

**1999 DRAFTING REQUEST**

**Bill**

Received: **08/12/1999**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Gwendolynne Moore (608) 266-5810**

By/Representing: **Kelly**

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

Drafter: **nelsorp1**

May Contact: **Bob Anderson, LAW**

Alt. Drafters:

Subject: **Courts - civil procedure  
Transportation - driver licenses**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Installment payments for indigents in circuit court, reopening of judgments and expanding occupational licenses for ordinance violators

**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>
/P1	nelsorp1	csicilia	jfrantze	_____	lrb_docadmin		
	09/08/1999	09/08/1999	09/15/1999	_____	09/15/1999		
	nelsorp1	wjackson		_____	lrb_docadmin		
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	nelsorp1	csicilia		_____	lrb_docadmin		
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/P3	nelsorp1	jgeller	jfrantze	_____	lrb_docadmin		
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/1			jfrantze 02/24/2000	_____	lrb_docadmin 02/24/2000	lrb_docadminS&L 03/02/2000	

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→ 03-03-00

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**Topic:** *Call from Eric - Silbisky Make this comparison to 4552/2*

Installment payments for indigents in circuit court, reopening of judgments and expanding occupational licenses for ordinance violators

**Instructions:**

See Attached

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**Instructions:**

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*1/4*

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*they lost 1st copy*



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1?	nelsorp1	PI 9/13 JLG PI 9/13 CJS	9/14	9/14 JKM			

FE Sent For:

<END>

As one bill.  
Bob Anderson

BARRIERS TO EMPLOYMENT FOR W-2 PARTICIPANTS

DRIVER'S LICENSES WHICH HAVE BEEN SUSPENDED FOR ORDINANCE VIOLATIONS

MOTIONS

1. Allowing Installment Payment Plans for Indigents in Circuit Court, the same as Municipal Court, for Ordinance Violations

For Circuit Court actions involving traffic and nonmoving traffic ordinance violations, the Circuit Court may not suspend a motor vehicle operator's license for nonpayment of a forfeiture if the defendant is indigent, without first having ordered the defendant to pay the forfeiture in reasonable installments. If the defendant fails to pay any of the installments, the suspension of the license shall go immediately into effect.

Note: 345.30 confers jurisdiction on the circuit courts for all traffic and nonmoving traffic violations, including ordinance violations. In municipalities which have created a Municipal Court, the Municipal Court handles these. This motion makes the procedure in circuit court the same as it is in municipal court for the suspension of driver's licenses for violations of municipal ordinances involving traffic and nonmoving traffic violations by indigent defendants. The municipal courts are required to first offer an indigent the right to an installment payment plan, before suspending a driver's license. See 800.095 (4).

have to first

2. Allowing Reopening of Judgments in Circuit Court and Municipal Court for Installment Payment Plans for Indigents

Where driver's licenses have been suspended for traffic and nonmoving traffic ordinance violations, defendants may, at any time, but only once, petition the circuit court or municipal court which entered the judgment, to reopen the judgment to have an installment payment plan instituted for the payment of the forfeiture(s), if the defendant is indigent. If an installment payment plan is instituted and the defendant fails to pay any of the installments, the suspension of the driver's license shall automatically go back into effect.

Note: Under 800.115, a municipal court judgment may not be reopened after 6 months have elapsed, unless there are special circumstances justifying relief from judgment. Similarly, under 806.07, a circuit court judgment may not

Bob  
Andersen 9/9/99

346.47 (1)

If the defendant is  
indigent, the court may not  
suspend the operating privilege  
without first providing the defendant  
the opportunity to pay the judgment  
for future and assessment in  
reasonable installments. Upon  
entering judgment, the court shall  
notify the defendant personally, if  
present, and in writing ~~of~~ that  
the defendant should notify the  
court ~~if~~ that the defendant <sup>he or she</sup> is  
unable to make payment because  
of indigence or <sup>for</sup> other good  
cause. If the judgment is  
not paid or the defendant fails  
to ~~pay~~ make <sup>any ordered</sup> the installment payments

Bob  
Andersen 9/9/99

Add to -3428 draft

800.09 (1)

(a) The court may defer payment of any judgment or provide for instalment payments. At the time the judgment is rendered, the court shall inform the defendant, orally and in writing, of the date by which restitution and the payment of the forfeiture, the penalty assessment, the jail assessment, the crime laboratories and drug law enforcement assessment and any applicable domestic abuse assessment plus costs must be made, and of the possible consequences of failure to do so in timely fashion, including imprisonment, as provided in s. 800.095, or suspension of the defendant's motor vehicle operating privilege, as provided in par. (c), if applicable.

