

1975 Assembly Bill 530

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## CHAPTER 297, Laws of 1975

AN ACT to repeal 343.125 (4a), (4b) and (5) and 344.26 (2); to renumber and amend 344.06 and 947.045; to amend 110.07 (1) (b), 341.31 (1) (d), 342.13, 342.14 (5), 343.10 (4), 343.30 (1m) and (1n), 343.31 (2) and (3), 344.14 (2) (e), 346.58 (2), 347.15 (2) and 348.21 (1), (2) (a) and (3) (a); and to create 346.95 (2m) of the statutes, relating to various changes in motor vehicle laws (suggested as remedial legislation by the department of transportation).

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

SECTION 1. 110.07 (1) (b) of the statutes is amended to read:

110.07 (1) (b) All municipal justices, judges, district attorneys and law enforcement officers shall assist in enforcing chs. 110, 194, 218 and 341 to 350, and orders or rules issued pursuant thereto, ~~and law enforcement officers shall report to the division of motor vehicles all arrests and disposition of court cases involving such statutes~~ and shall report to the division the disposition of every uniform traffic citation

and complaint issued for cases involving such chapters.

SECTION 2. 341.31 (1) (d) of the statutes is amended to read:

341.31 (1) (d) The vehicle is owned by a person who ~~received a refund pursuant to s. 341.33 (3) because of~~ has been in active military service and ~~the vehicle has not been operated since such refund was granted less than 12 months of nonoperation have elapsed since the end of the period for which the vehicle was previously registered,~~ provided the applicant files with the division a statement of such nonoperation.

SECTION 3. 342.13 of the statutes is amended to read:

**342.13 Lost, stolen or mutilated certificates.** (1) If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the owner or legal representative of the owner named in the certificate, as shown by the records of the division, shall promptly make application for and may obtain a duplicate replacement upon furnishing information satisfactory to the division. The duplicate replacement certificate of title shall contain the legend "This is a duplicate replacement certificate and may be subject to the rights of a person under the original certificate".

(2) The division shall not issue a new certificate of title to a transferee upon application made on a duplicate replacement until 15 days after receipt of the application.

(3) A person recovering an original certificate of title for which a duplicate replacement has been issued shall promptly surrender the original certificate to the division.

SECTION 4. 342.14 (5) of the statutes is amended to read:

342.14 (5) For a duplicate replacement certificate of title, \$1, by the owner of the vehicle.

SECTION 5. 343.10 (4) of the statutes is amended to read:

343.10 (4) The occupational license issued by the division shall contain such restrictions as are ordered by the ~~court~~ judge. In addition to such restrictions an occupational license authorizes the licensee to operate a motor vehicle not to exceed 12 hours per day and then only when such operation is an essential part of the licensee's occupation or trade. Unless sooner revoked, suspended or canceled, an occupational license is valid from the date of issuance until ~~one year following the date of conviction, except that in a case where the operating privilege was revoked following the dropping or affirmance of an appeal of the conviction and the occupational license then issued, the occupational license is valid until one year following the date of such revocation~~ termination of the period of revocation, as provided by law.

SECTION 6. 343.125 (4a), (4b) and (5) of the statutes are repealed.

SECTION 7. 343.30 (1m) and (1n) of the statutes are amended to read:

343.30 (1m) A court shall suspend the operating privilege of a person for a period of not less than 30 days nor more than one year upon such person's conviction by the court for violating s. 346.04 (3). If such conviction makes the person subject to revocation under s. 343.32 or suspension or revocation under s. 343.085, the court shall immediately suspend the license, taking possession of such license and shall forward it to the division which shall proceed to act as authorized under s. 343.32 or 343.085. Any revocation or suspension by the administrator shall date from the day the court took possession of the license.

(1n) A court shall suspend the operating privilege of a person for a period of 15 days upon such person's conviction by the court of exceeding the speed limit as established by s. 346.57 (4) (h) or a higher speed limit established under s. 349.11 (2) (a), by 20 or more miles per hour. If such conviction makes the person subject to

revocation under s. 343.32 or suspension or revocation under s. 343.085, the court shall immediately suspend the license, taking possession of such license and shall forward it to the division which shall proceed to act as authorized under s. 343.32 or 343.085, but any revocation or suspension by the administrator shall date from the day the court took possession of the license.

