



## 2005 ASSEMBLY BILL 70

February 1, 2005 – Introduced by Representatives PETROWSKI, SUDER, WASSERMAN, AINSWORTH, BIES, JENSEN, KREIBICH, LEHMAN, MCCORMICK, MOLEPSKE, MUSSER, NASS, OTT, POPE-ROBERTS, SHILLING, SINICKI, STONE and VAN ROY, cosponsored by Senators ROESSLER, ROBSON, RISSER, BROWN, A. LASEE, LASSA, OLSEN and WIRCH. Referred to Committee on Highway Safety.

1     **AN ACT** *to repeal* 347.50 (4); *to renumber and amend* 347.48 (4) (a) 1., 347.48  
2           (4) (a) 2. and 347.48 (4) (a) 3.; *to amend* 165.755 (1) (b), 302.46 (1) (a), 343.32  
3           (2) (bt), 347.48 (2m) (c), 347.48 (2m) (d), 347.48 (4) (b), 347.48 (4) (d), 347.50 (1),  
4           347.50 (3) (a), 347.50 (3) (b), 757.05 (1) (a), 814.63 (1) (c), 814.63 (2), 814.65 (1),  
5           814.85 (1) (a) and 814.86 (1); and *to create* 20.395 (5) (gq), 25.40 (1) (in), 85.56,  
6           347.48 (4) (ag), 347.48 (4) (as), 347.482, 347.50 (3) (b) 3., 814.75 (20m), 814.79  
7           (8m) and 814.81 (10) of the statutes; **relating to:** child safety restraint systems,  
8           safety belt use requirements in motor vehicles, creating a Child Safety  
9           Restraint System Program, creating a safety restraint enforcement surcharge,  
10          granting rule-making authority, making an appropriation, and providing a  
11          penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, with certain exceptions, no child under the age of four years may be transported in a motor vehicle unless that child is properly restrained in a child safety restraint system (child safety seat), and no child between the ages of four and eight years may be transported in a motor vehicle unless that child is properly

**ASSEMBLY BILL 70**

restrained in a child safety seat or by a safety belt (seat belt). A person who fails to comply with the child safety seat requirement is subject to a forfeiture of not less than \$30 nor more than \$75, but no forfeiture may be assessed if the vehicle was not equipped with a child safety seat at the time of the violation and the person provides proof that, within 30 days after the violation, a child safety seat was purchased or leased and properly installed in the vehicle. A person who fails to comply with the seat belt requirement is subject to a forfeiture of not less than \$10 nor more than \$25 for a first violation or, for a second or subsequent violation within three years, a forfeiture of not less than \$25 nor more than \$200. A person who fails to comply with the child safety seat requirement will also incur additional fees, costs, and surcharges, but a person who fails to comply with the seat belt requirement will not.

This bill creates a tiered structure, according to age and size, of restraint requirements for transporting children under the age of eight in a motor vehicle. Under this bill, a child who is:

1. Less than one year old or who weighs less than 20 pounds must be properly restrained in a rear-facing child safety seat in the back seat of the vehicle if the vehicle is equipped with a back seat.

2. At least one year old and weighs at least 20 pounds but is less than four years old or weighs less than 40 pounds must be properly restrained in a forward-facing child safety seat in the back seat of the vehicle if the vehicle is equipped with a back seat.

3. At least four years old but less than eight years old, weighs between 40 and 80 pounds, and is no more than four feet nine inches tall must be properly restrained in a child booster seat positioned according to the child seating requirements described below.

4. Under the age of eight and exceeds the weight or height limits specified in Item 3., above, must be properly restrained by a seat belt (as under current law).

If a child, because of age, weight, or height, falls into more than one of these categories, the child must be transported according to the requirements of the more protective category.

This bill prohibits a person from transporting a child under the age of eight in a motor vehicle unless the child is properly restrained as described above and the restraint system meets the standards established by the Department of Transportation (DOT) and is appropriate to the child's age and size. Certain exceptions that apply under current law continue to apply to these requirements.

