

1999 DRAFTING REQUEST

Bill

Received: **11/20/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Rodney Moen**

By/Representing:

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

Drafter: **nilsepe**

May Contact:

Alt. Drafters: **fasttn**

Subject: **Transportation - motor vehicles**

Extra Copies: **TNF**

Topic:

Mandatory automobile liability insurance coverage

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 11/20/98	chanaman 12/11/98		_____			S&L
/1			jfrantze 12/11/98	_____	lrb_docadmin 12/11/98	lrb_docadmin 12/17/98	

FE Sent For:

02-03-99

<END>

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/?	nilsepe 11/20/98	chanaman 12/11/98	lrb_wpo	<i>[Handwritten signature]</i>			S&L

FE Sent For:

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12/11
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1999 DRAFTING REQUEST

Bill

Received: 11/20/98

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Wanted: As time permits

Identical to LRB: 97-3780/1

For: Rodney Moen

By/Representing:

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters: fasttn

Subject: Transportation - motor vehicles

Extra Copies: TNF

Topic:

Mandatory automobile

~~financial responsibility, motor vehicle liability insurance~~ *coverage*

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>
1?	nilsepe	<i>cmr 12/3</i>		_____			
		<i>1</i>		_____			

FE Sent For:

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B I L L
REQUEST FORM

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

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: Senator Rod Moen

Date: 11/17 Person submitting request (name, phone number): Terry Tuschen
266-8546

Persons to contact for questions about this draft (names, phone numbers): - Same -

Describe the problem, including any helpful examples.

How do you want to solve the problem?

Senator Moen would like to reintroduce the attached bill next session. No changes at this time.

*Thank you,
Terry*

Please attach a copy of any correspondence or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked-up (not re-typed) copy.

You may attach a marked-up (not re-typed) copy of any LRB draft, or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67):

Requests are confidential unless stated otherwise.

- May we tell others that we are working on this for you? Yes No
- If yes: Anyone who asks? Yes No Any legislator? Yes No Only the following persons: _____

Do you consider this request urgent? Yes No If yes, please indicate why: _____

Should we give this request priority over any other pending request of this legislator, agency or body? Yes No If yes, sign your name here: _____

Yes No

1997 - 1998 LEGISLATURE

1997 SENATE BILL 306

September 18, 1997 - Introduced by Senators Moen, Jauch, Burke, Decker, Plache, Grobschmidt, Roessler, A. Lasee, Weeden and Rosenzweig, cosponsored by Representatives Johnsrud, Baumgart, Ryba, Turner, J. Lehman, Ainsworth and Boyle. Referred to Committee on Labor, Transportation and Financial Institutions.

Pg1Ln1 **An Act** to amend 165.87 (2) (a), 194.41 (1), 302.46 (1) (a), 344.15 (1), 344.15 (2)
Pg1Ln2 (intro.), 344.15 (4), 344.15 (5), 344.32 (1) (intro.), 344.33 (1), 344.35 (title),
Pg1Ln3 344.35 (1), 344.35 (2), 344.51 (1), 345.61 (1) (a), 345.61 (2) (c), 345.61 (3), 346.73,
Pg1Ln4 814.63 (1) (c), 814.63 (2), 814.634 (1) (a), 814.635 (1) and 814.65 (1); and to
Pg1Ln5 create 344.10 of the statutes; relating to: assuring financial responsibility for
Pg1Ln6 the operation of motor vehicles, granting rule-making authority and providing
Pg1Ln7 a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the department of transportation (DOT) is required to notify the operator or owner of a motor vehicle that is involved in an accident that results in injury, death or property damage of \$500 or more and to obtain a deposit of security for the accident. A deposit is not required if the person can provide proof of financial responsibility (an applicable motor vehicle liability insurance policy or bond was in effect at the time of the accident providing not less than the following amounts for any single accident: \$25,000 for one person, \$50,000 for more than one person and \$10,000 for property damage).

With certain exceptions, failure to provide proof of financial responsibility or a deposit of security after an accident results in revocation of the operator's motor vehicle operating privilege or of the registration of any vehicles registered by the owner of the vehicle involved in the accident. Any revocation continues until the person provides a deposit of security or otherwise clears his or her liability or a year elapses without an action being commenced as a result of the accident.

The person must demonstrate proof of financial responsibility for the future before the person's operating privilege or registration is renewed or reinstated and must maintain that proof for 3 years. Proof of financial responsibility for the future may be demonstrated by having an insurance policy or bond in the same amounts

as are required at the time of an accident or by maintaining a deposit of \$60,000 in cash or securities with DOT.

This bill expands the financial responsibility law by prohibiting any person from operating a motor vehicle upon a highway in this state unless the owner or operator of the vehicle assures financial responsibility for the operation of the vehicle by:

1. Having in effect a motor vehicle liability insurance policy or bond providing not less than the following amounts for any single accident: \$25,000 for one person, \$50,000 for more than one person and \$10,000 for property damage; or

2. Maintaining a deposit of \$60,000 in cash or securities with DOT.

These insurance policy, bond and deposit amounts are the same amounts as are required under current law as proof of financial responsibility for the future. Any person convicted of failing to assure financial responsibility for the operation of a motor vehicle shall forfeit not more than \$500.

The bill provides exceptions for vehicles that are owned by self-insurers, persons who are required to insure the vehicle under other provisions of law or vehicles owned by or leased to a governmental unit, if being operated with the permission of the owner or lessee.

The bill also requires any person operating a motor vehicle upon a highway in this state to carry proof that financial responsibility for the operation of the vehicle has been assured or that he or she is exempt from this financial responsibility requirement, and to provide such proof upon demand from any law enforcement officer. Any person convicted of failing to carry such proof may be required to forfeit \$10, but no additional fees, costs or assessments may be collected. DOT is required to include notification of both of these requirements and penalties with each operator's license that it issues.

Finally, the bill prohibits law enforcement officers from stopping or inspecting a motor vehicle solely to determine whether the vehicle operator has assured financial responsibility for the operation of the vehicle or is in compliance with the requirement of carrying proof with respect to financial responsibility.

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:

Pg2Ln1

Section 1. 165.87 (2) (a) of the statutes is amended to read:

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Pg3Ln6
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Pg3Ln9
Pg3Ln10

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), (am) 1. or (bm) or (5) or state laws or municipal or county ordinances involving nonmoving traffic violations, financial responsibility violations under s. 344.10 (1) (a) 2. or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount of 23% 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.

