

1989 Assembly Bill 606

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1989 WISCONSIN ACT 170

AN ACT *to repeal* 340.01 (9r) (b), 343.27, 345.23 (2) (b), 345.25, 345.37 (3) and 345.37 (4); *to amend* 110.07 (1) (b), 345.11 (title), 345.11 (1g), (1m) and (1r), 345.11 (2), 345.11 (4) to (8), 345.20 (2) (b), 345.20 (2) (f), 345.23 (intro.), 345.23 (1) and (2) (intro.), 345.26 (1) (a), 345.26 (1) (b) 1 and 2, 345.26 (3) (b), 345.37 (1) (intro.), 345.38, 800.01 (2) (b), 800.02 (2) (b), 800.03 (title) and (1) (intro.), 800.03 (1) (a), 800.03 (1) (c), 800.03 (2) and 800.03 (4); and *to repeal and recreate* 345.27 of the statutes, **relating to:** uniform traffic citations.

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 judges, judges, district attorneys and law enforcement officers shall assist in enforcing this chapter, s. 167.31 (2) (b) to (d) and chs. 194, 218 and 341 to 351, and orders or rules issued pursuant thereto and shall report to the department the disposition of every uniform traffic citation and complaint issued for cases involving such those chapters.

SECTION 2m. 340.01 (9r) (b) of the statutes, as affected by 1989 Wisconsin Act 105, is repealed.

SECTION 4. 343.27 of the statutes is repealed.

SECTION 5. 345.11 (title) of the statutes is amended to read:

345.11 (title) Uniform traffic citation.

SECTION 6. 345.11 (1g), (1m) and (1r) of the statutes, as affected by 1989 Wisconsin Act 31, are amended to read:

345.11 (1g) The uniform traffic citation may be used for violations of s. 218.01 (2) (a). The report of conviction and abstract of court record shall be forwarded to the department.

(1m) The uniform traffic citation shall be used for violations of ch. 350 relating to highway use or ordinances in conformity therewith when committed on the highway, but no points shall be assessed against the driv-

ing record of the operator of a snowmobile. The report of conviction and abstract of court record shall be forwarded to the department.

(1r) The uniform traffic citation shall be used for violations of s. 23.33 relating to highway use or ordinances in conformity with that section if the violation is committed on a highway, but no points shall be assessed against the driving record of the operator of an all-terrain vehicle. The report of conviction and abstract of court record shall be forwarded to the department.

SECTION 7. 345.11 (2) of the statutes is amended to read:

345.11 (2) The uniform traffic citation and complaint shall be on a form recommended by the council on uniformity of traffic citations and complaints and shall consist of ~~4 parts:~~ a complaint court report, a report of conviction and abstract of court record for the department, a police record and report of action on the case and a traffic citation and stipulation of guilt. The form shall provide for the name, address, birth date, operator's license number of the alleged violator if known, the license number of the vehicle, the offense alleged, the time and place of the offense, the section of the statute or ordinance violated, the amount of deposit or bail for the offense, a designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so, and such any other information as may be pertinent to the offense.

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SECTION 8. 345.11 (4) to (8) of the statutes are amended to read:

345.11 (4) Upon recommendation of a form for the uniform traffic citation ~~and complaint~~ by the council on uniformity of traffic citations and complaints, the secretary shall under s. 110.06 promulgate the form as an administrative rule, and with the advice of the council shall make ~~such any~~ other rules as are necessary for the implementation and operation of this section.

(5) Notwithstanding any other provision of the statutes, the use of the uniform traffic citation ~~and complaint~~ promulgated under sub. (4) by any peace officer in connection with the enforcement of any state traffic laws, any local traffic ordinances in strict conformity with the state traffic laws or s. 218.01 (2) (a) shall be deemed adequate process to give the appropriate court jurisdiction over the person upon the filing with ~~such the~~ court of the uniform traffic ~~complaint~~ citation.

(6) The secretary shall cause to be printed and sold to all law enforcement agencies in this state with authority to enforce state traffic laws or local laws adopted under authority of s. 349.06 serially numbered uniform traffic citations ~~and complaints~~.