Under the bill, the same penalty applies regardless of which specific requirement is violated. A person who fails to comply with any of these requirements is subject to a forfeiture of not less than \$50 nor more than \$75 for a first violation or, for a second or subsequent violation within three years, a forfeiture of not less than \$75 nor more than \$200. However, no forfeiture may be assessed if the vehicle was not equipped with an applicable child safety restraint system at the time of the violation, the person provides proof that, within 30 days after the violation, a child safety restraint system was purchased, leased, or received under the DOT program described later in this analysis and properly installed in the vehicle, and the person has not been issued a uniform traffic citation for violation of the child safety restraint

**ASSEMBLY BILL 70**

system requirements within the immediately preceding three years. The bill also eliminates the imposition of additional fees, costs, and surcharges for child safety seat violations. For the first six months after enactment of the bill, law enforcement officers may issue only written warnings, not citations, for child safety seat and seat belt violations if the violator has not previously received a warning or citation within this period.

Under current law, with specific exceptions, no person may drive a motor vehicle unless he or she reasonably believes that each passenger between the ages of four and 15 years is properly restrained by a seat belt. No person who is at least four years old may be a passenger in the front seat of a motor vehicle, or in a seat other than the front seat for which a shoulder harness has been installed, unless that person is properly restrained. This bill extends this seat belt requirement to passengers up to the age of 16 years and applies the requirement to passengers in seats other than the front seat for which safety belts are required to be installed.

The bill also requires DOT to develop and administer a program to provide child safety restraint systems to low-income families in this state. To administer the program, DOT must enter into an agreement with Children's Hospital and Health System (CHHS) to provide funds to CHHS to purchase and distribute, through Safe Kids Wisconsin, child safety restraint systems to low-income families in accordance with standards and criteria established by rule by DOT. CHHS must annually submit an audited financial statement of its use of the funds and may not receive funding if it dissolves or loses its tax-exempt status under federal law.

Current law imposes various surcharges against persons who violate certain laws; these surcharges must be paid in addition to any fine or forfeiture imposed and in addition to any other surcharge imposed. For example, current law imposes a railroad crossing improvement surcharge on persons convicted of violating certain traffic laws relating to railroad crossings, a truck driver education surcharge on persons convicted of violating certain traffic laws while operating a commercial motor vehicle, and a driver improvement surcharge on persons convicted of violating certain laws relating to driving while intoxicated. With limited exceptions, including those described above, a person convicted of a state or local traffic law violation must also pay other surcharges of general applicability.

This bill creates a new safety restraint enforcement surcharge, in an amount of \$25, that must be imposed on any person convicted of a child safety restraint system violation. The money collected from the surcharge is deposited in the transportation fund to be used exclusively for the Child Safety Restraint System Program.

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

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

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**SECTION 1.** 20.395 (5) (gq) of the statutes is created to read:

**ASSEMBLY BILL 70****SECTION 1**

1           20.395 (5) (gq) *Child Safety Restraint System Program, state funds.* All moneys  
2 received from safety restraint enforcement surcharges under s. 347.482, for the  
3 purposes specified in s. 85.56.

4           **SECTION 2.** 25.40 (1) (in) of the statutes is created to read:

5           25.40 (1) (in) All moneys forwarded by treasurers from safety restraint  
6 enforcement surcharges imposed under s. 347.482, as provided in ss. 59.25 (3) (f) 2.  
7 and 66.0114 (1) (bm).

8           **SECTION 3.** 85.56 of the statutes is created to read:

9           **85.56 Child Safety Restraint System Program. (1)** The department shall  
10 develop and administer a program to provide to low-income families in this state  
11 child safety restraint systems, including infant and toddler car seats and child  
12 booster seats, for the purpose of promoting compliance with the requirements of s.  
13 347.48 (4). The department shall adopt rules to implement and administer this  
14 section, including standards and criteria for providing low-income families with  
15 child safety restraint systems.

16           **(2) (a)** For purposes of administering the program under sub. (1), the  
17 department shall enter into an agreement with Children's Hospital and Health  
18 System, a nonprofit corporation and an organization described in section 501 (c) (3)  
19 of the Internal Revenue Code and exempt from federal income tax under section 501  
20 (a) of the Internal Revenue Code, to make payments from the appropriation under  
21 s. 20.395 (5) (gq) to Children's Hospital and Health System for the purchase and  
22 distribution by Safe Kids Wisconsin, led by Children's Hospital and Health System,  
23 of child safety restraint systems to low-income families under the standards and  
24 criteria established by the department by rule.

