30
7 days after it is mailed to the insurer, the insurer, except in case of fraud, whenever
8 such fraud may occur, is estopped from using as a defense to its liability the insured's
9 failure to give permission to the operator or a violation of the purposes of use specified
10 in the ~~automobile~~ motor vehicle liability policy or bond or the use of the vehicle
11 beyond agreed geographical limits.

12 **SECTION 8i.** 344.32 (1) (intro.) of the statutes is amended to read:

13 344.32 (1) (intro.) A nonresident may give proof of financial responsibility by
14 filing with the secretary a written certification of an insurer authorized to transact
15 ~~an automobile~~ a motor vehicle liability or surety business in the state in which the
16 person resides or by transmitting such certification to the secretary by another
17 means approved by the secretary, provided the certification otherwise conforms to
18 this chapter. The secretary shall accept the certification if the insurer complies with
19 the following with respect to the policies so certified:

20 **SECTION 8j.** 344.33 (1) of the statutes is amended to read:

21 344.33 (1) CERTIFICATION. In ~~this chapter~~ ss. 344.30 to 344.34, “motor vehicle
22 liability policy” means a motor vehicle policy of liability insurance, certified as
23 provided in s. 344.31 or 344.32 as proof of financial responsibility for the future, and
24 issued, except as otherwise provided in s. 344.32, by an insurer authorized to do an

1 automobile a motor vehicle liability business in this state to or for the benefit of the
2 person named in the policy as the insured.

3 **SECTION 8L.** 344.35 (title) of the statutes is amended to read:

4 **344.35** (title) ~~This chapter~~ **Section 344.33 not to affect other policies.**

5 **SECTION 8m.** 344.35 (1) of the statutes is amended to read:

6 344.35 (1) ~~This chapter~~ **Section 344.33** does not apply to or affect policies of
7 automobile motor vehicle insurance against liability which may now or hereafter be
8 required by any other law of this state. If such policies contain an agreement or are
9 endorsed to conform to the requirements of ~~this chapter~~ **s. 344.33**, they may be
10 certified as proof of financial responsibility under this chapter.

11 **SECTION 8n.** 344.35 (2) of the statutes is amended to read:

12 344.35 (2) ~~This chapter~~ **Section 344.33** does not apply to or affect policies
13 insuring solely the insured named in the policy against liability resulting from the
14 maintenance or use by persons in the insured's employ or on the insured's behalf of
15 motor vehicles not owned by the insured.

16 **SECTION 8o.** 344.51 (1m) of the statutes is amended to read:

17 344.51 (1m) No lessor or rental company may for compensation rent or lease
18 any motor vehicle unless there is filed with the department on a form prescribed by
19 the department a certificate for a good and sufficient bond or policy of insurance
20 issued by an insurer authorized to do ~~an automobile~~ a motor vehicle liability
21 insurance or surety business in this state. The certificate shall provide that the
22 insurer which issued it will be liable for damages caused by the negligent operation
23 of the motor vehicle in the amounts set forth in s. 344.01 (2) (d). No lessor or rental
24 company complying with this subsection, and no lessor or rental company entering
25 into or acquiring an interest in any contract for the rental or leasing of a motor vehicle

1 for which any other lessor or rental company has complied with this subsection, is
2 liable for damages caused by the negligent operation of the motor vehicle by another
3 person.

4 **SECTION 8p.** 345.61 (1) (a) of the statutes is amended to read:

5 345.61 (1) (a) Any domestic or foreign surety company ~~which~~ that has qualified
6 to transact surety business in this state may, in any year, become surety in an amount
7 not to exceed \$200 with respect to any guaranteed arrest bond certificates issued in
8 such year by an automobile club, by an association, or by an insurance company
9 authorized to write ~~automobile~~ motor vehicle liability insurance within this state, by
10 filing with the commissioner of insurance an undertaking thus to become surety.

11 **SECTION 8q.** 345.61 (2) (c) of the statutes is amended to read:

12 345.61 (2) (c) “Guaranteed arrest bond certificate,” as used in this section,
13 means any printed card or other certificate issued by an automobile club, association,
14 or insurance company to any of its members or insureds, which card or certificate is
15 signed by the member or insureds and contains a printed statement that the
16 automobile club, association, or insurance company and a surety company, or an
17 insurance company authorized to transact both ~~automobile~~ motor vehicle liability
18 insurance and surety business, guarantee the appearance of the persons whose
19 signature appears on the card or certificate and that they will, in the event of failure
20 of the person to appear in court at the time of trial, pay any fine or forfeiture imposed
21 on the person, plus costs, fees, and surcharges imposed under ch. 814, in an amount
22 not exceeding \$200, or \$1,000 as provided in sub. (1) (b).

23 **SECTION 8r.** 345.61 (3) of the statutes is amended to read:

24 345.61 (3) Any guaranteed arrest bond certificate with respect to which a
25 surety company has become surety, or a guaranteed arrest bond certificate issued by

1 an insurance company authorized to transact both ~~automobile~~ motor vehicle liability
2 insurance and surety business within this state as herein provided, shall, when
3 posted by the person whose signature appears thereon, be accepted in lieu of cash bail
4 or other bond in an amount not to exceed \$200, or \$1,000 as provided in sub. (1) (b),
5 as a bail bond, to guarantee the appearance of such person in any court in this state,
6 including all municipal courts in this state, at such time as may be required by such
7 court, when the person is arrested for violation of any vehicle law of this state or any
8 motor vehicle ordinance of any county or municipality in this state except for the
9 offense of driving under the influence of intoxicating liquors or of drugs or for any
10 felony committed prior to the date of expiration shown on such guaranteed arrest
11 bond certificates; provided, that any such guaranteed arrest bond certificates so
12 posted as bail bond in any court in this state shall be subject to the forfeiture and
13 enforcement provisions with respect to bail bonds in criminal cases as otherwise
14 provided by law or as hereafter may be provided by law, and that any such
15 guaranteed arrest bond certificate posted as a bail bond in any municipal court of this
16 state shall be subject to the forfeiture and enforcement provisions, if any, of the
17 charter or ordinance of the particular county or municipality pertaining to bail bonds
18 posted.

