



1995 ASSEMBLY BILL 140

February 15, 1995 - Introduced by Representatives KREIBICH, LADWIG, JENSEN, RYBA, MUSSER, TURNER, ROBSON, SERATTI, SPRINGER, FREESE, DUFF, ALBERS, HAHN, F. LASEE, GOETSCH, HOVEN, WARD and GARD, cosponsored by Senators FARROW, FITZGERALD, ZIEN and BUETTNER. Referred to Committee on Children and Families.

1 **AN ACT to amend** 343.10 (1) (a), 343.10 (5) (b) and 343.30 (5); and **to create**
2 767.303 of the statutes; **relating to:** suspension of motor vehicle operating
3 privilege for nonpayment of child support.

Analysis by the Legislative Reference Bureau

Under current law, if an individual who has been ordered by a court to pay child support fails to pay the amount ordered, the court may enforce the judgment or order by any appropriate remedy. Appropriate remedies include, but are not limited to, execution of the order or judgment, contempt of court, money judgment for past-due payments, satisfaction of attached property and garnishment of wages. This bill specifies an additional and mandatory remedy for enforcing a child support order: the court must notify the department of transportation that there are arrearages in a child support order that remain unpaid, and that the operating privilege of the person who owes the support arrearages is to be suspended until the arrearages are fully paid or a payment arrangement that is satisfactory to the court is made, up to a maximum period of suspension of 5 years. The person is eligible for an occupational license at any time.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 343.10 (1) (a) of the statutes is amended to read:
5 343.10 (1) (a) If a person's license or operating privilege is revoked or
6 suspended under this chapter or s. 161.50 or 767.303 and if the person is engaged in

SECTION 1

1 an occupation, including homemaking or full-time or part-time study, or a trade
2 making it essential that he or she operate a motor vehicle, the person, after payment
3 of the fee provided in sub. (6), may file a petition setting forth in detail the need for
4 operating a motor vehicle.

5 **SECTION 2.** 343.10 (5) (b) of the statutes is amended to read:

6 343.10 (5) (b) *Limitations.* Occupational licenses are subject to the limitations
7 specified in ss. 161.50, 343.30 (1q) (b) and (h), 343.305 (8) (d) and (10) (b) and (em),
8 343.31 (3m) and, 343.32 (1m) and 767.303.

9 **SECTION 3.** 343.30 (5) of the statutes is amended to read:

10 343.30 (5) No court may suspend or revoke an operating privilege except as
11 authorized by this chapter or ch. 48, 345 or 351 or s. 161.50 or 767.303. When a court
12 revokes, suspends or restricts a child's operating privilege under ch. 48, the
13 department of transportation shall not disclose information concerning or relating
14 to the revocation, suspension or restriction to any person other than a court, district
15 attorney, county corporation counsel, city, village or town attorney, law enforcement
16 agency, or the minor whose operating privilege is revoked, suspended or restricted,
17 or his or her parent or guardian. Persons entitled to receive this information shall
18 not disclose the information to other persons or agencies.

19 **SECTION 4.** 767.303 of the statutes is created to read:

20 **767.303 Enforcement of child support; suspension of operating**
21 **privilege.** (1) If a person fails to pay a payment ordered for support under s.
22 767.077, support under s. 767.08, child support or family support under s. 767.23,
23 child support under s. 767.25, family support under s. 767.261, revised child or
24 family support under s. 767.32, child support under s. 767.458 (3), child support
25 under s. 767.51, child support under ch. 769 or child support under s. 948.22 (7), and

1 the court finds that the person has the ability to pay the amount ordered, the court
2 shall suspend the person's operating privilege, as defined in s. 340.01 (40), until the
3 person pays all arrearages in full or makes payment arrangements that are
4 satisfactory to the court, except that the suspension period may not exceed 5 years.

5 (2) Whenever the court orders suspension of a person's operating privilege
6 under sub. (1), the court shall notify the department of transportation, in the form
7 and manner prescribed by the department. The notice to the department shall
8 include the name and last-known address of the person against whom the support
9 order was entered, certification by the court that the person has been notified of the
10 entry of the support order and that there are arrearages in support payments that
11 remain unpaid, the place where the arrearages may be paid and that the person's
12 operating privilege shall remain suspended until the person pays all arrearages in
13 full or makes payment arrangements that are satisfactory to the court, except that
14 the suspension period may not exceed 5 years.

15 (3) If the person subsequently pays the full amount of the arrearages or makes
16 payment arrangements that are satisfactory to the court, the court shall
17 immediately notify the department of transportation of the payment, in the form and
18 manner prescribed by the department.

19 (4) This section applies to support arrearages existing on or after the effective
20 date of this subsection [revisor inserts date], regardless of when the arrearages
21 accrued or when the order or judgment requiring the payment of support was
22 entered.

23 (5) The remedy required under this section is in addition to any other remedies
24 authorized by law.

25 **SECTION 5. Effective date; transportation.**