**ASSEMBLY BILL 70**

1 (b) The agreement under this subsection shall require that Children's Hospital  
2 and Health System annually submit to the presiding officer of each house of the  
3 legislature an audited financial statement of its use of the payments under this  
4 section, prepared in accordance with generally accepted accounting principles.

5 (c) Payments to Children's Hospital and Health System under this section shall  
6 be discontinued by the department if either Children's Hospital and Health System  
7 or Safe Kids Wisconsin dissolves or is no longer exempt from taxation under section  
8 501 (a) of the Internal Revenue Code, and the department shall designate a new  
9 recipient for payments under this section, which must be a nonprofit organization  
10 with a purpose of promoting child safety and which must comply with any  
11 requirement specified in this section for Children's Hospital and Health System or  
12 Safe Kids Wisconsin.

13 **SECTION 4.** 165.755 (1) (b) of the statutes is amended to read:

14 165.755 (1) (b) A court may not impose the crime laboratories and drug law  
15 enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar),  
16 (bm), (br), or (bv) or (5) (b), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1.,  
17 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood  
18 alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,  
19 or for a violation of a state law or municipal or county ordinance involving a  
20 nonmoving traffic violation or a safety belt or restraint use violation under s. 347.48  
21 (2m) or (4).

22 **SECTION 5.** 302.46 (1) (a) of the statutes is amended to read:

23 302.46 (1) (a) ~~On or after October 1, 1987, if~~ If a court imposes a fine or  
24 forfeiture for a violation of state law or for a violation of a municipal or county  
25 ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv)

**ASSEMBLY BILL 70**

1 or (5), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or  
2 350.101 (1) (b), if the person who committed the violation had a blood alcohol  
3 concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a  
4 violation of state laws or municipal or county ordinances involving nonmoving traffic  
5 violations or safety belt or restraint use violations under s. 347.48 (2m) or (4), the  
6 court, in addition, shall impose a jail surcharge under ch. 814 in an amount of ~~1%~~ 1  
7 percent of the fine or forfeiture imposed or \$10, whichever is greater. If multiple  
8 offenses are involved, the court shall determine the jail surcharge on the basis of each  
9 fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court  
10 shall reduce the jail surcharge in proportion to the suspension.

11 **SECTION 6.** 343.32 (2) (bt) of the statutes is amended to read:

12 343.32 (2) (bt) The scale adopted by the secretary may not assess any demerit  
13 points for a violation of s. 346.922 or 347.48 (2m) (b), (c) or (d) or (4) ~~(a)~~ (am).

14 **SECTION 7.** 347.48 (2m) (c) of the statutes is amended to read:

15 347.48 (2m) (c) If a motor vehicle is required to be equipped with safety belts  
16 in this state, no person may operate that motor vehicle unless he or she reasonably  
17 believes that each passenger who is at least ~~4~~ 8 years old and not more than ~~15~~ 16  
18 years old and who is seated at a designated seating position in the front seat required  
19 under 49 CFR 571 to have a safety belt installed or at a designated seating position  
20 in the seats, other than the front seats, for which a ~~shoulder harness has been~~ safety  
21 belt is required to be installed is properly restrained.

22 **SECTION 8.** 347.48 (2m) (d) of the statutes is amended to read:

23 347.48 (2m) (d) If a motor vehicle is required to be equipped with safety belts  
24 in this state, no person who is at least ~~4~~ 8 years old and who is seated at a designated  
25 seating position in the front seat required under 49 CFR 571 to have a safety belt

**ASSEMBLY BILL 70**

1 installed or at a designated seating position in the seats, other than the front seats,  
2 for which a ~~shoulder harness has been~~ safety belt is required to be installed may be  
3 a passenger in that motor vehicle unless the person is properly restrained.

4 **SECTION 9.** 347.48 (4) (a) 1. of the statutes is renumbered 347.48 (4) (am) and  
5 amended to read:

6 347.48 (4) (am) ~~No~~ Subject to par. (au), no person may transport a child under  
7 the age of ~~4~~ 8 in a motor vehicle unless the child is ~~properly restrained in compliance~~  
8 with par. (as) in a child safety restraint system approved that is appropriate to the  
9 child's age and size and that meets the standards established by the department. ~~In~~  
10 ~~this subdivision, "properly restrained" means fastened in a manner prescribed by the~~  
11 ~~manufacturer of the system which permits the system to act as a body restraint but~~  
12 ~~does not include a system in which the only body restraint is a safety belt of the type~~  
13 ~~required under sub. (1)~~ under this paragraph. The department shall, by rule,  
14 establish standards in compliance with applicable federal standards, including  
15 standards under 49 CFR 571.213, for ~~approved types of~~ child safety restraint  
16 systems for ~~those child restraint systems purchased after November 1, 1982.~~

