

1999 ASSEMBLY BILL 648

January 11, 2000 – Introduced by Representatives LADWIG, MONTGOMERY, JENSEN, GOETSCH, HUEBSCH, KAUFERT, KREUSER, J. LEHMAN, NASS, RYBA, SPILLNER, URBAN and VRAKAS, cosponsored by Senators PLACHE, DARLING, COWLES, DRZEWIECKI, FITZGERALD, HUELSMAN, LAZICH, PANZER and ROESSLER. Referred to Committee on Children and Families.

1 **AN ACT** *to amend* 938.17 (2) (d), 938.34 (8) and 938.343 (2) of the statutes; and
 2 *to affect* 1999 Wisconsin Act 9, section 9350 (11g); **relating to:** authority of a
 3 court to revoke or suspend a juvenile’s operating privilege for violations of
 4 ordinances unrelated to the operation of a motor vehicle or for failing to pay a
 5 penalty for such a violation and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, circuit courts and municipal courts may suspend or revoke a person’s motor vehicle operating privilege for a variety of reasons, including failure to pay an amount ordered by the court. Suspensions and revocations for failure to pay generally last until the person pays the amount owed. The suspensions and revocation orders are forwarded to the department of transportation (DOT), which updates the person’s driving record to reflect the suspension or revocation. 1999 Wisconsin Act 9 eliminates the authority of circuit courts and municipal courts to suspend or revoke a person’s operating privilege solely because of the person’s failure to pay a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle, effective December 1, 1999.

This bill restores the authority of circuit courts and municipal courts to suspend or revoke the operating privilege of a juvenile (a person under 17 years of age who is alleged to have committed a crime or, if no crime is alleged, a person under 18 years of age) solely because the juvenile has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

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For further information see the *state* 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:

1 **SECTION 1.** 938.17 (2) (d) of the statutes, as affected by 1999 Wisconsin Act 9,
2 is amended to read:

3 938.17 **(2)** (d) If a municipal court finds that the juvenile violated a municipal
4 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
5 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
6 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
7 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
8 imposed by the municipal court, the court may not impose a jail sentence but may
9 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
10 years, ~~or, unless the forfeiture was imposed for violating an ordinance unrelated to~~
11 ~~the juvenile's operation of a motor vehicle, may suspend the juvenile's operating~~
12 privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.
13 If a court suspends a license or privilege under this section, the court shall
14 immediately take possession of the applicable license and forward it to the
15 department that issued the license, together with the notice of suspension clearly
16 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
17 the forfeiture is paid during the period of suspension, the court shall immediately
18 notify the department, which shall thereupon return the license to the person.

19 **SECTION 2.** 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act 9, is
20 amended to read:

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1 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
2 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
3 maximum forfeiture that the court may impose under this subsection for a violation
4 by a juvenile is the maximum amount of the fine that may be imposed on an adult
5 for committing that violation or, if the violation is applicable only to a person under
6 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
7 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
8 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
9 other alternatives under this section, in accordance with the conditions specified in
10 this chapter; or the court may suspend any license issued under ch. 29 for not less
11 than 30 days nor more than 5 years, or, ~~unless the forfeiture was imposed for~~
12 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~
13 suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not less
14 than 30 days nor more than 5 years. If the court suspends any license under this
15 subsection, the clerk of the court shall immediately take possession of the suspended
16 license and forward it to the department which issued the license, together with a
17 notice of suspension clearly stating that the suspension is for failure to pay a
18 forfeiture imposed by the court. If the forfeiture is paid during the period of
19 suspension, the suspension shall be reduced to the time period which has already
20 elapsed and the court shall immediately notify the department which shall then
21 return the license to the juvenile. Any recovery under this subsection shall be
22 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)
23 (b).

24 **SECTION 3.** 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is
25 amended to read:

ASSEMBLY BILL 648**SECTION 3**

1 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
2 be imposed on an adult for committing that violation or, if the violation is only
3 applicable to a person under 18 years of age, \$50. Any such order shall include a
4 finding that the juvenile alone is financially able to pay and shall allow up to 12
5 months for the payment. If a juvenile fails to pay the forfeiture, the court may
6 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~
7 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle,~~ may
8 suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not less
9 than 30 days nor more than 5 years. The court shall immediately take possession
10 of the suspended license and forward it to the department which issued the license,
11 together with the notice of suspension clearly stating that the suspension is for
12 failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the
13 period of suspension, the court shall immediately notify the department, which will
14 thereupon return the license to the person. Any recovery under this subsection shall
15 be reduced by the amount recovered as a forfeiture for the same act under s. 938.45
16 (1r) (b).

17 **SECTION 4.** 1999 Wisconsin Act 9, section 9350 (11g) is amended to read:

18 [1999 Wisconsin Act 9] Section 9350 (11g) SUSPENSION OF OPERATING PRIVILEGES
19 FOR FAILURE TO PAY CERTAIN FORFEITURES. The treatment of sections 345.47 (1) (b),
20 800.09 (1) (c), and 800.095 (4) (b) 4., ~~938.17 (2) (d), 938.34 (8) and 938.343 (2)~~ of the
21 statutes first applies to forfeitures imposed on the first day of the second month
22 beginning after publication.

23

(END)