(7) Each law enforcement agency issuing uniform traffic citations ~~and complaints~~ shall be responsible for the disposition of all ~~such~~ forms issued under its authority, and ~~such all~~ law enforcement agencies shall prepare and submit ~~such~~ records and reports relating to the uniform traffic citations ~~and complaints~~ in the manner and at the time prescribed by the secretary.

(8) Any person who, with criminal intent, solicits or aids in the disposition or attempted disposition of a uniform traffic citation ~~and complaint~~ in any unauthorized manner is in contempt of the court having original jurisdiction of the cause of action.

SECTION 9. 345.20 (2) (b) of the statutes is amended to read:

345.20 (2) (b) The trial of forfeiture actions in municipal court for the violation of traffic regulations shall be governed by ch. 800. Provisions relating to the uniform traffic citation ~~and complaint~~ in s. 345.11, to arrests in ss. 345.21 to 345.24, to deposits and stipulations ~~pleas~~ of no contest under ~~ss. 345.255 to 345.27~~ s. 345.26, to the authority of the court under ss. 345.37, 345.47, 345.48 and 345.50 and to guaranteed arrest bonds under s. 345.61 apply to violations of ordinances to be tried in municipal court.

SECTION 10. 345.20 (2) (f) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

345.20 (2) (f) Sections 23.50 to 23.85 apply to actions in circuit court to recover forfeitures and weapons assessments for violations of s. 167.31 (2) (b), (c) or (d). No points may be assessed against the driving record of a person convicted of a violation of s. 167.31 (2) (b), (c) or (d). The report of conviction ~~and abstract of court record~~ shall be forwarded to the department.

SECTION 11. 345.23 (intro.) of the statutes is amended to read:

345.23 Officer's action after arrest without a warrant. (intro.) If a person is arrested without a warrant for the violation of a traffic regulation, the arresting officer shall issue a citation under s. ~~345.25~~ 345.11, and in addition:

SECTION 12. 345.23 (1) and (2) (intro.) of the statutes are amended to read:

345.23 (1) May release ~~him~~ the person; or

(2) (intro.) Shall release ~~him~~ the person when he or she:

SECTION 13. 345.23 (2) (b) of the statutes is repealed.

SECTION 14. 345.25 of the statutes is repealed.

SECTION 15. 345.26 (1) (a) of the statutes is amended to read:

345.26 (1) (a) A person arrested under s. 345.22 or 345.28 (5) for the violation of a traffic regulation who is allowed to make a deposit under s. 345.23 (2) (a) or 345.28 (5) shall deposit the money as the arresting officer directs by either mailing the deposit at a nearby mailbox to the office of the sheriff, headquarters of the county traffic patrol, district headquarters or station of the state traffic patrol, city, village or town police headquarters or a precinct station, the office of the municipal judge, the office of the clerk of court, or by going, in the custody of the arresting officer, to any of those places to make the deposit. ~~Before allowing the arrested person to make the deposit the arresting officer or the person receiving the deposit shall comply with s. 343.27 or, if the deposit is mailed, the signed statement required under s. 343.27 shall be mailed with it.~~

SECTION 16. 345.26 (1) (b) 1. and 2. of the statutes are amended to read:

345.26 (1) (b) 1. If the person ~~fails to~~ makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation, and the person will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by s. 165.87, and a jail assessment, if required by s. 53.46 (1), plus any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit ~~which that~~ the court may accept as provided in s. 345.37; ~~or and~~

2. If the person fails to make a deposit for a violation of a traffic regulation or appear in court at the time fixed in the citation ~~and if the court does not accept the deposit as a forfeiture, a penalty assessment, if required by s. 165.87, and a jail assessment, if required by s. 53.46 (1), for the violation, the person will be summoned into court to answer the complaint, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his or her arrest.~~

SECTION 17. 345.26 (3) (b) of the statutes is amended to read:

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345.26 (3) (b) The person receiving the deposit shall furnish a receipt on a serially numbered form, and shall deliver the original receipt to the alleged violator if requested, and shall state to the alleged violator that inquiry may be made at the office of the clerk of court or municipal judge regarding the disposition of the deposit. ~~The receipt referred to in this subsection may be included as part of the uniform citation under s. 345.25.~~

SECTION 18. 345.27 of the statutes is repealed and recreated to read:

345.27 Information to persons charged. (1) Whenever a person is charged with a violation of a traffic regulation, the law enforcement officer shall inform the person of the following:

(a) That certain convictions may result in revocation or suspension of his or her operating privilege if the conviction will have that effect.