17 **SECTION 10.** 347.48 (4) (a) 2. of the statutes is renumbered 347.48 (4) (as) 4. and  
18 amended to read:

19 347.48 (4) (as) 4. ~~No person may transport a~~ Subject to subds. 1. to 3., if the  
20 ~~child who is at least 4 years old but is less than 8 years old in a motor vehicle unless,~~  
21 ~~the child is~~ shall be properly restrained in a child safety restraint system approved  
22 ~~by the department under subd. 1. or in a~~ safety belt approved by the department  
23 under sub. (2). ~~In this subdivision, "properly restrained" means fastened in a~~  
24 ~~manner prescribed by the manufacturer of the system which permits the system to~~  
25 ~~act as a body restraint.~~

**ASSEMBLY BILL 70****SECTION 11**

1           **SECTION 11.** 347.48 (4) (a) 3. of the statutes is renumbered 347.48 (4) (au), and  
2           347.48 (4) (au) (intro.), as renumbered, is amended to read:

3           347.48 (4) (au) (intro.) Notwithstanding ~~subds. 1. and 2. pars. (am) and (as),~~  
4           a person other than the operator of a motor vehicle transporting a child required to  
5           be properly restrained under ~~subd. 1. or 2. pars. (am) and (as)~~ may temporarily  
6           remove a child from a safety restraint system to attend to the personal needs of the  
7           child under all of the following conditions:

8           **SECTION 12.** 347.48 (4) (ag) of the statutes is created to read:

9           347.48 (4) (ag) In this subsection:

10          1. “Child booster seat” means a child passenger restraint system that meets the  
11          applicable federal standards under 49 CFR 571.213 and is designed to elevate a child  
12          from a vehicle seat to allow the vehicle’s safety belt to be properly positioned over the  
13          child’s body.

14          2. “Designated seating position” has the meaning given in 49 CFR 571.3.

15          3. “Properly restrained” means any of the following:

16          a. With respect to par. (as) 1. and 2., fastened in a manner prescribed by the  
17          manufacturer of the child safety restraint system which permits the system to act  
18          as a body restraint but does not include a system in which the only body restraint is  
19          a safety belt of the type required under sub. (1).

20          b. With respect to par. (as) 3., wearing a safety belt consisting of a combination  
21          lap belt and shoulder harness approved by the department under sub. (2) and  
22          fastened in a manner prescribed by the manufacturer of the safety belt so that the  
23          safety belt properly fits across the child’s lap and the center of the child’s chest in a  
24          manner appropriate to the child’s height, weight, and age that permits the safety belt  
25          to act as a body restraint.

**ASSEMBLY BILL 70**

1 c. With respect to par. (as) 4., fastened in a manner prescribed by the  
2 manufacturer of the system which permits the system to act as a body restraint.

3 **SECTION 13.** 347.48 (4) (as) of the statutes is created to read:

4 347.48 (4) (as) A child under the age of 8 years who is being transported in a  
5 motor vehicle shall be restrained as follows:

6 1. If the child is less than one year old or weighs less than 20 pounds, the child  
7 shall be properly restrained in a rear-facing child safety restraint system, positioned  
8 at a designated seating position in a back passenger seat of the vehicle if the vehicle  
9 is equipped with a back passenger seat.

10 2. Subject to subd. 1., if the child is at least one year old and weighs at least 20  
11 pounds but is less than 4 years old or weighs less than 40 pounds, the child shall be  
12 properly restrained in a forward-facing child safety restraint system, positioned at  
13 a designated seating position in a back passenger seat of the vehicle if the vehicle is  
14 equipped with a back passenger seat.

15 3. Subject to subds. 1. and 2., if the child is at least 4 years old but less than 8  
16 years old, weighs at least 40 pounds but not more than 80 pounds, and is not more  
17 than 57 inches in height, the child shall be properly restrained in a child booster seat.