If imprisonment or the suspension of a motor vehicle operating privilege may be ordered,

the notice shall include a statement that if the defendant cannot comply with the ~~restoration~~ payment order because of indigence or other good cause, the defendant should notify the court of either condition in order to avoid imprisonment or the suspension of the motor vehicle operating privilege.

If the defendant is not present, the court shall ensure that the information is sent to the defendant by mail. In 1st class cities, all of the written information required by this paragraph shall be printed in English and Spanish and provided to each defendant.

(c) The court may suspend the defendant's operating privilege, as defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments and costs are paid, if the defendant has not done so within 60 days after the date the restitution or payments or both are to be made under par. (a) and has not notified the court that he or she is unable to comply with the judgment, as provided under ~~s. 800.095~~ (4) (a), except that the suspension period may not exceed 5 years. The court shall take possession of the suspended license and shall forward the license, along with a notice of the suspension clearly stating that the suspension is for failure to comply with a judgment of the court, to the department of transportation.

par.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3428/P1

RPN.....

D Note

al jags

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ger

1 AN ACT ...; relating to: <sup>✓</sup> payment of judgments, suspension and revocation of  
2 operating privileges and occupational licenses.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

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

3 SECTION 1. 343.10 (1) (a) <sup>x</sup> of the statutes is amended to read:

4 343.10 (1) (a) If a person's license or operating privilege is revoked or  
5 suspended under this chapter or s. 345.47, 767.303, 800.09, 800.095 <sup>✓</sup> or 961.50 and  
6 if the person is engaged in an occupation, including homemaking or full-time or  
7 part-time study, or a trade making it essential that he or she operate a motor vehicle,  
8 the person, after payment of the fee provided in sub. (6), may file an application with  
9 the department setting forth in detail the need for operating a motor vehicle. No  
10 person may file more than one application with respect to each revocation or

1 suspension of the person's license or operating privilege under this chapter or s.  
 2 345.47, 767.303, 800.09, 800.095 or 961.50, except that this limitation does not apply  
 3 to an application to amend an occupational license restriction.

History: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337; 1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237.

4 **SECTION 2.** 343.10 (5) (b) of the statutes is amended to read:

5 343.10 (5) (b) *Limitations.* Occupational licenses are subject to the limitations  
 6 specified in ss. 343.30 (1q) (b) and (h), 343.305 (8) (d) and (10) (b) and (em), 343.31  
 7 (3m), 343.32 (1m), 345.47 (1) (e), 767.303, 800.09 (1) (d), 800.095 and 961.50.

History: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337; 1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237.

8 **SECTION 3.** 345.47 (1) (intro.) of the statutes is amended to read:

9 345.47 (1) (intro.) If the defendant is found guilty, the court may enter  
 10 judgment against the defendant for a monetary amount not to exceed the maximum  
 11 forfeiture, penalty assessment, if required by s. 165.87, the jail assessment, if  
 12 required by s. 302.46 (1), the railroad crossing improvement assessment, if required  
 13 by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law  
 14 enforcement assessment, if required by s. 165.755, provided for the violation and for  
 15 costs under s. 345.53 and, in addition, may suspend or revoke his or her operating  
 16 privilege under s. 343.30. If the defendant is indigent, the court may not suspend the  
 17 defendant's operating privilege without first providing the defendant with an  
 18 opportunity to pay the judgment in instalments. Upon entering judgment, the court  
 19 shall notify the defendant personally, if present, and in writing that the defendant  
 20 should notify the court if he or she is unable to pay the judgment because of indigency.  
 21 ~~for other good cause~~ If the judgment is not paid or if the defendant fails to make any  
 22 ordered instalment payment, the court shall order:

History: 1971 c. 278; 1973 c. 218; 1977 c. 29 ss. 1477 to 1482, 1654 (7) (c); 1979 c. 34; 1981 c. 165; 1987 a. 27, 389; 1989 a. 31, 107; 1991 a. 34, 39, 189; 1993 a. 16; 1995 a. 269; 1997 a. 27, 84, 135, 237, 252.