Pg3Ln11

Section 2. 194.41 (1) of the statutes is amended to read:

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Pg4Ln14

194.41 (1) No permit or vehicle registration may be issued to a common motor carrier of property, contract motor carrier or rental company, no permit or vehicle registration may remain in force to operate any motor vehicle under the authority of this chapter and no vehicle registration may be issued or remain in force for a semitrailer unless the carrier or rental company has on file with the department and in effect an approved certificate for a policy of insurance or other written contract in such form and containing such terms and conditions as may be approved by the department issued by an insurer authorized to do a surety or ~~automobile~~ motor vehicle liability business in this state under which the insurer assumes the liability prescribed by this section with respect to the operation of such motor vehicles. The certificate or other contract is subject to the approval of the department and shall provide that the insurer shall be directly liable for and shall pay all damages for injuries to or for the death of persons or for injuries to or destruction of property that may be recovered against the owner or operator of any such motor vehicles by reason of the negligent operation thereof in such amount as the department may require. Liability may be restricted so as to be inapplicable to damage claims on account of injury to or destruction of property transported, but the department may require a certificate or other contract protecting the owner of the property transported by carriers from loss or damage in the amount and under the conditions as the department may require. No permit or vehicle registration may be issued to a common motor carrier of passengers by any motor vehicle, or other carrier of passengers by motor bus, except those registered in accordance with s. 341.26 (2) (a) and (d), and no permit or vehicle registration may remain in force to operate any motor vehicle unless it has on file with the department a like certificate or other contract in the form and containing the terms and conditions as may be approved by the department for the payment of damages for injuries to property and injuries to or for the death of persons, including passengers, in the amounts as the department may require.

Pg4Ln15

Section 3. 302.46 (1) (a) of the statutes is amended to read:

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302.46 (1) (a) ~~On or after October 1, 1987, if~~ 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), (am) 1. or (bm) or (5) or state laws or municipal or county ordinances involving nonmoving traffic violations. financial responsibility violations under s. 344.10 (1) (a) 2. 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.

Pg5Ln1

Section 4. 344.10 of the statutes is created to read:

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Pg5Ln8

344.10 Compulsory financial responsibility; limits and penalties. (1)
(a) 1. No person may operate a motor vehicle upon a highway in this state unless the owner or operator has in effect a motor vehicle liability policy or bond for the motor vehicle, which meets the requirements under s. 344.15, insuring against loss resulting from liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the motor vehicle.

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Pg5Ln13

2. No person may operate a motor vehicle upon a highway in this state unless the person has in his or her immediate possession at all times while operating the vehicle proof that he or she is in compliance with subd. 1. or that the requirements of subd. 1. do not apply to him or her, and shall display the proof upon demand from any law enforcement officer.

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(b) 1. No person charged with violating par. (a) 1. may be convicted if the person produces proof that he or she was in compliance with par. (a) 1. or that the requirements of par. (a) 1. did not apply to him or her at the time of the arrest. Such proof may be produced either at the time of the person's appearance in court in response to the uniform traffic citation, or in the office of the arresting officer within 5 days after the date of issuance of the uniform traffic citation.

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2. Proof of compliance with par. (a) 1. may be evidenced by display of the motor vehicle policy or bond in effect for the motor vehicle under s. 344.15, a copy of that policy or bond or an identification card issued to the person by the insurer indicating

Pg5Ln23 that the policy or bond is in effect or by display of certification of insurance under s.
Pg5Ln24 344.31 or a copy of that certification.

Pg6Ln1 3. The department shall promulgate a rule specifying the form of proof that
Pg6Ln2 may be displayed by a person under par. (c) to show that the requirements under par.
Pg6Ln3 (a) 1. do not apply to him or her.

Pg6Ln4 (c) Paragraph (a) 1. does not apply to:

Pg6Ln5 1. Any person operating a vehicle owned by a self-insurer under s. 344.16 if
Pg6Ln6 operating with the owner's permission.

Pg6Ln7 2. Any person operating a vehicle insured as required by s. 121.53, 194.41 or
Pg6Ln8 194.42 if operating with the owner's permission.

Pg6Ln9 3. Any person who has filed proof of financial responsibility as provided under
Pg6Ln10 sub. (2) or to any person operating a vehicle owned by the person who has deposited
Pg6Ln11 money or security if operating with the owner's permission.

Pg6Ln12 4. The operator of a vehicle owned by or leased to the United States, this or
Pg6Ln13 another state or any county or municipality of this or another state if operating with
Pg6Ln14 the owner's or lessee's permission.

Pg6Ln15 (2) Proof of financial responsibility may be evidenced by a deposit of money or
Pg6Ln16 securities in the amount, form and manner specified in s. 344.37.

Pg6Ln17 (3) Notwithstanding s. 349.02, a law enforcement officer may not stop or
Pg6Ln18 inspect a vehicle solely to determine compliance with sub. (1) (a) 1. or 2. or both or
Pg6Ln19 a local ordinance in conformity with sub. (1) (a) 1. or 2. or both. This subsection does
Pg6Ln20 not limit the authority of a law enforcement officer to issue a citation for a violation
Pg6Ln21 of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity with sub. (1) (a) 1. or
Pg6Ln22 2. or both observed in the course of a stop or inspection made for other purposes,
Pg6Ln23 except that a law enforcement officer may not take a person into physical custody
Pg6Ln24 solely for a violation of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity
Pg6Ln25 with sub. (1) (a) 1. or 2. or both.

Pg7Ln1 (4) The department shall include with each operator's license issued under ch.
Pg7Ln2 343 notification of the requirements and penalties under this section.

Pg7Ln3 (5) (a) Any person who violates sub. (1) (a) 1. shall forfeit not more than \$500.

Pg7Ln4 (b) Any person who violates sub. (1) (a) 2. may be required to forfeit \$10.

Pg7Ln5 **Section 5.** 344.15 (1) of the statutes is amended to read:

Pg7Ln6 344.15 (1) No policy or bond is effective under s. 344.10 or 344.14 unless issued
Pg7Ln7 by an insurer authorized to do ~~an automobile~~ a motor vehicle liability or surety
Pg7Ln8 business in this state, except as provided in sub. (2), or unless the policy or bond is
Pg7Ln9 subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of
Pg7Ln10 interest and costs, of not less than \$25,000 because of bodily injury to or death of one
Pg7Ln11 person in any one accident and, subject to that limit for one person, to a limit of not
Pg7Ln12 less than \$50,000 because of bodily injury to or death of 2 or more persons in any one
Pg7Ln13 accident and, if the accident has resulted in injury to or destruction of property, to
Pg7Ln14 a limit of not less than \$10,000 because of injury to or destruction of property of
Pg7Ln15 others in any one accident.