18 **SECTION 14.** 347.48 (4) (b) of the statutes is amended to read:

19 347.48 (4) (b) The department may, by rule, exempt from the requirements  
20 under ~~par. (a)~~ pars. (am) and (as) any child who because of a physical or medical  
21 condition or body size cannot be placed in a child safety restraint system, child  
22 booster seat, or safety belt.

23 **SECTION 15.** 347.48 (4) (d) of the statutes is amended to read:

24 347.48 (4) (d) Evidence of compliance or failure to comply with ~~par. (a)~~ pars.  
25 (am) and (as) is admissible in any civil action for personal injuries or property

**ASSEMBLY BILL 70****SECTION 15**

1 damage resulting from the use or operation of a motor vehicle but failure to comply  
2 with ~~par. (a)~~ pars. (am) and (as) does not by itself constitute negligence.

3 **SECTION 16.** 347.482 of the statutes is created to read:

4 **347.482 Safety restraint enforcement surcharge. (1)** If a court imposes  
5 a forfeiture for a violation of s. 347.48 (2m) or (4) or a local ordinance in conformity  
6 with s. 347.48 (2m) or (4), the court shall also impose under ch. 814 a safety restraint  
7 enforcement surcharge of \$25. If multiple offenses are involved, the court shall  
8 impose a safety restraint enforcement surcharge upon each forfeiture imposed.

9 **(2) (a)** Except as provided in par. (b), the clerk of the circuit court shall collect  
10 and transmit the amount of the safety restraint enforcement surcharge under sub.  
11 (1) to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall  
12 then pay this amount to the secretary of administration as provided in s. 59.25 (3)  
13 (f) 2.

14 **(b)** If a forfeiture is imposed by a municipal court, the court shall transmit the  
15 amount of the safety restraint enforcement surcharge under sub. (1) to the treasurer  
16 of the city or village as provided in s. 66.0114 (1) (bm) and the treasurer shall then  
17 pay this amount to the secretary of administration as provided in s. 66.0114 (1) (bm).

18 **(c)** The secretary of administration shall deposit all amounts received under  
19 this subsection in the transportation fund to be credited to the appropriation account  
20 under s. 20.395 (5) (gq).

21 **SECTION 17.** 347.50 (1) of the statutes is amended to read:

22 347.50 **(1)** Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or s.  
23 347.415 (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.475 or s. 347.48 (2m) or (4)  
24 ~~(a)~~ or s. 347.489, may be required to forfeit not less than \$10 nor more than \$200.

25 **SECTION 18.** 347.50 (3) (a) of the statutes is amended to read:

**ASSEMBLY BILL 70**

1           347.50 (3) (a) Any person violating s. 347.48 (4) ~~(a) 1.~~ (am) may be required to  
2           forfeit not less than \$30 ~~\$50~~ nor more than \$75. For a 2nd or subsequent conviction  
3           within 3 years, a person may be required to forfeit not less than \$75 nor more than  
4           \$200.

5           **SECTION 19.** 347.50 (3) (b) of the statutes is amended to read:

6           347.50 (3) (b) No forfeiture may be assessed under par. (a) if all of the following  
7           apply:

8           1. The motor vehicle was not equipped with a child safety restraint system  
9           meeting the requirements under s. 347.48 (4) ~~(a) 1.~~ (am) at the time the uniform  
10          traffic citation was issued; ~~and.~~

11          2. The person provides proof that, within 30 days after the uniform traffic  
12          citation was issued, a child safety restraint system meeting the requirements under  
13          s. 347.48 (4) ~~(a) 1.~~ (am) was purchased or leased, or received by the person under the  
14          Child Safety Restraint System Program under s. 85.56, and properly installed in the  
15          motor vehicle.

16          **SECTION 20.** 347.50 (3) (b) 3. of the statutes is created to read:

17          347.50 (3) (b) 3. The person has not, within the immediately preceding 3 years,  
18          been issued a uniform traffic citation for a violation of s. 347.48 (4) (am).

19          **SECTION 21.** 347.50 (4) of the statutes is repealed.

20          **SECTION 22.** 757.05 (1) (a) of the statutes is amended to read:

21          757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of  
22          state law or for a violation of a municipal or county ordinance except for a violation  
23          of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s.  
24          23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who  
25          committed the violation had a blood alcohol concentration of 0.08 or more but less

**ASSEMBLY BILL 70****SECTION 22**

1 than 0.1 at the time of the violation, or for a violation of state laws or municipal or  
2 county ordinances involving nonmoving traffic violations or safety belt or restraint  
3 use violations under s. 347.48 (2m) or (4), there shall be imposed in addition a penalty  
4 surcharge under ch. 814 in an amount of ~~24%~~ 24 percent of the fine or forfeiture  
5 imposed. If multiple offenses are involved, the penalty surcharge shall be based upon  
6 the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in  
7 whole or in part, the penalty surcharge shall be reduced in proportion to the  
8 suspension.

