

1999 DRAFTING REQUEST

Bill

Received: **11/4/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB: **97-3724**

For: **Steven Foti (608) 266-2401**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies:

Topic:

Primary enforcement of safety belts

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 11/4/98	chanaman 11/19/98		_____			
/1	nilsepe 01/11/99	chanaman 01/11/99	jfrantze 11/19/98	_____	lrb_docadmin 11/19/98		
/2			martykr 01/12/99	_____	lrb_docadmin 01/12/99	lrb_docadmin 01/26/99	

FE Sent For:

Not Needed

<END>

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By/Representing:

Rep. Stone

Drafter: nilsepe

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/2			martykr 01/12/99		lrb_docadmin 01/12/99		

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per PEN for Assm sent to Rep. Stone

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K m 1/2

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1/?	nilsepe	1-11-18-98 JLG	J 11/19	J 11/19			

FE Sent For:

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11/4/98 1 pm

Calvin in Rep. Fotis's office:

want bill authorizing primary
enforcement of safety belts.

-PEN

cmh + jlg
99-0718/1

1999
1997 BILL

Current law prohibits

from stopping
or inspecting
a motor

1 AN ACT to repeal 347.48 (2m) (gm); and to amend 347.50 (2m) (a) of the statutes;
2 relating to: enforcement of motor vehicle safety belt violations and providing
3 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 4 and 15 years old is properly restrained by a safety belt. No person who is at least 4 years old may be a passenger in the front seat of a motor vehicle unless that person is properly restrained by a safety belt.

Also under current law, a law enforcement officer may not stop or inspect a vehicle solely to determine compliance with safety belt use requirements, but 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 and to take a person into physical custody solely for a violation of those requirements.

The bill also increases the penalty for violating this state's laws requiring the use of safety belts from \$10 to \$50 for a first offense and to not more than \$50 nor more than \$75 for the second and each later offense committed within 3 years.

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

SECTION 1. 347.48 (2m) (gm) of the statutes is repealed.

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

(END)

no P →

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insert 2

second
and each later offense committed within 3 years. three

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B, S.C.

Section #. 347.48 (2m) (gm) of the statutes is amended to read:

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

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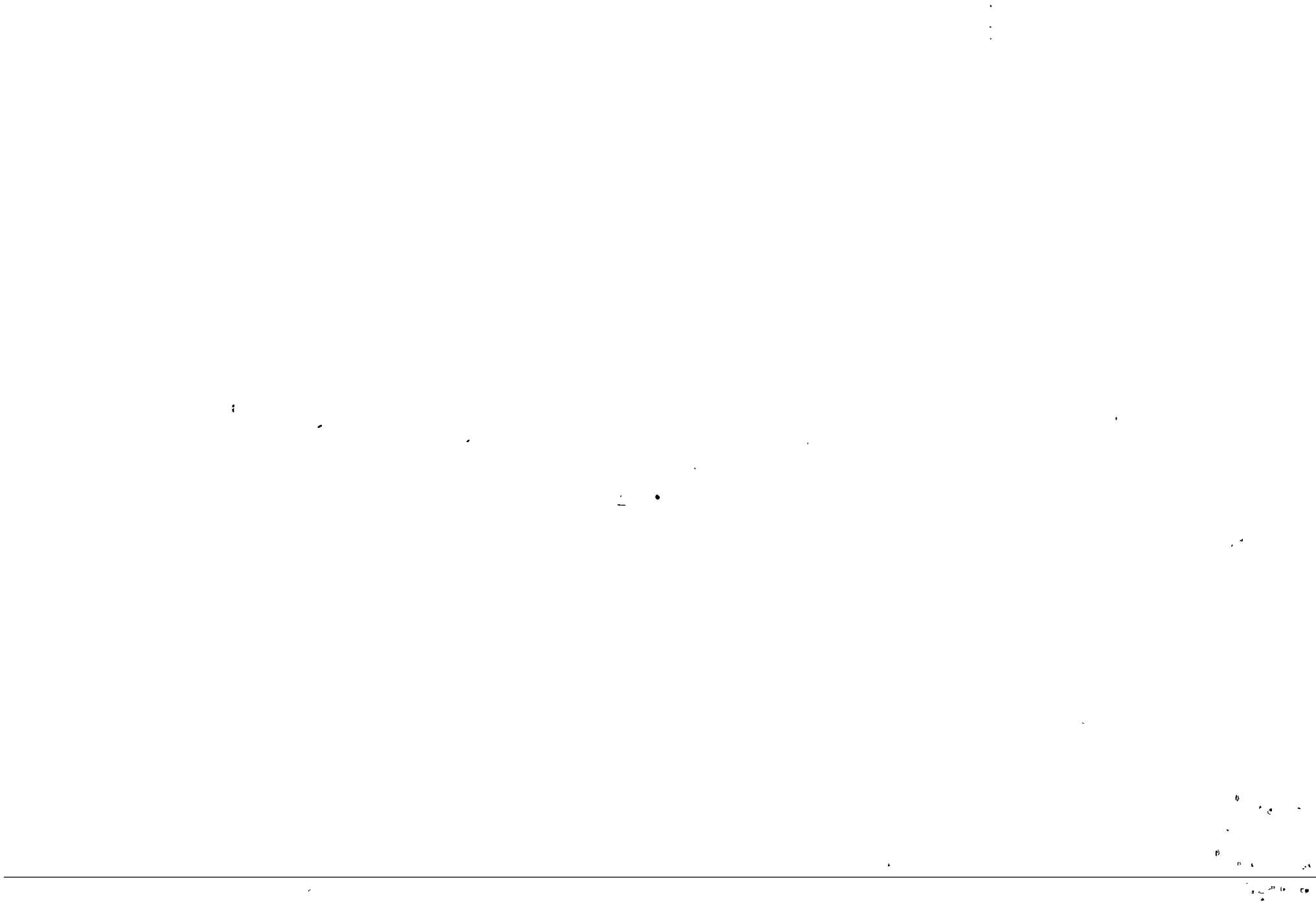
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History: 1975 c. 337; 1977 c. 29 s. 1654 (7) (a); 1981 c. 327; 1983 a. 285; 1987 a. 132 ss. 3 to 6, 11; 1987 a. 399; 1989 a. 22; 1991 a. 26, 39, 198, 269; 1997 a. 190.

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1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0718/lins2
PEN.....

insert
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~~2.4~~
~~1.4~~
SECTION 1. 347.50 (2m) (a) of the statutes is amended to read:

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

~~1.4~~
History: 1971 c. 278; 1975 c. 121; 1981 c. 327; 1983 a. 243; 1985 a. 309; 1987 a. 132; 1989 a. 22; 1991 a. 26, 277.

SECTION 2. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for sentencing a person.

(end insert)

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1999 BILL

Regen

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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.

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:

if the officer has probable cause to believe that a violation has occurred.

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 1/12/99

To: Representative ~~Ed~~ *STONE*

Relating to LRB drafting number: LRB-0718

Topic

Primary enforcement of safety belts

Subject(s)

Transportation - traffic laws

1. **JACKET** the draft for introduction



in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926

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