Pg7Ln16 **Section 6.** 344.15 (2) (intro.) of the statutes is amended to read:

Pg7Ln17 344.15 (2) (intro.) A policy or bond with respect to a vehicle which was not
Pg7Ln18 registered in this state or was registered elsewhere at the time of the effective date
Pg7Ln19 of the policy or bond or the most recent renewal thereof may be effective under s.
Pg7Ln20 344.10 or 344.14 even though not issued by an insurer authorized to do ~~an automobile~~
Pg7Ln21 a motor vehicle liability or surety business in this state if the following conditions are
Pg7Ln22 complied with:

Pg7Ln23 **Section 7.** 344.15 (4) of the statutes is amended to read:

Pg7Ln24 344.15 (4) After receipt of the report of an accident of the type specified in s.
Pg7Ln25 344.12, the secretary may forward to the insurer named therein, that portion of the
Pg8Ln1 report or other notice which pertains to ~~an automobile~~ a motor vehicle liability policy
Pg8Ln2 or bond. The secretary shall assume that ~~an automobile~~ a motor vehicle liability
Pg8Ln3 policy or bond as described in this section was in effect and applied to both the owner
Pg8Ln4 and operator with respect to the accident unless the insurer notifies the secretary
Pg8Ln5 otherwise within 30 days from the mailing to the insurer of that portion of the report
Pg8Ln6 or other notice pertaining to the ~~automobile~~ motor vehicle liability policy or bond.
Pg8Ln7 Upon receipt of notice from the insurer that ~~an automobile~~ a motor vehicle liability
Pg8Ln8 policy or bond was in effect as to the owner only, the operator only or was not in effect

Pg8Ln9 as to either of them, the secretary shall within the remainder of the 90-day period
Pg8Ln10 specified in s. 344.13 (3) require the owner or operator or both, whichever is
Pg8Ln11 applicable, to deposit security pursuant to this chapter. As respects permission to
Pg8Ln12 operate the vehicle, the insurer may correct the report or other notice only if it files
Pg8Ln13 with the secretary within the 30-day period specified in this subsection an affidavit
Pg8Ln14 signed by the owner stating that the operator did not have the owner's permission
Pg8Ln15 to operate the vehicle. Where the insurer's failure to notify the secretary within 30
Pg8Ln16 days of a correction in that portion of the report or other notice pertaining to ~~an~~
Pg8Ln17 automobile a motor vehicle liability policy or bond is caused by fraud, the insurer
Pg8Ln18 shall notify the secretary of the correction within 30 days of the time the fraud is
Pg8Ln19 discovered.

Pg8Ln20 / **Section 8.** 344.15 (5) of the statutes is amended to read:

Pg8Ln21 344.15 (5) Nothing in this chapter shall be construed to impose any obligation
Pg8Ln22 not otherwise assumed by the insurer in its automobile motor vehicle liability policy
Pg8Ln23 or bond except that if no correction is made in the report or other notice within 30
Pg8Ln24 days after it is mailed to the insurer, the insurer, except in case of fraud, whenever
Pg8Ln25 such fraud may occur, is estopped from using as a defense to its liability the insured's
Pg9Ln1 failure to give permission to the operator or a violation of the purposes of use specified
Pg9Ln2 in the automobile motor vehicle liability policy or bond or the use of the vehicle
Pg9Ln3 beyond agreed geographical limits.

Pg9Ln4 / **Section 9.** 344.32 (1) (intro.) of the statutes is amended to read:

Pg9Ln5 344.32 (1) (intro.) A nonresident may give proof of financial responsibility by
Pg9Ln6 filing with the secretary a written certification of an insurer authorized to transact
Pg9Ln7 ~~an automobile a motor vehicle~~ liability or surety business in the state in which the
Pg9Ln8 person resides or by transmitting such certification to the secretary by another
Pg9Ln9 means approved by the secretary, provided the certification otherwise conforms to
Pg9Ln10 this chapter. The secretary shall accept the certification if the insurer complies with
Pg9Ln11 the following with respect to the policies so certified:

Pg9Ln12 / **Section 10.** 344.33 (1) of the statutes is amended to read:

Pg9Ln13 344.33 (1) **Certification.** In ~~this chapter ss. 344.30 to 344.34,~~ "motor vehicle
Pg9Ln14 liability policy" means a motor vehicle policy of liability insurance, certified as
Pg9Ln15 provided in s. 344.31 or 344.32 as proof of financial responsibility for the future, and
Pg9Ln16 issued, except as otherwise provided in s. 344.32, by an insurer authorized to do ~~an~~
Pg9Ln17 automobile a motor vehicle liability business in this state to or for the benefit of the
Pg9Ln18 person named in the policy as the insured.

Pg9Ln19

✓ **Section 11.** 344.35 (title) of the statutes is amended to read:

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344.35 (title) ~~This chapter~~ Section 344.33 not to affect other policies.

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✓ **Section 12.** 344.35 (1) of the statutes is amended to read:

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Pg10Ln2

344.35 (1) ~~This chapter~~ Section 344.33 does not apply to or affect policies of ~~automobile~~ motor vehicle insurance against liability which may now or hereafter be required by any other law of this state. If such policies contain an agreement or are endorsed to conform to the requirements of ~~this chapter s. 344.33~~, they may be certified as proof of financial responsibility under this chapter.

Pg10Ln3

✓ **Section 13.** 344.35 (2) of the statutes is amended to read:

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344.35 (2) ~~This chapter~~ Section 344.33 does not apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on the insured's behalf of motor vehicles not owned by the insured.

Pg10Ln8

✓ **Section 14.** 344.51 (1) of the statutes is amended to read:

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344.51 (1) No person may for compensation rent or lease any motor vehicle to be operated by or with the consent of the person renting or leasing the vehicle unless there is filed with the department a good and sufficient bond or policy of insurance issued by an insurer authorized to do ~~an automobile~~ a motor vehicle liability insurance or surety business in this state. The bond, policy or certificate shall provide that the insurer which issued it will be liable for damages caused by the negligent operation of the motor vehicle in the amounts set forth in s. 344.01 (2) (d). No person complying with this subsection, and no person acquiring an interest in any contract for the rental or leasing of a motor vehicle for which any other person has complied with this subsection, is liable for damages caused by the negligent operation of the motor vehicle by another person.