9 **SECTION 23.** 814.63 (1) (c) of the statutes is amended to read:

10 814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
11 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a first violation of s. 23.33  
12 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who  
13 committed the violation had a blood alcohol concentration of 0.08 or more but less  
14 than 0.1 at the time of the violation, or ~~for a violation of a safety belt or restraint use~~  
15 violation under s. 347.48 (2m) or (4).

16 **SECTION 24.** 814.63 (2) of the statutes is amended to read:

17 814.63 (2) Upon the disposition of a forfeiture action in circuit court for  
18 violation of a county, town, city, village, town sanitary district or public inland lake  
19 protection and rehabilitation district ordinance, except for an action for a first  
20 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the  
21 person who committed the violation had a blood alcohol concentration of 0.08 or more  
22 but less than 0.1 at the time of the violation, or for a safety belt or restraint use  
23 violation under s. 347.48 (2m) or (4), the county, town, city, village, town sanitary  
24 district or public inland lake protection and rehabilitation district shall pay a  
25 nonrefundable fee of \$5 to the clerk of circuit court.

**ASSEMBLY BILL 70**

1           **SECTION 25.** 814.65 (1) of the statutes is amended to read:

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

13           **SECTION 26.** 814.75 (20m) of the statutes is created to read:

14           814.75 (20m) The safety restraint enforcement surcharge under s. 347.482.

15           **SECTION 27.** 814.79 (8m) of the statutes is created to read:

16           814.79 (8m) The safety restraint enforcement surcharge under s. 347.482.

17           **SECTION 28.** 814.81 (10) of the statutes is created to read:

18           814.81 (10) The safety restraint enforcement surcharge under s. 347.482.

19           **SECTION 29.** 814.85 (1) (a) of the statutes is amended to read:

20           814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,  
21 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the  
22 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the  
23 time of the violation, or for a safety belt or restraint use violation under s. 347.48 (2m)  
24 or (4), the clerk of circuit court shall charge and collect a \$68 court support services

**ASSEMBLY BILL 70****SECTION 29**

1 surcharge from any person, including any governmental unit as defined in s. 108.02  
2 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

3 **SECTION 30.** 814.86 (1) of the statutes is amended to read:

4 814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681  
5 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation  
6 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the  
7 violation, or for a safety belt or restraint use violation under s. 347.48 (2m) or (4), the  
8 clerk of circuit court shall charge and collect a \$9 justice information system  
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), 814.62 (1), (2), or (3) (a) or  
11 (b), or 814.63 (1). The justice information system surcharge is in addition to the  
12 surcharge listed in sub. (1m).

13 **SECTION 31. Nonstatutory provisions.**

14 (1) Notwithstanding section 347.50 (1) and (3) (a) of the statutes, as affected  
15 by this act, during the period beginning on the effective date of this subsection and  
16 ending on the last day of the 6th month beginning after the effective date of this  
17 subsection, if a law enforcement officer has probable cause to believe that a person  
18 has committed a violation of section 347.48 (2m) or (4) of the statutes, as affected by  
19 this act, the law enforcement officer shall issue to the person a written warning, but  
20 not a citation, for the violation if the person has not been found to have committed,  
21 or received a written warning for, a previous violation during this period. If a law  
22 enforcement officer issues a written warning under this subsection, the officer shall  
23 forward a copy of the warning to the department of transportation, which shall  
24 maintain a record of the warning in the person's file under section 343.23 (2) (a) of

**ASSEMBLY BILL 70**

1 the statutes until the last day of the 6th month beginning after the effective date of  
2 this subsection.

3 **SECTION 32. Initial applicability.**

4 (1) This act first applies to violations committed on the effective date of this  
5 subsection, but does not preclude the counting of other violations as prior violations  
6 for purposes of sentencing a person.

7 **SECTION 33. Effective date.**

8 (1) This act takes effect on the first day of the 4th month beginning after  
9 publication.

10 (END)