(b) That demerit points may be assessed against his or her driving record for the offense. The law enforcement officer may estimate the number of demerit points for the particular offense and list it on the traffic citation form.

(c) The number of demerit points that is cause for revocation or suspension.

(2) Before taking the plea of a person charged with a violation of law the judge shall inform the violator of the following:

(a) That conviction of the charge may result in the revocation or suspension of his or her operating privilege.

(b) The number of demerit points that may be assessed against the violator upon conviction of the violation, based on the available information.

(3) Whenever a person has been convicted in this state on the basis of a forfeiture of deposit or a plea of guilty or no contest and the person was not informed as required under subs. (1) and (2), the person may, within 60 days after being notified of the revocation or suspension of the operating privilege, petition the court to reopen the judgment and grant him or her an opportunity to defend on the merits. If the court finds that the petitioner was not informed as required under subs. (1) and (2), the court shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

SECTION 19. 345.37 (1) (intro.) of the statutes is amended to read:

345.37 (1) (intro.) If the defendant has not made a deposit under s. 345.26 ~~or a stipulation of no contest under s. 345.27~~, the court shall either:

SECTION 20. 345.37 (3) of the statutes is repealed.

SECTION 21. 345.37 (4) of the statutes is repealed.

SECTION 22. 345.38 of the statutes is amended to read:

345.38 Effect of plea of no contest. ~~Forfeiture~~ The forfeiture of a deposit under s. 345.37 (2), ~~an accepted~~

~~plea of no contest, or a stipulation of no contest under s. 345.27~~, to a charge of violation of a traffic regulation shall not be admissible in evidence as an admission against interest in any action or proceeding arising out of the same occurrence as the charge of violation of a traffic regulation.

SECTION 23. 800.01 (2) (b) of the statutes is amended to read:

800.01 (2) (b) If a summons or citation is personally served, the law enforcement officer or municipal employe serving the summons or citation shall sign a statement of personal service on the summons or citation. The signature required under this paragraph does not apply to a traffic citation issued under s. 345.11.

SECTION 24. 800.02 (2) (b) of the statutes is amended to read:

800.02 (2) (b) Except for parking violations, in traffic regulation actions in municipal court, the uniform traffic citation and complaint form specified in s. 345.11 shall be used in lieu of the citation form specified in par. (a). In actions for violations of local ordinances enacted in accordance with s. 23.33 (11) (am) or 30.77, the citation form specified in s. 23.54 shall be used in lieu of the citation form specified in par. (a).

SECTION 25. 800.03 (title) and (1) (intro.) of the statutes are amended to read:

800.03 (title) Plea of no contest prior to initial appearance. (1) (intro.) If a person is issued a citation in a case specified in s. 800.02 (1), the person may make a stipulation plea of no contest and deposit as follows:

SECTION 26. 800.03 (1) (a) of the statutes is amended to read:

800.03 (1) (a) In traffic regulation cases, as provided in s. ~~345.27~~ 345.26.

SECTION 27. 800.03 (1) (c) of the statutes is amended to read:

800.03 (1) (c) In other violations, the person may make such a stipulation plea and deposit only if the governing body of the municipality has approved the deposit schedule under sub. (3). The person may make the stipulation plea of no contest and deposit to the municipal court at any time prior to the initial appearance.

SECTION 28. 800.03 (2) of the statutes is amended to read:

800.03 (2) The person who has made a stipulation plea and deposit under sub. (1) may appear in court. In such case, the court shall allow the person to withdraw his or her plea of no contest. The person need not appear in court.

SECTION 29. 800.03 (4) of the statutes is amended to read:

800.03 (4) Notwithstanding sub. (1), a court appearance is required for a violation of a local ordinance in conformity with s. 346.63 (1). If a person fails to make a required appearance under this subsection and the judge issues an arrest warrant, the law enforcement agency

which filed the uniform traffic citation ~~and complaint~~ department of justice.
shall file a detailed description of the warrant with the