Pg10Ln20

Section 15. 345.61 (1) (a) of the statutes is amended to read:

Pg10Ln21

345.61 (1) (a) Any domestic or foreign surety company which has qualified to

Pg10Ln22 transact surety business in this state may, in any year, become surety in an amount
Pg10Ln23 not to exceed \$200 with respect to any guaranteed arrest bond certificates issued in
Pg10Ln24 such year by an automobile club, association or by an insurance company authorized
Pg11Ln1 to write automobile motor vehicle liability insurance within this state, by filing with
Pg11Ln2 the commissioner of insurance an undertaking thus to become surety.

Pg11Ln3 **Section 16.** 345.61 (2) (c) of the statutes is amended to read:

Pg11Ln4 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means
Pg11Ln5 any printed card or other certificate issued by an automobile club, association or
Pg11Ln6 insurance company to any of its members or insureds, which card or certificate is
Pg11Ln7 signed by the member or insureds and contains a printed statement that the
Pg11Ln8 automobile club, association or insurance company and a surety company, or an
Pg11Ln9 insurance company authorized to transact both automobile motor vehicle liability
Pg11Ln10 insurance and surety business, guarantee the appearance of the persons whose
Pg11Ln11 signature appears on the card or certificate and that they will in the event of failure
Pg11Ln12 of the person to appear in court at the time of trial, pay any fine or forfeiture imposed
Pg11Ln13 on the person, including the penalty assessment required by s. 165.87 and the jail
Pg11Ln14 assessment required by s. 302.46 (1), in an amount not exceeding \$200, or \$1,000 as
Pg11Ln15 provided in sub. (1) (b).

Pg11Ln16 **Section 17.** 345.61 (3) of the statutes is amended to read:

Pg11Ln17 345.61 (3) Any guaranteed arrest bond certificate with respect to which a
Pg11Ln18 surety company has become surety, or a guaranteed arrest bond certificate issued by
Pg11Ln19 an insurance company authorized to transact both automobile motor vehicle liability
Pg11Ln20 insurance and surety business within this state as herein provided, shall, when
Pg11Ln21 posted by the person whose signature appears thereon, be accepted in lieu of cash bail
Pg11Ln22 or other bond in an amount not to exceed \$200, or \$1,000 as provided in sub. (1) (b),
Pg11Ln23 as a bail bond, to guarantee the appearance of such person in any court in this state,
Pg11Ln24 including all municipal courts in this state, at such time as may be required by such
Pg11Ln25 court, when the person is arrested for violation of any vehicle law of this state or any
Pg12Ln1 motor vehicle ordinance of any county or municipality in this state except for the
Pg12Ln2 offense of driving under the influence of intoxicating liquors or of drugs or for any
Pg12Ln3 felony committed prior to the date of expiration shown on such guaranteed arrest
Pg12Ln4 bond certificates; provided, that any such guaranteed arrest bond certificates so
Pg12Ln5 posted as bail bond in any court in this state shall be subject to the forfeiture and
Pg12Ln6 enforcement provisions with respect to bail bonds in criminal cases as otherwise
Pg12Ln7 provided by law or as hereafter may be provided by law, and that any such
Pg12Ln8 guaranteed arrest bond certificate posted as a bail bond in any municipal court of this
Pg12Ln9 state shall be subject to the forfeiture and enforcement provisions, if any, of the
Pg12Ln10 charter or ordinance of the particular county or municipality pertaining to bail bonds
Pg12Ln11 posted.

Pg12Ln12

Section 18. 346.73 of the statutes is amended to read:

Pg12Ln13

Pg12Ln14

Pg12Ln15

Pg12Ln16

Pg12Ln17

Pg12Ln18

Pg12Ln19

Pg12Ln20

Pg12Ln21

Pg12Ln22

346.73 Accident reports not to be used in trial. Notwithstanding s. 346.70 (4) (f), accident reports required to be filed with or transmitted to the department or a county or municipal authority shall not be used as evidence in any judicial trial, civil or criminal, arising out of an accident, except that such reports may be used as evidence in a trial for a violation of s. 344.10 or in any administrative proceeding conducted by the department. The department shall furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.

Pg12Ln23

Section 19. 814.63 (1) (c) of the statutes is amended to read:

Pg13Ln1

Pg13Ln2

Pg13Ln3

814.63 (1) (c) This subsection does not apply to an action for a violation of s. 101.123 (2) (a), (am) 1. or (bm) or (5), a financial responsibility violation under s. 344.10 (1) (a) 2. or a safety belt use violation under s. 347.48 (2m).

Pg13Ln4

Section 20. 814.63 (2) of the statutes is amended to read:

Pg13Ln5

Pg13Ln6

Pg13Ln7

Pg13Ln8

Pg13Ln9

Pg13Ln10

Pg13Ln11

814.63 (2) Upon the disposition of a forfeiture action in circuit court for violation of a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district ordinance, except an action for a financial responsibility violation under s. 344.10 (1) (a) 2. or a safety belt use violation under s. 347.48 (2m), the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

Pg13Ln12

Section 21. 814.634 (1) (a) of the statutes is amended to read:

Pg13Ln13

Pg13Ln14

Pg13Ln15

Pg13Ln16

Pg13Ln17

814.634 (1) (a) Except for an action for a financial responsibility violation under s. 344.10 (1) (a) 2. or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$40 court support services 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) (am) or 814.63 (1).

Pg13Ln18

Section 22. 814.635 (1) of the statutes is amended to read:

Pg13Ln19

Pg13Ln20

Pg13Ln21

Pg13Ln22

Pg13Ln23

Pg13Ln24

814.635 (1) Except for an action for a financial responsibility violation under s. 344.10 (1) (a) 2. or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$5 justice information system 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) (am), 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The justice information system fee is in addition to the other fees listed in this section.

Pg13Ln25

Section 23. 814.65 (1) of the statutes is amended to read:

Pg14Ln1

Pg14Ln2

Pg14Ln3

Pg14Ln4

Pg14Ln5

Pg14Ln6

Pg14Ln7

Pg14Ln8

814.65 (1) **Court costs.** In a municipal court action, except an action for violation of an ordinance in conformity with s. 344.10 (1) (a) 2. or 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.

Pg14Ln9

Section 24. Nonstatutory provisions; transportation.

Pg14Ln10

Pg14Ln11

Pg14Ln12

Pg14Ln13

(1) The department of transportation shall submit in proposed form the rule required under section 344.10 (1) (b) 3. of the statutes, as created by this act, to the legislative council under section 227.15 (1) of the statutes no later than the first day of the 9th month beginning after the effective date of this subsection.

Pg14Ln14

Pg14Ln15

Section 25. Effective dates. This act takes effect on the first day of the 12th month commencing after publication, except as follows:

Pg14Ln16

Pg14Ln17

(1) **Section 24** of this act takes effect on the day after publication.