19 **SECTION 8s.** 346.73 of the statutes is amended to read:

20 **346.73 Accident reports not to be used in trial.** Notwithstanding s. 346.70
21 (4) (f), accident reports required to be filed with or transmitted to the department or
22 a county or municipal authority shall not be used as evidence in any judicial trial,
23 civil or criminal, arising out of an accident, except that such reports may be used as
24 evidence in a trial for a violation of s. 344.10 or in any administrative proceeding
25 conducted by the department. The department shall furnish upon demand of any

1 person who has or claims to have made such a report, or upon demand of any court,
2 a certificate showing that a specified accident report has or has not been made to the
3 department solely to prove a compliance or a failure to comply with the requirement
4 that such a report be made to the department.

5 **SECTION 8t.** 757.05 (1) (a) of the statutes, as affected by 2005 Wisconsin Act 25,
6 is amended to read:

7 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
8 state law or for a violation of a municipal or county ordinance except for a violation
9 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility
10 violation under s. 344.10 (1) (a) 2., or for a first violation of s. 23.33 (4c) (a) 2., 30.681
11 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
12 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
13 violation, or for a violation of state laws or municipal or county ordinances involving
14 nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), there
15 shall be imposed in addition a penalty surcharge under ch. 814 in an amount of 25%
16 of the fine or forfeiture imposed. If multiple offenses are involved, the penalty
17 surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine
18 or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced
19 in proportion to the suspension.

20 **SECTION 8u.** 814.63 (1) (c) of the statutes is amended to read:

21 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
22 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility
23 violation under s. 344.10 (1) (a) 2., for a first violation of s. 23.33 (4c) (a) 2., 30.681
24 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation

1 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
2 violation, or for a violation of a safety belt use violation under s. 347.48 (2m).

3 **SECTION 8v.** 814.63 (2) of the statutes is amended to read:

4 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
5 violation of a county, town, city, village, town sanitary district or public inland lake
6 protection and rehabilitation district ordinance, except for an action for a first
7 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the
8 person who committed the violation had a blood alcohol concentration of 0.08 or more
9 but less than 0.1 at the time of the violation, for a financial responsibility violation
10 under s. 344.10 (1) (a) 2., or for a safety belt use violation under s. 347.48 (2m), the
11 county, town, city, village, town sanitary district or public inland lake protection and
12 rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

13 **SECTION 8w.** 814.65 (1) of the statutes, as affected by 2005 Wisconsin Act ...
14 (Assembly Bill 264), is amended to read:

15 814.65 (1) COURT COSTS. In a municipal court action, except for an action for
16 a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)
17 (b), if the person who committed the violation had a blood alcohol concentration of
18 0.08 or more but less than 0.1 at the time of the violation, for a financial responsibility
19 violation under s. 344.10 (1) (a) 2., or for a violation of an ordinance in conformity with
20 s. 347.48 (2m), the municipal judge shall collect a fee of not less than \$15 nor more
21 than \$28 on each separate matter, whether it is on default of appearance, a plea of
22 guilty or no contest, on issuance of a warrant or summons, or the action is tried as
23 a contested matter. Of each fee received by the judge under this subsection, the
24 municipal treasurer shall pay monthly \$5 to the secretary of administration for

1 deposit in the general fund and shall retain the balance for the use of the
2 municipality.

3 **SECTION 8x.** 814.85 (1) (a) of the statutes is amended to read:

4 814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,
5 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the
6 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
7 time of the violation, for a financial responsibility violation under s. 344.10 (1) (a) 2.,
8 or for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall
9 charge and collect a \$68 court support services surcharge from any person, including
10 any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1)
11 (a), (3), or (8) (am) or 814.63 (1).

12 **SECTION 8y.** 814.86 (1) of the statutes, as affected by 2005 Wisconsin Act 25,
13 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. 344.10 (1) (a) 2., or for a
18 safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge
19 and collect a \$12 justice information system surcharge from any person, including
20 any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1)
21 (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice
22 information system surcharge is in addition to the surcharge listed in sub. (1m).

23 **SECTION 18z. Nonstatutory provisions.**

24 (1) The department of transportation shall submit in proposed form the rule
25 required under section 344.10 (1) (b) 3. of the statutes, as created by this act, to the

1 legislative council staff under section 227.15 (1) of the statutes no later than the first
2 day of the 9th month beginning after the effective date of this subsection.”.

3 **6.** Page 4, line 23: on page 1 of the material inserted by assembly amendment
4 2, delete lines 3 to 5 and substitute:

5 **“SECTION 9m. Effective dates.** This act takes effect on the first day of the 13th
6 month beginning after publication, except as follows:

7 (1) SECTION 8Z (1) of this act takes effect on the day after publication.”.

8

(END)