



## 2003 ASSEMBLY BILL 164

March 13, 2003 - Introduced by Representatives STASKUNAS, BERCEAU, GIELOW, WASSERMAN and VAN AKKEREN, cosponsored by Senators LEIBHAM, CARPENTER and STEPP. Referred to Committee on Highway Safety.

1     **AN ACT** *to amend* 346.655 (1), 346.655 (2) (a) and 346.655 (2) (b); and *to create*  
2             346.655 (2) (am) of the statutes; **relating to:** a surcharge for convictions related  
3             to operating a vehicle while intoxicated.

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### *Analysis by the Legislative Reference Bureau*

Under current law, as changed by the 2001 budget act, a person who is convicted of certain violations relating to operating a vehicle while intoxicated must pay a driver improvement surcharge of \$355 in addition to any applicable forfeiture or fine, assessments, and costs. The driver improvement surcharge is distributed between the municipality or county where the conviction occurs and the state.

This bill increases the driver improvement surcharge to \$455. Under the bill, \$100 of that amount is given to the law enforcement agency that arrested the person who is convicted of the violation relating to operating a vehicle while intoxicated. The bill requires the law enforcement agency to use the money to purchase and maintain law enforcement equipment that will be used to prevent alcohol-related and other drug-related criminal activity. The remaining \$355 is distributed, as under current law, between the municipality or county where the conviction occurs and the state.

For further information see the *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:***

**ASSEMBLY BILL 164****SECTION 1**

1           **SECTION 1.** 346.655 (1) of the statutes is amended to read:

2           346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63  
3 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25,  
4 or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver  
5 improvement surcharge in an amount of ~~\$355~~ \$455 in addition to the fine or  
6 forfeiture, penalty assessment, jail assessment, crime laboratories and drug law  
7 enforcement assessment, and, if required by s. 349.04, truck driver education  
8 assessment.

9           **SECTION 2.** 346.655 (2) (a) of the statutes is amended to read:

10          346.655 (2) (a) Except as provided in (b), the clerk of circuit court shall collect  
11 and transmit \$355 of the amount paid by each person under sub. (1) to the county  
12 treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then make  
13 payment of 38.5% of the amount \$355 to the state treasurer as provided in s. 59.25  
14 (3) (f) 2.

15          **SECTION 3.** 346.655 (2) (am) of the statutes is created to read:

16          346.655 (2) (am) The clerk of circuit court or the municipal court shall collect  
17 and transmit \$100 of the amount paid by each person under sub. (1) to the law  
18 enforcement agency that arrested the person for a violation of s. 346.63 (1) or (5), or  
19 a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09  
20 where the offense involved the use of a vehicle. The law enforcement agency shall  
21 use any amounts received under this paragraph to purchase and maintain law  
22 enforcement equipment that will assist in the prevention of alcohol-related and  
23 other drug-related violations.

24          **SECTION 4.** 346.655 (2) (b) of the statutes is amended to read:

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1           346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall  
2           transmit \$355 of the amount paid by each person to the treasurer of the county, city,  
3           town, or village, and that treasurer shall make payment of 38.5% of the ~~amount~~ \$355  
4           to the state treasurer as provided in s. 66.0114 (1) (bm). The treasurer of the city,  
5           town, or village shall transmit the remaining 61.5% of the ~~amount~~ \$355 to the  
6           treasurer of the county.

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(END)