(End)

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1997 ^{to field} 1998 LEGISLATURE

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1997 SENATE BILL 306

1999 Bill

September 18, 1997 - Introduced by Senators MOEN, JAUCH, BURKE, DECKER, PLACHE, GROBSCHMIDT, ROESSLER, A. LASEE, WEEDEN and ROSENZWEIG, cosponsored by Representatives JOHNSRUD, BAUMGART, RYBA, TURNER, J. LEHMAN, AINSWORTH and BOYLE. Referred to Committee on Labor, Transportation and Financial Institutions.

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AN ACT *to amend* 165.87 (2) (a), 194.41 (1), 302.46 (1) (a), 344.15 (1), 344.15 (2) (intro.), 344.15 (4), 344.15 (5), 344.32 (1) (intro.), 344.33 (1), 344.35 (title), 344.35 (1), 344.35 (2), 344.51 (1), 345.61 (1) (a), 345.61 (2) (c), 345.61 (3), 346.73, 814.63 (1) (c), 814.63 (2), 814.634 (1) (a), 814.635 (1) and 814.65 (1); and *to create* 344.10 of the statutes; relating to: assuring financial responsibility for the operation of motor vehicles, granting rule-making authority and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the department of transportation (DOT) is required to notify the operator or owner of a motor vehicle that is involved in an accident that results in injury, death or property damage of \$500 or more and to obtain a deposit of security for the accident. A deposit is not required if the person can provide proof of financial responsibility (an applicable motor vehicle liability insurance policy or bond was in effect at the time of the accident providing not less than the following amounts for any single accident: \$25,000 for one person, \$50,000 for more than one person and \$10,000 for property damage).

With certain exceptions, failure to provide proof of financial responsibility or a deposit of security after an accident results in revocation of the operator's motor vehicle operating privilege or of the registration of any vehicles registered by the

owner of the vehicle involved in the accident. Any revocation continues until the person provides a deposit of security or otherwise clears his or her liability or a year elapses without an action being commenced as a result of the accident.

The person must demonstrate proof of financial responsibility for the future before the person's operating privilege or registration is renewed or reinstated and must maintain that proof for ^{three} years. Proof of financial responsibility for the future may be demonstrated by having an insurance policy or bond in the same amounts as are required at the time of an accident or by maintaining a deposit of \$60,000 in cash or securities with DOT.

This bill expands the financial responsibility law by prohibiting any person from operating a motor vehicle upon a highway in this state unless the owner or operator of the vehicle assures financial responsibility for the operation of the vehicle by:

1. Having in effect a motor vehicle liability insurance policy or bond providing not less than the following amounts for any single accident: \$25,000 for one person, \$50,000 for more than one person and \$10,000 for property damage; or

2. Maintaining a deposit of \$60,000 in cash or securities with DOT.

These insurance policy, bond and deposit amounts are the same amounts as are required under current law as proof of financial responsibility for the future. Any person convicted of failing to assure financial responsibility for the operation of a motor vehicle shall forfeit not more than \$500.

The bill provides exceptions for vehicles that are owned by self-insurers, persons who are required to insure the vehicle under other provisions of law or vehicles owned by or leased to a governmental unit, if being operated with the permission of the owner or lessee.

The bill also requires any person operating a motor vehicle upon a highway in this state to carry proof that financial responsibility for the operation of the vehicle has been assured or that he or she is exempt from this financial responsibility requirement, and to provide such proof upon demand from any law enforcement officer. Any person convicted of failing to carry such proof may be required to forfeit \$10, but no additional fees, costs or assessments may be collected. DOT is required to include notification of both of these requirements and penalties with each operator's license that it issues.

Finally, the bill prohibits law enforcement officers from stopping or inspecting a motor vehicle solely to determine whether the vehicle operator has assured financial responsibility for the operation of the vehicle or is in compliance with the requirement of carrying proof with respect to financial responsibility.

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:

X

1

SECTION 1. 165.87 (2) (a) of the statutes is amended to read:

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1 165.87 (2) (a) Whenever a court imposes a fine or forfeiture for a violation of
 2 state law or for a violation of a municipal or county ordinance except for a violation
 3 of s. 101.123 (2) (a), (am) 1. or (bm) or (5) or state laws or municipal or county
 4 ordinances involving nonmoving traffic violations, financial responsibility violations
 5 under s. 344.10 (1) (a) 2. or safety belt use violations under s. 347.48 (2m), there shall
 6 be imposed in addition a penalty assessment in an amount of 23% of the fine or
 7 forfeiture imposed. If multiple offenses are involved, the penalty assessment shall
 8 be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture
 9 is suspended in whole or in part, the penalty assessment shall be reduced in
 10 proportion to the suspension.

11 **SECTION 2.** 194.41[✓] (1) of the statutes is amended to read:

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stats.

12 194.41 (1) No permit or vehicle registration may be issued to a common motor
 13 carrier of property, contract motor carrier or rental company, no permit or vehicle
 14 registration may remain in force to operate any motor vehicle under the authority
 15 of this chapter and no vehicle registration may be issued or remain in force for a
 16 semitrailer unless the carrier or rental company has on file with the department and
 17 in effect an approved certificate for a policy of insurance or other written contract in
 18 such form and containing such terms and conditions as may be approved by the
 19 department issued by an insurer authorized to do a surety or automobile motor
 20 vehicle liability business in this state under which the insurer assumes the liability
 21 prescribed by this section with respect to the operation of such motor vehicles. The
 22 certificate or other contract is subject to the approval of the department and shall
 23 provide that the insurer shall be directly liable for and shall pay all damages for
 24 injuries to or for the death of persons or for injuries to or destruction of property that
 25 may be recovered against the owner or operator of any such motor vehicles by reason

1 of the negligent operation thereof in such amount as the department may require.
2 Liability may be restricted so as to be inapplicable to damage claims on account of
3 injury to or destruction of property transported, but the department may require a
4 certificate or other contract protecting the owner of the property transported by
5 carriers from loss or damage in the amount and under the conditions as the
6 department may require. No permit or vehicle registration may be issued to a
7 common motor carrier of passengers by any motor vehicle, or other carrier of
8 passengers by motor bus, except those registered in accordance with s. 341.26 (2) (a)
9 and (d), and no permit or vehicle registration may remain in force to operate any
10 motor vehicle unless it has on file with the department a like certificate or other
11 contract in the form and containing the terms and conditions as may be approved by
12 the department for the payment of damages for injuries to property and injuries to
13 or for the death of persons, including passengers, in the amounts as the department
14 may require.

