

1999 ASSEMBLY BILL 143

February 25, 1999 – Introduced by Representatives STONE, LA FAVE, OLSEN, F. LASEE, WASSERMAN, HUTCHISON, BOCK, URBAN, KREIBICH, PLOUFF and POWERS, cosponsored by Senators RISSER, DARLING, BURKE, ROESSLER and ROSENZWEIG. Referred to Committee on Highway Safety.

- 1 **AN ACT to amend** 347.48 (2m) (gm) and 347.50 (2m) (a) of the statutes; **relating**
2 **to:** enforcement of motor vehicle safety belt violations and providing a penalty.

Analysis by the Legislative Reference Bureau

This state requires the use of safety belts in certain motor vehicles. Under current law, with specific exceptions, no person may drive a motor vehicle unless he or she is properly restrained by a safety belt and unless he or she reasonably believes that each passenger between the ages of four and fifteen years old is properly restrained by a safety belt. No person who is at least four years old may be a passenger in the front seat of a motor vehicle unless that person is properly restrained by a safety belt. Current law prohibits a law enforcement officer from stopping or inspecting a motor vehicle solely to determine compliance with safety belt use requirements, but an officer may issue a citation for a violation observed in the course of a stop or inspection made for other purposes. A law enforcement officer may not take a person into physical custody solely for a violation of those requirements.

This bill authorizes a law enforcement officer to stop or inspect a vehicle solely to determine compliance with safety belt use requirements, if the officer has probable cause to believe that a violation has occurred.

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The bill also increases the penalty for violating this state's laws requiring the use of safety belts from \$10 to \$25 for a first offense and to not less than \$50 nor more than \$75 for the second and each later offense committed within three years.

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

1 **SECTION 1.** 347.48 (2m) (gm) of the statutes is amended to read:

2 347.48 **(2m)** (gm) ~~Notwithstanding s. 349.02, a law enforcement officer may not~~
3 ~~stop or inspect a vehicle solely to determine compliance with this subsection or sub.~~
4 ~~(1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules~~
5 ~~of the department. This paragraph does not limit the authority of a law enforcement~~
6 ~~officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local~~
7 ~~ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department~~
8 ~~observed in the course of a stop or inspection made for other purposes, except that~~
9 ~~a A law enforcement officer may not take a person into physical custody solely for a~~
10 ~~violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with~~
11 ~~this subsection, sub. (1) or (2) or rules of the department.~~

12 **SECTION 2.** 347.50 (2m) (a) of the statutes is amended to read:

13 347.50 **(2m)** (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person
14 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10
15 \$25 for the first offense and not less than \$50 nor more than \$75 for the 2nd or any
16 later offense committed within 3 years.

17 **SECTION 3. Initial applicability.**

