



## 2001 ASSEMBLY BILL 271

March 30, 2001 - Introduced by Representatives RHOADES, BIES, FRISKE, JESKEWITZ, LADWIG, STARZYK, STONE, URBAN, OWENS, HUEBSCH, LEIBHAM, TOWNSEND, D. MEYER and FREESE, cosponsored by Senators SCHULTZ, DARLING and HARSDFORF. Referred to Committee on Transportation.

1     **AN ACT to renumber and amend** 343.10 (7) (f); **to amend** 343.10 (1) (a), 345.47  
2           (1) (b), 800.09 (1) (c) and 800.095 (4) (b) 4.; and **to create** 343.10 (2) (dr) and  
3           343.10 (7) (f) 2. of the statutes; **relating to:** authority of a court to suspend an  
4           adult's operating privilege for failing to pay a forfeiture for an ordinance  
5           violation unrelated to the operation of a motor vehicle.

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### *Analysis by the Legislative Reference Bureau*

Under current law, circuit courts and municipal courts may suspend a person's motor vehicle operating privilege for a variety of reasons, including failure to pay an amount ordered by the court. The suspension for failure to pay generally lasts until the person pays the amount owed. The suspension orders are forwarded to the department of transportation, which updates the person's driving record to reflect the suspension. However, under current law, circuit courts and municipal courts are not permitted to suspend a person's operating privilege solely because of the person's failure to pay a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

Current law allows a person whose operating privilege is suspended or revoked for certain reasons to apply for an occupational driver's license during the period of suspension or revocation after, in most cases, a minimum waiting period (usually 15 days after the person's operating privilege was suspended or revoked). Generally, the occupational driver's license is valid until two days after the period of suspension or revocation. However, a person whose operating privilege is suspended for failure to

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pay an amount ordered by the court may not apply for an occupational driver's license.

This bill permits circuit courts and municipal courts to suspend the operating privilege of an adult (a person at least 18 years of age) solely because the adult has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle. An adult whose operating privilege is suspended for failure to pay the forfeiture may apply immediately for an occupational driver's license, and the occupational driver's license is valid for up to 180 days from the date of suspension.

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:*

1           **SECTION 1.** 343.10 (1) (a) of the statutes is amended to read:

2           343.10 (1) (a) If a person's license or operating privilege is revoked or  
3 suspended under this chapter or s. ~~767.303~~ 345.47 (1) (b), 767.303, 800.09 (1) (c),  
4 800.095 (4) (b) 4., or 961.50 and if the person is engaged in an occupation, including  
5 homemaking or full-time or part-time study, or a trade making it essential that he  
6 or she operate a motor vehicle, the person, after payment of the fee provided in sub.  
7 (6), may file an application with the department setting forth in detail the need for  
8 operating a motor vehicle. No person may file more than one application with respect  
9 to each revocation or suspension of the person's license or operating privilege under  
10 this chapter or s. ~~767.303~~ 345.47 (1) (b), 767.303, 800.09 (1) (c), 800.095 (4) (b) 4., or  
11 961.50, except that this limitation does not apply to an application to amend an  
12 occupational license restriction.

13           **SECTION 2.** 343.10 (2) (dr) of the statutes is created to read:

14           343.10 (2) (dr) A person whose operating privilege is suspended under s. 345.47  
15 (1) (b), 800.09 (1) (c), or 800.095 (4) (b) 4. is not eligible for an occupational license  
16 after 180 days have elapsed since the date of suspension.

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1           **SECTION 3.** 343.10 (7) (f) of the statutes is renumbered 343.10 (7) (f) 1. and  
2 amended to read:

3           343.10 **(7)** (f) 1. The expiration date of the occupational license is the 2nd  
4 working day after the date of termination of the period of revocation or suspension  
5 as provided by law, except as provided in subd. 2. The occupational license may be  
6 revoked, suspended or canceled before termination of that period. An occupational  
7 license is not renewable when it expires. If an occupational license expires and is not  
8 revoked, suspended or canceled, the licensee may obtain a new license upon that  
9 expiration but only if he or she complies with the conditions specified in s. 343.38.  
10 Revocation, suspension or cancellation of an occupational license has the same effect  
11 as revocation, suspension or cancellation of any other license.

12           **SECTION 4.** 343.10 (7) (f) 2. of the statutes is created to read:

13           343.10 **(7)** (f) 2. If the person's license or operating privilege was suspended  
14 under s. 345.47 (1) (b), 800.09 (1) (c), or 800.095 (4) (b) 4., the expiration date of the  
15 occupational license shall be no later than 180 days after the date of the suspension.

16           **SECTION 5.** 345.47 (1) (b) of the statutes is amended to read:

17           345.47 **(1)** (b) In lieu of imprisonment and in addition to any other suspension  
18 or revocation, that the defendant's operating privilege be suspended. The operating  
19 privilege shall be suspended for 30 days or until the person pays the forfeiture, the  
20 penalty assessment, if required by s. 757.05, the jail assessment, if required by s.  
21 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177,  
22 346.495, or 346.65 (4r), and the crime laboratories and drug law enforcement  
23 assessment, if required by s. 165.755, but not to exceed 2 years. Suspension under  
24 this paragraph shall not affect the power of the court to suspend or revoke under s.  
25 343.30 or the power of the secretary to suspend or revoke the operating privilege.

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1 There shall be no minimum waiting period before issuance of an occupational license  
2 under s. 343.10 to a person whose operating privilege has been suspended under this  
3 paragraph if the person is otherwise eligible for issuance of an occupational license.

4 This paragraph does not apply if the judgment was entered solely for violation of an  
5 ordinance unrelated to the violator's operation of a motor vehicle, and the violator  
6 was under 18 years of age at the time of the violation.

7 **SECTION 6.** 800.09 (1) (c) of the statutes is amended to read:

8 800.09 (1) (c) The court may suspend the defendant's operating privilege, as  
9 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments,  
10 and costs are paid, if the defendant has not done so within 60 days after the date the  
11 restitution or payments or both are to be made under par. (a) and has not notified the  
12 court that he or she is unable to comply with the judgment, as provided under s.  
13 800.095 (4) (a), except that the suspension period may not exceed 2 years. The court  
14 shall take possession of the suspended license and shall forward the license, along  
15 with a notice of the suspension clearly stating that the suspension is for failure to  
16 comply with a judgment of the court, to the department of transportation. There  
17 shall be no minimum waiting period before issuance of an occupational license under  
18 s. 343.10 to a person whose operating privilege has been suspended under this  
19 paragraph if the person is otherwise eligible for issuance of an occupational license.

20 This paragraph does not apply if the forfeiture is assessed for violation of an  
21 ordinance that is unrelated to the violator's operation of a motor vehicle, and the  
22 violator was under 18 years of age at the time of the violation.

23 **SECTION 7.** 800.095 (4) (b) 4. of the statutes is amended to read:

24 800.095 (4) (b) 4. That the defendant's operating privilege, as defined in s.  
25 340.01 (40), be suspended until the judgment is complied with, except that the

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1 suspension period may not exceed 2 years. There shall be no minimum waiting  
2 period before issuance of an occupational license under s. 343.10 to a person whose  
3 operating privilege has been suspended under this subdivision if the person is  
4 otherwise eligible for issuance of an occupational license. This subdivision does not  
5 apply if the forfeiture is assessed for violation of an ordinance that is unrelated to the  
6 violator's operation of a motor vehicle, and the violator was under 18 years of age at  
7 the time of the violation.

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(END)