15 SECTION 3. 302.46[✓] (1) (a) of the statutes is amended to read:

16 302.46 (1) (a) ~~On or after October 1, 1987, if~~ [✓] If a court imposes a fine or forfeiture
17 for a violation of state law or for a violation of a municipal or county ordinance except
18 for a violation of s. 101.123 (2) (a), (am) 1. or (bm) or (5) or state laws or municipal
19 or county ordinances involving nonmoving traffic violations, financial responsibility
20 violations under s. 344.10 (1) (a) 2. or safety belt use violations under s. 347.48 (2m),
21 the court, in addition, shall impose a jail assessment in an amount of 1% of the fine
22 or forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved,
23 the court shall determine the jail assessment on the basis of each fine or forfeiture.
24 If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail
25 assessment in proportion to the suspension.

1 SECTION 4. 344.10 of the statutes is created to read:

2 344.10 Compulsory financial responsibility; limits and penalties. (1)

3 (a) 1. No person may operate a motor vehicle upon a highway in this state unless the
4 owner or operator has in effect a motor vehicle liability policy or bond for the motor
5 vehicle, which meets the requirements under s. 344.15, insuring against loss
6 resulting from liability imposed by law for bodily injury, death and property damage
7 sustained by any person arising out of the ownership, maintenance, operation or use
8 of the motor vehicle.

9 2. No person may operate a motor vehicle upon a highway in this state unless
10 the person has in his or her immediate possession at all times while operating the
11 vehicle proof that he or she is in compliance with subd. 1. or that the requirements

12 of subd. 1. do not apply to him or her ^{the operator of the motor vehicle} shall display the proof ^{required under this} upon demand from ^{subdivision}
13 any law enforcement officer.

14 (b) 1. No person charged with violating par. (a) 1. may be convicted if the person
15 produces proof that he or she was in compliance with par. (a) 1. or that the
16 requirements of par. (a) 1. did not apply to him or her at the time of the arrest. Such
17 proof may be produced either at the time of the person's appearance in court in
18 response to the uniform traffic citation, or in the office of the arresting officer within
19 5 days after the date of issuance of the uniform traffic citation.

20 2. Proof of compliance with par. (a) 1. may be evidenced by display of the motor
21 vehicle policy or bond in effect for the motor vehicle under s. 344.15, a copy of that
22 policy or bond or an identification card issued to the person by the insurer indicating
23 that the policy or bond is in effect or by display of certification of insurance under s.
24 344.31 or a copy of that certification.

1 3. The department shall promulgate a rule specifying the form of proof that
2 may be displayed by a person under par. (c) to show that the requirements under par.
3 (a) 1. do not apply to him or her.

4 (c) Paragraph (a) 1. does not apply to:

5 1. Any person operating a vehicle owned by a self-insurer under s. 344.16 if
6 operating with the owner's permission.

7 2. Any person operating a vehicle insured as required by s. 121.53, 194.41 or
8 194.42 if operating with the owner's permission.

9 3. Any person who has filed proof of financial responsibility as provided under
10 sub. (2) or to any person operating a vehicle owned by the person who has deposited
11 money or security if operating with the owner's permission.

12 4. The operator of a vehicle owned by or leased to the United States, this or
13 another state or any county or municipality of this or another state if operating with
14 the owner's or lessee's permission.

15 (2) Proof of financial responsibility may be evidenced by a deposit of money or
16 securities in the amount, form and manner specified in s. 344.37.

17 (3) Notwithstanding s. 349.02, a law enforcement officer may not stop or
18 inspect a vehicle solely to determine compliance with sub. (1) (a) 1. or 2. or both or
19 a local ordinance in conformity with sub. (1) (a) 1. or 2. or both. This subsection does
20 not limit the authority of a law enforcement officer to issue a citation for a violation
21 of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity with sub. (1) (a) 1. or
22 2. or both observed in the course of a stop or inspection made for other purposes,
23 except that a law enforcement officer may not take a person into physical custody
24 solely for a violation of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity
25 with sub. (1) (a) 1. or 2. or both.

1 (4) The department shall include with each operator's license issued under ch.
2 343 notification of the requirements and penalties under this section.

3 (5) (a) Any person who violates sub. (1) (a) 1. shall forfeit not more than \$500.

4 (b) Any person who violates sub. (1) (a) 2. may be required to forfeit \$10.

5 SECTION 5. 344.15 (1) of the statutes is amended to read:

6 344.15 (1) No policy or bond is effective under s. 344.10 or 344.14 unless issued
7 by an insurer authorized to do ~~an automobile~~ a motor vehicle liability or surety
8 business in this state, except as provided in sub. (2), or unless the policy or bond is
9 subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of
10 interest and costs, of not less than \$25,000 because of bodily injury to or death of one
11 person in any one accident and, subject to that limit for one person, to a limit of not
12 less than \$50,000 because of bodily injury to or death of 2 or more persons in any one
13 accident and, if the accident has resulted in injury to or destruction of property, to
14 a limit of not less than \$10,000 because of injury to or destruction of property of
15 others in any one accident.

start in hand

16 SECTION 6. 344.15 (2) (intro.) of the statutes is amended to read:

17 344.15 (2) (intro.) A policy or bond with respect to a vehicle which was not
18 registered in this state or was registered elsewhere at the time of the effective date
19 of the policy or bond or the most recent renewal thereof may be effective under s.
20 344.10 or 344.14 even though not issued by an insurer authorized to do ~~an automobile~~
21 a motor vehicle liability or surety business in this state if the following conditions are
22 complied with:

23 SECTION 7. 344.15 (4) of the statutes is amended to read:

24 344.15 (4) After receipt of the report of an accident of the type specified in s.
25 344.12, the secretary may forward to the insurer named therein, that portion of the

1 report or other notice which pertains to an ~~automobile~~ motor vehicle liability policy
2 or bond. The secretary shall assume that an ~~automobile~~ motor vehicle liability
3 policy or bond as described in this section was in effect and applied to both the owner
4 and operator with respect to the accident unless the insurer notifies the secretary
5 otherwise within 30 days from the mailing to the insurer of that portion of the report
6 or other notice pertaining to the ~~automobile~~ motor vehicle liability policy or bond.
7 Upon receipt of notice from the insurer that an ~~automobile~~ motor vehicle liability
8 policy or bond was in effect as to the owner only, the operator only or was not in effect
9 as to either of them, the secretary shall within the remainder of the 90-day period
10 specified in s. 344.13 (3) require the owner or operator or both, whichever is
11 applicable, to deposit security pursuant to this chapter. As respects permission to
12 operate the vehicle, the insurer may correct the report or other notice only if it files
13 with the secretary within the 30-day period specified in this subsection an affidavit
14 signed by the owner stating that the operator did not have the owner's permission
15 to operate the vehicle. Where the insurer's failure to notify the secretary within 30
16 days of a correction in that portion of the report or other notice pertaining to an
17 ~~automobile~~ motor vehicle liability policy or bond is caused by fraud, the insurer
18 shall notify the secretary of the correction within 30 days of the time the fraud is
19 discovered.