SECTION 8. 343.31 (2) and (3) of the statutes are amended to read:

343.31 (2) The administrator shall revoke the operating privilege of any resident of this state upon receiving notice of the conviction of such person in another jurisdiction for an offense therein which, if committed in this state, would have been cause for mandatory revocation under this section or under s. 343.30 (1q). Upon receiving similar notice with respect to a nonresident, the administrator shall revoke the privilege of such nonresident to operate a motor vehicle in this state.

(3) All revocations under this section shall be for a period of one year, except that when the revocation results from a first conviction of operation of a motor vehicle while under the influence of an intoxicant or controlled substance, and such conviction occurs in another jurisdiction, the period of revocation shall be 90 days.

SECTION 9. 344.06 of the statutes is renumbered 343.24 and amended to read:

**343.24 Administrator to furnish operating record.** The administrator shall upon request furnish any person ~~a certified an~~ abstract of the operating record of any person subject to this chapter. ~~If there is no record that such person has been convicted of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the administrator shall so certify in the abstract. The abstract of the operating record also shall fully designate the motor vehicles, if any, registered in the name of such person. The abstract shall be certified if certification is requested.~~ Such abstract is not admissible in evidence in any action for damages or criminal proceeding arising out of a motor vehicle accident.

SECTION 10. 344.14 (2) (e) of the statutes is amended to read:

344.14 (2) (e) To the operator or owner of a vehicle involved in an accident wherein no injury was caused to the person of anyone other than such operator or owner and wherein damage to property of any one person other than such operator or owner did not exceed ~~\$100~~ \$200.

SECTION 11. 344.26 (2) of the statutes is repealed.

SECTION 12. 346.58 (2) of the statutes is amended to read:

346.58 (2) 55 miles per hour except 45 miles per hour on town roads and county trunk highways for any ~~commercial vehicle or combination of commercial vehicles, except motor busses,~~ registered as a truck, truck tractor or road tractor and operated either singly or in combination with other vehicles and having a gross weight of more than 10,000 pounds.

SECTION 13. 346.95 (2m) of the statutes is created to read:

346.95 (2m) Any person violating s. 346.935 may be required to forfeit not more than \$100.

SECTION 14. 347.15 (2) of the statutes is amended to read:

347.15 (2) Except as provided in sub. (1), there shall be at least 2 direction signal lamps showing to the front on motor vehicles and at least 2 showing to the rear on motor vehicles, mobile homes, trailers and semitrailers, so as to indicate intention to turn right or left. ~~Both lamps~~ Lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and ~~both~~ lamps showing to the rear shall be located on the same level and as widely spaced laterally as practicable. Such lamps shall project a flashing white or amber light visible to the front and a flashing

red or amber light visible to the rear. Direction signal lamps when in use shall be plainly visible and understandable from all distances to 300 feet during normal sunlight. When actuated, such lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

SECTION 15. 348.21 (1), (2) (a) and (3) (a) of the statutes are amended to read:

348.21 (1) Any person violating s. 348.185 may be required to forfeit not less than \$10 nor more than \$20 ~~for upon~~ the first offense conviction and not less than \$25 nor more than \$50 ~~for upon~~ the 2nd and each subsequent conviction within one year.

(2) (a) Any person who violates s. 348.17 (2) or 348.19 (3) may be required to forfeit not less than \$50 nor more than \$100 ~~for upon~~ the first offense conviction and, ~~for upon~~ the 2nd or each subsequent conviction within a 12-month period, may be required to forfeit not less than \$100 nor more than \$200.

(3) (a) If the weight exceeds by 1,000 pounds or less the maximum set forth in s. 348.15 (3) or 348.16 or posted as provided in s. 348.17 (1), a forfeiture of not less than \$50 nor more than \$100 ~~for upon~~ the first offense conviction and, ~~for upon~~ the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$200.

SECTION 16. 947.045 of the statutes is renumbered 346.935 and amended to read:

**346.935 Drinking in motor vehicles on highway.** ~~Whoever drinks from or opens~~ No person may drink from or open a container of fermented malt beverage or intoxicating liquor in a moving motor vehicle on a ~~public highway~~ may be fined not more than \$100. This section does not apply to a motor bus ~~as defined in s. 340.01 (31)~~.

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