23 **SECTION 4.** 345.47 (1) (e) of the statutes is created to read:

*defendant*

1 345.47 (1) (e) A ~~person~~ who has his or her operating privilege suspended under  
2 this subsection <sup>✓</sup> is eligible for an occupational license under s. 343.10 <sup>✓</sup> at any time.

3 SECTION 5. 800.09 (1) (a) <sup>✓</sup> of the statutes is amended to read:

4 800.09 (1) (a) The court may defer payment of any judgment or provide for  
5 instalment payments. At the time the judgment is rendered, the court shall inform  
6 the defendant, orally and in writing, of the date by which restitution and the  
7 payment of the forfeiture, the penalty assessment, the jail assessment, the crime  
8 laboratories and drug law enforcement assessment and any applicable domestic  
9 abuse assessment plus costs must be made, and of the possible consequences of  
10 failure to do so in timely fashion, including imprisonment, as provided in s. 800.095,  
11 or suspension of the defendant's motor vehicle operating privilege, as provided in par.

12 (c), if applicable. ~~If the court may order the defendant imprisoned or the suspension~~  
13 ~~of the defendant's operating privilege, the court shall inform the defendant, orally~~

14 ~~and in writing, that if the defendant cannot pay the judgment because of indigency~~

15 ~~or other good cause, the defendant should so notify the court by order to avoid~~  
16 ~~imprisonment or the suspension of his or her operating privilege.~~ *In addition, the*  
*the defendant*

17 is not present, the court shall ensure that the information is sent to the defendant  
18 by mail. In 1st class cities, all of the written information required by this paragraph  
19 shall be printed in English and Spanish and provided to each defendant.

History: 1977 c. 305; 1979 c. 32 s. 68; Stats. 1979 s. 800.09; 1981 c. 317; 1985 a. 179; 1987 a. 27, 389; 1987 a. 399 s. 494u; 1989 a. 107; 1991 a. 39, 40, 189; 1993 a. 16; 1997 a. 27, 84.

20 SECTION 6. 800.09 (1) (c) <sup>✓</sup> of the statutes is amended to read:

21 800.09 (1) (c) The court may suspend the defendant's operating privilege, as  
22 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments  
23 and costs are paid, if the defendant has not done so within 60 days after the date the  
24 restitution or payments or both are to be made under par. (a) and has not notified the



1 court that he or she is unable to comply with the judgment, as provided under s.  
 2 800.095 (4) par. (a), except that the suspension period may not exceed 5 years. The  
 3 court shall take possession of the suspended license and shall forward the license,  
 4 along with a notice of the suspension clearly stating that the suspension is for failure  
 5 to comply with a judgment of the court, to the department of transportation.

NOTE: NOTE: Par. (a) is amended eff. 5-1-2000 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.545, whichever is earlier, by 1997 Wis. Act 84 to read:NOTE:

(c) The court may suspend the defendant's operating privilege, as defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments and costs are paid, if the defendant has not done so within 60 days after the date the restitution or payments or both are to be made under par. (a) and has not notified the court that he or she is unable to comply with the judgment, as provided under s. 800.095 (4) (a), except that the suspension period may not exceed 2 years. The court shall take possession of the suspended license and shall forward the license, along with a notice of the suspension clearly stating that the suspension is for failure to comply with a judgment of the court, to the department of transportation.

History: 1977 c. 305; 1979 c. 32 s. 68; Stats. 1979 s. 800.09; 1981 c. 317; 1985 a. 179; 1987 a. 27, 389; 1987 a. 399 s. 494u; 1989 a. 107; 1991 a. 39, 40, 189; 1993 a. 16; 1997 a. 27, 84.

SECTION 7. 800.09 (1) (d) of the statutes is created to read:

800.09 (1) (d) A defendant who has his or her operating privilege suspended under this subsection is eligible for an occupational license under s. 343.10 at any time.

SECTION 8. 800.095 ~~(4)(a)~~ of the statutes is created to read:

<sup>(4m)</sup>  
 800.095 ~~(4)(a)~~ <sup>Occupational License (CS)</sup> A defendant who has his or her operating privilege suspended under this subsection is eligible for an occupational license under s. 343.10 at any time.

SECTION 9. 800.115 (1) of the statutes is amended to read:

800.115 (1) A defendant in an action involving a general statutory counterpart ordinance may move for relief from the judgment under s. 806.07 (1). Except as provided under ~~sub.~~ subs. (2) and (3), the motion must be made no later than 6 months after the judgment was entered or the order or stipulation was made.

