

1999 DRAFTING REQUEST

Bill

Received: 11/05/1999

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Alberta Darling (608) 266-5830

By/Representing: Jim

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **TNF**

Pre Topic:

No specific pre topic given

Topic:

Suspension of driver's license for failing to pay forfeiture

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 11/16/1999	csicilia 11/22/1999		_____			State
/1	nilsepe 01/05/2000	csicilia 01/05/2000	martykr 11/22/1999	_____	lrb_docadmin 11/22/1999		State
/2			martykr 01/05/2000	_____	lrb_docadmin 01/05/2000	lrb_docadmin 01/05/2000	

FE Sent For:

G 01-12-00

<END>

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/?	nilsepe 11/16/1999	csicilia 11/22/1999		_____			State
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FE Sent For:			km 1/5	JJ 1/5			

please
jacket
12-PEN

<END>

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/?	nilsepe		<i>Jim 11/22</i>	<i>H14 Jim 11/22</i>			

FE Sent For:

<END>

bill request 11/3/99

Sen. Darling ; Jim

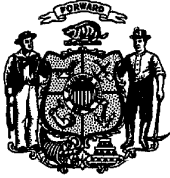
Undo item 54, page 26 of conference committee report

Do as bill.

Undo provision before elimination takes effect.

- Do bill restoring authority of municipality
to suspend driver license for ordinance
violations unrelated to operating a motor vehicle
(Undo budget changes - before budget takes
effect, 1 day after publication)

- PEN



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3899/7

PEN:

Y...Y...
gs
[Handwritten signature]

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen cat

1 AN ACT relating to: authority of a court to revoke or suspend a person's
2 operating privilege for violations of ordinances unrelated to the operation of a
3 motor vehicle or for failing to pay a penalty for such a violation and making an
4 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 a person's operating privilege solely because the person has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle. The bill also restores funding for DOT to process those revocations and suspensions ordered by a court.

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

3 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
4 or revocation, that the defendant's operating privilege be suspended. ~~The operating~~
5 ~~privilege shall be suspended~~ for 30 days or until the person pays the forfeiture, the
6 penalty assessment, if required by s. 757.05, the jail assessment, if required by s.
7 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177,
8 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement
9 assessment, if required by s. 165.755, but not to exceed 5 years. Suspension under
10 this paragraph shall not affect the power of the court to suspend or revoke under s.
11 343.30 or the power of the secretary to suspend or revoke the operating privilege.
12 ~~This paragraph does not apply if the judgment was entered solely for violation of an~~
13 ~~ordinance unrelated to the violator's operation of a motor vehicle.~~

History: 1999 a. 9.

14 **SECTION 2.** 800.09 (1) (c) of the statutes, as affected by 1999 Wisconsin Act 9,
15 is amended to read:

16 800.09 (1) (c) The court may suspend the defendant's operating privilege, as
17 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
18 and costs are paid, if the defendant has not done so within 60 days after the date the
19 restitution or payments or both are to be made under par. (a) and has not notified the
20 court that he or she is unable to comply with the judgment, as provided under s.
21 800.095 (4) (a), except that the suspension period may not exceed 5 years. The court

1 shall take possession of the suspended license and shall forward the license, along
2 with a notice of the suspension clearly stating that the suspension is for failure to
3 comply with a judgment of the court, to the department of transportation. ~~This~~
4 ~~paragraph does not apply if the forfeiture is assessed for violation of an ordinance~~
5 ~~that is unrelated to the violator's operation of a motor vehicle.~~

History: 1999 a. 9.

6 **SECTION 3.** 800.095 (4) (b) 4. of the statutes, as affected by 1999 Wisconsin Act
7 9, is amended to read:

8 800.095 (4) (b) 4. That the defendant's operating privilege, as defined in s.
9 340.01 (40), be suspended until the judgment is complied with, except that the
10 suspension period may not exceed 5 years. ~~This subdivision does not apply if the~~
11 ~~forfeiture is assessed for violation of an ordinance that is unrelated to the violator's~~
12 ~~operation of a motor vehicle.~~

History: 1999 a. 9.(End)

13 **SECTION 4.** 938.17 (2) (d) of the statutes, as affected by 1999 Wisconsin Act 9,
14 is amended to read:

15 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
16 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
17 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
18 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
19 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
20 imposed by the municipal court, the court may not impose a jail sentence but may
21 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
22 years, ~~or, unless the forfeiture was imposed for violating an ordinance unrelated to~~
23 ~~the juvenile's operation of a motor vehicle, may suspend the juvenile's operating~~
24 privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.

1 If a court suspends a license or privilege under this section, the court shall
2 immediately take possession of the applicable license and forward it to the
3 department that issued the license, together with the notice of suspension clearly
4 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
5 the forfeiture is paid during the period of suspension, the court shall immediately
6 notify the department, which shall thereupon return the license to the person.

History: 1999 a. 9.

7 **SECTION 5.** 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act 9, is
8 amended to read:

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

1 notice of suspension clearly stating that the suspension is for failure to pay a
2 forfeiture imposed by the court. If the forfeiture is paid during the period of
3 suspension, the suspension shall be reduced to the time period which has already
4 elapsed and the court shall immediately notify the department which shall then
5 return the license to the juvenile. Any recovery under this subsection shall be
6 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)
7 (b).

8 ^{History: 1999 a. 9.}

SECTION 6. 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is
9 amended to read:

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

1 be reduced by the amount recovered as a forfeiture for the same act under s. 938.45
2 (1r) (b).

3 History: 1999 a. 9.

SECTION 7. 1999 Wisconsin Act 9, section 9350 (11g) is repealed.

SECTION 8. Appropriation changes.

(1) SUSPENSION OF OPERATING PRIVILEGE FOR FAILURE TO PAY CERTAIN FORFEITURES.

6 In the schedule under section 20.005 (3) of the statutes for the appropriation to the
7 department of transportation under section 20.395 (5) (cq) of the statutes, as affected by the acts of
8 1999, the dollar amount is increased by \$657,900 for fiscal year 1999–00 and the
9 dollar amount is increased by \$657,900 for fiscal year 2000–01 to increase the
10 authorized FTE positions for the department of transportation related to processing
11 requests to suspend or revoke operators' licenses for failure to pay fines or forfeitures
12 by 2.0 SEG positions on the effective date of this act.

(END)

Nilsen, Paul

From: Darling, Alberta
Sent: Monday, January 03, 2000 9:57 AM
To: Nilsen, Paul

Paul

Please remove the provision in LRB 3899 that restores the funding to DOT. Once that is complete, please jacket the bill and send to my office.

Alberta

P.S. Thank you for your help.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3899/1
PEN:js:km

2

1999 BILL

1 **AN ACT to amend** 345.47 (1) (b), 800.09 (1) (c), 800.095 (4) (b) 4., 938.17 (2) (d),
2 938.34 (8) and 938.343 (2) of the statutes; and **to affect** 1999 Wisconsin Act 9,
3 section 9350 (11g); **relating to:** authority of a court to revoke or suspend a
4 person's operating privilege for violations of ordinances unrelated to the
5 operation of a motor vehicle or for failing to pay a penalty for such a violation
6 ~~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 a person's operating privilege solely because the person has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor

BILL

→ vehicle. The bill ~~also~~ ^{does not} restore ^{or position authorization} funding for DOT to process those revocations and suspensions ordered by a court.

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:

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20 court that he or she is unable to comply with the judgment, as provided under s.

BILL

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BILL

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1 forfeiture imposed by the court. If the forfeiture is paid during the period of
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24 (1r) (b).

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(END)