

1991 Senate Bill 7

Date of enactment: **June 20, 1991**

Date of publication*: **July 5, 1991**

1991 WISCONSIN ACT 26

AN ACT to repeal 343.32 (2) (bu), 347.48 (2m) (h), 347.48 (3), 347.50 (1m) and 347.50 (2m) (c); to amend 343.32 (2) (bt), 347.50 (1) and 814.63 (5) (b); and to repeal and recreate 165.87 (2) (a), 302.46 (1) (a), 814.63 (1), 814.63 (2), 814.635 (1) and 814.65 (1) of the statutes, relating to: making permanent the requirement that certain motor vehicle operators and passengers use safety belts.

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

SECTION 1. 165.87 (2) (a) of the statutes, as affected by 1989 Wisconsin Act 22, is repealed and recreated to read:

165.87 (2) (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a) or (5) or state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount of 20% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty assessment shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

SECTION 2. 302.46 (1) (a) of the statutes, as affected by 1989 Wisconsin Acts 22 and 359, is repealed and recreated to read:

302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a) or (5) or state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), the court, in addition, shall impose a jail assessment in an amount of 1% of the fine or forfeiture

imposed or \$10, whichever is greater. If multiple offenses are involved, the court shall determine the jail assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail assessment in proportion to the suspension.

SECTION 3. 343.32 (2) (bt) of the statutes is amended to read:

343.32 (2) (bt) The scale adopted by the secretary may not assess any demerit points for a violation of s. 347.48 (2m) (b), (c) or (d) or (4) (a). ~~This paragraph does not apply after June 30, 1991.~~

SECTION 4. 343.32 (2) (bu) of the statutes is repealed.

SECTION 5. 347.48 (2m) (h) of the statutes is repealed.

SECTION 6. 347.48 (3) of the statutes is repealed.

SECTION 7. 347.50 (1) of the statutes is amended to read:

347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.415 (1), (2) and (3) to (5) or s. 347.48 (2m) or (4) (a) or s. 347.489, may be required to forfeit not less than \$10 nor more than \$200. ~~This subsection does not apply after June 30, 1991.~~

SECTION 8. 347.50 (1m) of the statutes is repealed.

SECTION 9. 347.50 (2m) (c) of the statutes is repealed.

SECTION 10. 814.63 (1) of the statutes, as affected by 1989 Wisconsin Acts 22 and 359, is repealed and recreated to read:

814.63 (1) (a) Except as provided in par. (b), in all forfeiture actions in circuit court, the clerk of court shall collect a fee of \$15 to be paid by the defendant when judgment is entered against the defendant.

(b) Beginning with the fees imposed on September 1, 1989, and ending on June 30, 1993, in all forfeiture actions in circuit court, the clerk of court shall collect a fee of \$20 to be paid by the defendant when judgment is entered against the defendant.

(c) This subsection does not apply to an action for a violation of s. 101.123 (2) (a) or (5) or a safety belt use violation under s. 347.48 (2m).

SECTION 11. 814.63 (2) of the statutes, as affected by 1989 Wisconsin Act 22, is repealed and recreated to read:

814.63 (2) Upon the disposition of a forfeiture action in circuit court for violation of a municipal ordinance, except an action for a safety belt use violation under s. 347.48 (2m), the municipality shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

SECTION 12. 814.63 (5) (b) of the statutes is amended to read:

814.63 (5) (b) Of the fees received by the clerk under sub. (1) ~~(d)~~ (b), the county treasurer shall pay \$12.50 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit \$5 of the \$12.50 to the appropriation under s. 20.680 (2) (j).

SECTION 13. 814.635 (1) of the statutes, as affected by 1989 Wisconsin Act 22, is repealed and recreated to read:

814.635 (1) Except for an action for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$1 court automation fee from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (a) 1. or 2., 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The court automation fee is in addition to the other fees listed in this subsection.

SECTION 14. 814.65 (1) of the statutes, as affected by 1989 Wisconsin Act 22, is repealed and recreated to read:

814.65 (1) COURT COSTS. In a municipal court action, except an action for violation of an ordinance in conformity with s. 347.48 (2m), the municipal judge shall collect a fee of \$15 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. Of each \$15 fee received by the judge under this subsection, the municipal treasurer shall pay monthly one-third to the state treasurer for deposit in the general fund and shall retain the balance for the use of the municipality.

SECTION 15. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 165.87 (2) (a), 302.46 (1) (a), 814.63 (1), (2) and (5) (b), 814.635 (1) and 814.65 (1) of the statutes takes effect on July 1, 1991.