History: 1987 a. 389.

SECTION 10. 800.115 (2) of the statutes is amended to read:

1           800.115 (2) A defendant may move for relief from a judgment entered under  
2           s. 800.09 or 800.095<sup>✓</sup> at any time for any of the grounds listed under s. 806.07 (1) (f),  
3           (g) or (h) or as provided in s. 806.07 (4).<sup>✓</sup>

4           History: 1987 a. 389.

4           ~~SECTION 11.~~ 806.07 (4)<sup>✓</sup> of the statutes is created to read:  
5           806.07 (4) <sup>Notwithstanding sub. (c),</sup> Upon motion of an indigent defendant made at any time, but only  
6           once, the court may reopen a judgment to have an instalment payment plan  
7           instituted to pay the judgment. This subsection only applies to judgments entered  
8           under s. 345.47, 800.09<sup>✓</sup> or 800.095<sup>✓</sup>.

9

(END)

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

LRB-3428/P1dn

RPN.....

el jlg

Please review this draft carefully to ensure that it complies with your intent.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3428/P1  
RPN:jlg&cjs:jf

2

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 AN ACT to amend 343.10 (1) (a), 343.10 (5) (b), 345.47 (1) (intro.), 800.09 (1) (a),  
2 800.09 (1) (c) and 800.115 (2); and to create 345.47 (1) (e), 800.09 (1) (d), 800.095  
3 (4m) and 806.07 (4) of the statutes; relating to: payment of judgments,  
4 suspension and revocation of operating privileges and occupational licenses.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a later version.

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

5 SECTION 1. 343.10 (1) (a) of the statutes is amended to read:  
6 343.10 (1) (a) If a person's license or operating privilege is revoked or  
7 suspended under this chapter or s. 345.47, 767.303, 800.09, 800.095 or 961.50 and  
8 if the person is engaged in an occupation, including homemaking or full-time or  
9 part-time study, or a trade making it essential that he or she operate a motor vehicle,  
10 the person, after payment of the fee provided in sub. (6), may file an application with

1 the department setting forth in detail the need for operating a motor vehicle. No  
 2 person may file more than one application with respect to each revocation or  
 3 suspension of the person's license or operating privilege under this chapter or s.  
 4 345.47, 767.303, 800.09, 800.095 or 961.50, except that this limitation does not apply  
 5 to an application to amend an occupational license restriction.

6 **SECTION 2.** 343.10 (5) (b) of the statutes is amended to read:

7 343.10 (5) (b) *Limitations.* Occupational licenses are subject to the limitations  
 8 specified in ss. 343.30 (1q) (b) and (h), 343.305 (8) (d) and (10) (b) and (em), 343.31  
 9 (3m), 343.32 (1m), 345.47 (1) (e), 767.303, 800.09 (1) (d), 800.095 (4m) and 961.50.

10 **SECTION 3.** 345.47 (1) (intro.) of the statutes is amended to read:

11 345.47 (1) (intro.) If the defendant is found guilty, the court may enter  
 12 judgment against the defendant for a monetary amount not to exceed the maximum  
 13 forfeiture, penalty assessment, if required by s. ~~345.47~~, <sup>757.05 ← plain</sup> the jail assessment, if  
 14 required by s. 302.46 (1), the railroad crossing improvement assessment, if required  
 15 by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law  
 16 enforcement assessment, if required by s. 165.755, provided for the violation and for  
 17 costs under s. 345.53 and, in addition, may suspend or revoke his or her operating  
 18 privilege under s. 343.30. Upon entering judgment, the court shall notify the  
 19 defendant personally, if the defendant is present, and in writing that the defendant  
 20 should notify the court if he or she is unable to pay the judgment because of indigency.  
 21 If the defendant is indigent, the court may not suspend the defendant's operating  
 22 privilege without first providing the defendant with an opportunity to pay the  
 23 judgment in instalments. If the judgment is not paid or if the defendant fails to make  
 24 any ordered instalment payment, the court shall order:

25 **SECTION 4.** 345.47 (1) (c) of the statutes is created to read:

as affected by 1999 Wisconsin Act 9

plain  
, any applicable  
Consumer information assessment

1  
2  
3

345.47 (1) (e) A defendant who has his or her operating privilege suspended under this subsection is eligible for an occupational license under s. 343.10 ~~every~~ *time.*, as affected by 1999 Wisconsin Act 9,