20 SECTION 8. 344.15 (5) of the statutes is amended to read:

21 344.15 (5) Nothing in this chapter shall be construed to impose any obligation
22 not otherwise assumed by the insurer in its ~~automobile~~ motor vehicle liability policy
23 or bond except that if no correction is made in the report or other notice within 30
24 days after it is mailed to the insurer, the insurer, except in case of fraud, whenever
25 such fraud may occur, is estopped from using as a defense to its liability the insured's

1 failure to give permission to the operator or a violation of the purposes of use specified
2 in the ~~automobile~~ motor vehicle liability policy or bond or the use of the vehicle
3 beyond agreed geographical limits.

4 SECTION 9. 344.32 (1) (intro.) of the statutes is amended to read:

5 344.32 (1) (intro.) A nonresident may give proof of financial responsibility by
6 filing with the secretary a written certification of an insurer authorized to transact
7 ~~an automobile~~ a motor vehicle liability or surety business in the state in which the
8 person resides or by transmitting such certification to the secretary by another
9 means approved by the secretary, provided the certification otherwise conforms to
10 this chapter. The secretary shall accept the certification if the insurer complies with
11 the following with respect to the policies so certified:

12 SECTION 10. 344.33 (1) of the statutes is amended to read:

13 344.33 (1) CERTIFICATION. In ~~this chapter~~ ss. 344.30 to 344.34, "motor vehicle
14 liability policy" means a motor vehicle policy of liability insurance, certified as
15 provided in s. 344.31 or 344.32 as proof of financial responsibility for the future, and
16 issued, except as otherwise provided in s. 344.32, by an insurer authorized to do ~~an~~
17 ~~automobile~~ a motor vehicle liability business in this state to or for the benefit of the
18 person named in the policy as the insured.

19 SECTION 11. 344.35 (title) of the statutes is amended to read:

20 344.35 (title) ~~This chapter~~ Section 344.33 not to affect other policies.

21 SECTION 12. 344.35 (1) of the statutes is amended to read:

22 344.35 (1) ~~This chapter~~ Section 344.33 does not apply to or affect policies of
23 ~~automobile~~ motor vehicle insurance against liability which may now or hereafter be
24 required by any other law of this state. If such policies contain an agreement or are

proof in hand

1 endorsed to conform to the requirements of ~~this chapter s. 344.33~~, they may be
2 certified as proof of financial responsibility under this chapter.

3 SECTION 13. 344.35 (2) of the statutes is amended to read:

4 344.35 (2) ~~This chapter Section 344.33~~ does not apply to or affect policies
5 insuring solely the insured named in the policy against liability resulting from the
6 maintenance or use by persons in the insured's employ or on the insured's behalf of
7 motor vehicles not owned by the insured.

8 SECTION 14. 344.51 (1) of the statutes is amended to read:

9 344.51 (1) No person may for compensation rent or lease any motor vehicle to
10 be operated by or with the consent of the person renting or leasing the vehicle unless
11 there is filed with the department a good and sufficient bond or policy of insurance
12 issued by an insurer authorized to do ~~an automobile~~ a motor vehicle liability
13 insurance or surety business in this state. The bond, policy or certificate shall
14 provide that the insurer which issued it will be liable for damages caused by the
15 negligent operation of the motor vehicle in the amounts set forth in s. 344.01 (2) (d).
16 No person complying with this subsection, and no person acquiring an interest in any
17 contract for the rental or leasing of a motor vehicle for which any other person has
18 complied with this subsection, is liable for damages caused by the negligent
19 operation of the motor vehicle by another person.

20 SECTION 15. 345.61 (1) (a) of the statutes is amended to read:

21 345.61 (1) (a) Any domestic or foreign surety company which has qualified to
22 transact surety business in this state may, in any year, become surety in an amount
23 not to exceed \$200 with respect to any guaranteed arrest bond certificates issued in
24 such year by an automobile club, association or by an insurance company authorized

proof of financial responsibility

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1 to write automobile motor vehicle liability insurance within this state, by filing with
2 the commissioner of insurance an undertaking thus to become surety.

3 **SECTION 16.** 345.61 (2) (c) of the statutes is amended to read:

4 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means
5 any printed card or other certificate issued by an automobile club, association or
6 insurance company to any of its members or insureds, which card or certificate is
7 signed by the member or insureds and contains a printed statement that the
8 automobile club, association or insurance company and a surety company, or an
9 insurance company authorized to transact both automobile motor vehicle liability
10 insurance and surety business, guarantee the appearance of the persons whose
11 signature appears on the card or certificate and that they will in the event of failure
12 of the person to appear in court at the time of trial, pay any fine or forfeiture imposed
13 on the person, including the penalty assessment required by s. 165.87 and the jail
14 assessment required by s. 302.46 (1), in an amount not exceeding \$200, or \$1,000 as
15 provided in sub. (1) (b).

16 **SECTION 17.** 345.61 (3) of the statutes is amended to read:

17 345.61 (3) Any guaranteed arrest bond certificate with respect to which a
18 surety company has become surety, or a guaranteed arrest bond certificate issued by
19 an insurance company authorized to transact both automobile motor vehicle liability
20 insurance and surety business within this state as herein provided, shall, when
21 posted by the person whose signature appears thereon, be accepted in lieu of cash bail
22 or other bond in an amount not to exceed \$200, or \$1,000 as provided in sub. (1) (b),
23 as a bail bond, to guarantee the appearance of such person in any court in this state,
24 including all municipal courts in this state, at such time as may be required by such
25 court, when the person is arrested for violation of any vehicle law of this state or any

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1 motor vehicle ordinance of any county or municipality in this state except for the
2 offense of driving under the influence of intoxicating liquors or of drugs or for any
3 felony committed prior to the date of expiration shown on such guaranteed arrest
4 bond certificates; provided, that any such guaranteed arrest bond certificates so
5 posted as bail bond in any court in this state shall be subject to the forfeiture and
6 enforcement provisions with respect to bail bonds in criminal cases as otherwise
7 provided by law or as hereafter may be provided by law, and that any such
8 guaranteed arrest bond certificate posted as a bail bond in any municipal court of this
9 state shall be subject to the forfeiture and enforcement provisions, if any, of the
10 charter or ordinance of the particular county or municipality pertaining to bail bonds
11 posted.

