



## 1995 ASSEMBLY BILL 312

April 13, 1995 - Introduced by Representatives OTTE, BRANDEMUEHL, RYBA, LEHMAN, BAUMGART, MUSSER, RILEY, SCHNEIDERS, DUFF, AINSWORTH, OWENS, GREEN, NOTESTEIN, GOETSCH, KREIBICH, OLSEN, GARD, LADWIG, F. LASEE, SERATTI, SKINDRUD, ALBERS, GROTHMAN, HUBLER and OTT, cosponsored by Senators PETAK, PANZER and BUETTNER. Referred to Committee on Highways and Transportation.

1     **AN ACT to repeal** 344.47; **to amend** 341.61 (2) and 341.61 (3); and **to create**  
2           341.03 and 341.61 (4) of the statutes; **relating to:** operating a motor vehicle  
3           with a suspended, revoked or canceled registration, possessing fraudulently or  
4           unlawfully obtained evidence of a motor vehicle registration and providing a  
5           penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, no person may drive a motor vehicle if the registration for that vehicle has been suspended or revoked for failure to comply with the financial responsibility laws of this state relating to motor vehicles. Any person who violates this prohibition is subject to a forfeiture of not less than \$50 nor more than \$200.

This bill eliminates this provision of state law. Instead, the bill prohibits any person from driving a motor vehicle if the registration for that vehicle is suspended, revoked or canceled for any reason. The penalty for a violation of these prohibitions is a forfeiture of not more than \$200 or, if the motor vehicle weighs more than 10,000 pounds, a forfeiture of not more than \$500. A violator who did not know, and had no reason to know, that the registration was suspended is not subject to a forfeiture.

Also under current law, no person may alter the appearance of a license plate or registration sticker, or display a license plate on any vehicle except the vehicle for which the plate is issued. The bill prohibits any person from possessing or displaying on a vehicle a license plate or registration sticker that was fraudulently or unlawfully

obtained. The penalty for a violation of this prohibition is a forfeiture not to exceed \$500.

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

1           **SECTION 1.** 341.03 of the statutes is created to read:

2           **341.03 Operating vehicle after suspension, revocation or cancellation**  
3 **of registration. (1) PROHIBITION.** No person may operate or knowingly permit the  
4 operation of a motor vehicle if the registration for that vehicle is suspended, revoked  
5 or canceled under s. 144.42 (6) (d) or 342.255, ch. 344 or this chapter, or if the  
6 registration for that vehicle is suspended, canceled or revoked under the law of  
7 another jurisdiction.

8           **(2) PENALTIES.** (a) Any person who violates sub. (1), where the vehicle used is  
9 an automobile, station wagon or any other vehicle having a gross weight rating of  
10 10,000 pounds or less, as determined by the manufacturer of the vehicle, may be  
11 required to forfeit not more than \$200.

12           (b) Any person who violates sub. (1), where the vehicle used is a vehicle not  
13 enumerated under par. (a), may be required to forfeit not more than \$500.

14           **(3) DEFENSES.** (a) 1. It is a defense to a violation of sub. (1) that the person did  
15 not know, and had no reason to know, that the motor vehicle registration was  
16 suspended, revoked or canceled at the time of the violation.

17           2. Refusal to accept or failure to receive an order of suspension, revocation or  
18 cancellation mailed by the department to the person's last-known address shall not  
19 be a defense to a violation of sub. (1). If the person has changed his or her address  
20 and fails to notify the department as required in s. 343.22, then failure to receive

1 notice of suspension, revocation or cancellation shall not be a defense to a violation  
2 of sub. (1).

3 (b) This section does not apply if operating the motor vehicle was made  
4 necessary by a situation of emergency, as determined by the court.

5 **SECTION 2.** 341.61 (2) of the statutes is amended to read:

6 341.61 (2) Displays upon a vehicle a registration plate, insert tag or decal not  
7 issued for such vehicle or not otherwise authorized by law to be used thereon.

8 **SECTION 3.** 341.61 (3) of the statutes is amended to read:

9 341.61 (3) Wilfully twists, paints, alters or adds to or cuts off any portion of a  
10 registration plate, insert tag or sticker decal; or who places or deposits, or causes to  
11 be placed or deposited on such plate, insert tag or sticker decal any substance to  
12 hinder the normal reading of such plate; or who defaces, disfigures, covers, obstructs,  
13 changes or attempts to change any letter or figure thereon; or who causes such plate,  
14 insert tag or sticker decal to appear to be a different color.

15 **SECTION 4.** 341.61 (4) of the statutes is created to read:

16 341.61 (4) Possesses a fraudulently or unlawfully obtained motor vehicle  
17 registration plate, insert tag or decal or other evidence of registration.

18 **SECTION 5.** 344.47 of the statutes is repealed.

19 (END)