12 SECTION 18. 346.73 of the statutes is amended to read:

13 **346.73 Accident reports not to be used in trial.** Notwithstanding s. 346.70
14 (4) (f), accident reports required to be filed with or transmitted to the department or
15 a county or municipal authority shall not be used as evidence in any judicial trial,
16 civil or criminal, arising out of an accident, except that such reports may be used as
17 evidence in a trial for a violation of s. 344.10 or in any administrative proceeding
18 conducted by the department. The department shall furnish upon demand of any
19 person who has or claims to have made such a report, or upon demand of any court,
20 a certificate showing that a specified accident report has or has not been made to the
21 department solely to prove a compliance or a failure to comply with the requirement
22 that such a report be made to the department.

23 SECTION 19. 814.63 (1) (c) of the statutes is amended to read:

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1 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
2 101.123 (2) (a), (am) 1. or (bm) or (5), a financial responsibility violation under s.
3 344.10 (1) (a) 2. or a safety belt use violation under s. 347.48 (2m).

4 **SECTION 20.** 814.63 (2) of the statutes is amended to read:

5 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
6 violation of a county, town, city, village, town sanitary district or public inland lake
7 protection and rehabilitation district ordinance, except an action for a financial
8 responsibility violation under s. 344.10 (1) (a) 2. or a safety belt use violation under
9 s. 347.48 (2m), the county, town, city, village, town sanitary district or public inland
10 lake protection and rehabilitation district shall pay a nonrefundable fee of \$5 to the
11 clerk of circuit court.

12 **SECTION 21.** 814.634 (1) (a) of the statutes is amended to read:

13 814.634 (1) (a) Except for an action for a financial responsibility violation
14 under s. 344.10 (1) (a) 2. or a safety belt use violation under s. 347.48 (2m), the clerk
15 of circuit court shall charge and collect a \$40 court support services fee from any
16 person, including any governmental unit as defined in s. 108.02 (17), paying a fee
17 under s. 814.61 (1) (a), (3) or (8) (am) or 814.63 (1).

18 **SECTION 22.** 814.635 (1) of the statutes is amended to read:

19 814.635 (1) Except for an action for a financial responsibility violation under
20 s. 344.10 (1) (a) 2. or a safety belt use violation under s. 347.48 (2m), the clerk of
21 circuit court shall charge and collect a \$5 justice information system fee from any
22 person, including any governmental unit as defined in s. 108.02 (17), paying a fee
23 under s. 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The
24 justice information system fee is in addition to the other fees listed in this section.

25 **SECTION 23.** 814.65 (1) of the statutes is amended to read:

insert
10-19

Section #. 344.51 (1m) of the statutes is amended to read:

a motor vehicle

344.51 (1m) No lessor or rental company may for compensation rent or lease any motor vehicle unless there is filed with the department on a form prescribed by the department a certificate for a good and sufficient bond or policy of insurance issued by an insurer authorized to do ~~an automobile~~ liability insurance or surety business in this state. The certificate shall provide that the insurer which issued it will be liable for damages caused by the negligent operation of the motor vehicle in the amounts set forth in s. 344.01 (2) (d). No lessor or rental company complying with this subsection, and no lessor or rental company entering into or acquiring an interest in any contract for the rental or leasing of a motor vehicle for which any other lessor or rental company has complied with this subsection, is liable for damages caused by the negligent operation of the motor vehicle by another person.

History: 1971 c. 278; 1977 c. 29 s. 1654 (7) (a); 1979 c. 102; 1995 a. 329; 1997 a. 48.

(end insert)

insert
11-15
(AM)

Section #. 345.61 (2) (c) of the statutes is amended to read:

345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means any printed card or other certificate issued by an automobile club, association or insurance company to any of its members or insureds, which card or certificate is signed by the member or insureds and contains a printed statement that the automobile club, association or insurance company and a surety company, or an insurance company authorized to transact both ~~automobile~~ ^{motor vehicle} liability insurance and surety business, guarantee the appearance of the persons whose signature appears on the card or certificate and that they will in the event of failure of the person to appear in court at the time of trial, pay any fine or forfeiture imposed on the person, including the penalty assessment required by s. 165.87, the jail assessment required by s. 302.46 (1), the railroad crossing improvement assessment required by s. 346.177, 346.495 or 346.65 (4r) and the crime laboratories and drug law enforcement assessment required by s. 165.755, in an amount not exceeding \$200, or \$1,000 as provided in sub. (1) (b).

History: ~~1977 c. 29; 1987 a. 27; 1989 a. 107; 1991 a. 39, 316; 1993 a. 16; 1997 a. 27, 135, 237~~

(end insert)

insert
1-1-8

Section #. 814.635 (1) of the statutes is amended to read:

a financial responsibility violation under
s. 344.10 (1) (a) 2. or

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 \$7 justice information system 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) (am), 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The justice information system fee is in addition to the other fees listed in this section.

History: 1987 a. 27; 1989 a. 22; 1991 a. 26, 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27.



14-8
(cont.)

Section #. 814.65 (1) of the statutes is amended 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 not less than \$15 nor more than \$23 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 fee received by the judge under this subsection, the municipal treasurer shall pay monthly \$5 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the municipality.

History: 1981 c. 317; 1983 a. 107; 1987 a. 181, 389, 399, 403; 1989 a. 22; 1991 a. 26; 1997 a. 27.

(end insert)

344.10 (1) (a) 2. or

Senator Moen:

This bill is ~~identical~~ nearly the same
as 1997 Senate Bill 306.
z z

- PEN

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0987/1dn
PEN:cmh&ksh:jf

December 11, 1998

Senator Moen:

This bill is nearly the same as 1997 Senate Bill 306.

Paul E. Nilsen
Legislative Attorney
261-6926

**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: 12/11/98

To: Senator Moen

Relating to LRB drafting number: LRB-0987

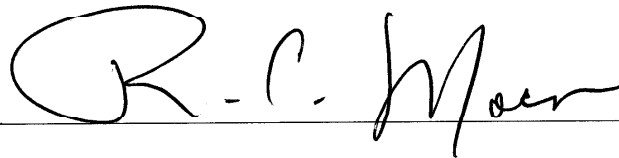
Topic

Mandatory automobile liability insurance coverage

Subject(s)

Transportation - motor vehicles

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