4

SECTION 5. 800.09 (1) (a) of the statutes is amended to read:

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800.09 (1) (a) The court may defer payment of any judgment or provide for instalment payments. At the time the judgment is rendered, the court shall inform the defendant, orally and in writing, of the date by which restitution and the payment of the forfeiture, the penalty assessment, the jail assessment, the crime laboratories and drug law enforcement assessment) and any applicable domestic abuse assessment plus costs must be made, and of the possible consequences of failure to do so in timely fashion, including imprisonment, as provided in s. 800.095, or suspension of the defendant's motor vehicle operating privilege, as provided in par. (c), if applicable. In addition, the court shall inform the defendant, orally and in writing, that if the defendant cannot pay the judgment because of indigency the defendant should so notify the court. In this case, the court may not order imprisonment or the suspension of the defendant's operating privilege. If the defendant is not present, the court shall ensure that the information is sent to the defendant by mail. In 1st class cities, all of the written information required by this paragraph shall be printed in English and Spanish and provided to each defendant.

20

SECTION 6. 800.09 (1) (c) of the statutes is amended to read:

21  
22  
23  
24  
25

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

**SECTION 6**

1 800.095 (4) par. (a), except that the suspension period may not exceed 5 years. The  
2 court shall take possession of the suspended license and shall forward the license,  
3 along with a notice of the suspension clearly stating that the suspension is for failure  
4 to comply with a judgment of the court, to the department of transportation.

5 **SECTION 7.** 800.09 (1) (d) of the statutes is created to read:

6 800.09 (1) (d) A defendant who has his or her operating privilege suspended  
7 under this subsection is eligible for an occupational license under s. 343.10 ~~at any~~  
8 ~~time.~~

9 **SECTION 8.** 800.095 (4m) of the statutes is created to read:

10 800.095 (4m) OCCUPATIONAL LICENSE. A defendant who has his or her operating  
11 privilege suspended under this subsection is eligible for an occupational license  
12 under s. 343.10 ~~at any time.~~

13 **SECTION 9.** 800.115 (2) of the statutes is amended to read:

14 800.115 (2) A defendant may move for relief from a judgment entered under  
15 s. 800.09 or 800.095 at any time for any of the grounds listed under s. 806.07 (1) (f),  
16 (g) or (h) or as provided in s. 806.07 (4).

17 **SECTION 10.** 806.07 (4) of the statutes is created to read:

18 806.07 (4) Notwithstanding sub. (1), upon motion of an indigent defendant  
19 made at any time, but only once, the court may reopen a judgment to have an  
20 instalment payment plan instituted to pay the judgment. This subsection only  
21 applies to judgments entered under s. 345.47, 800.09 or 800.095.

*Insert  
Final  
APP*

1999

*insert*

Nonstat File Sequence: **E E E**

LRB 3428, P2

RPV: Y:  
YS

**INITIAL APPLICABILITY**

- In the component bar:  
For the action phrase, execute: ..... create → action: → \*NS: → inappl  
For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX  
For the text, execute: ..... create → text: → \*NS: → inappl
- Nonstatutory subunits are numbered automatically if "( #1 )", "(#2)", etc., is filled in. Below, for the budget, fill in the 9300 department code; and fill in "\_\_\_" or "( )" only if a "frozen" number is needed.

**SECTION #** [93]. **Initial applicability;** .....

( #1 ) ( ) .....

The treatment of sections ..

of the statutes

first applies to .....

- In the component bar:  
For the action phrase, execute: ..... create → action: → \*NS: → inappl  
For the text, execute: ..... create → text: → \*NS: → inapplA
- Nonstatutory subunits are numbered automatically if "( #1 )", "(#2)", etc., is filled in. Below, fill in "\_\_\_" or "( )" only if a "frozen" number is needed.

**SECTION #** \_\_\_\_ . **Initial applicability/**.....

( #1 ) WVA .....

plies to violations committed on the  
effective date of this subsection.



D-Note

This draft includes  
changes suggested by  
Bob Andersen, L.A.W., regarding  
eligibility for an occupational  
license.

RPN

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

LRB-8428/P2dn  
RPN;jlg&cjs:km

November 18, 1999

This draft includes changes suggested by Bob Anderson, LAW, regarding eligibility for an occupational license.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511

J 3900

From Bob Anderson

AMENDMENT TO LRB 3428/P2

determined

1. Delete SECTIONS 1, 3, 6, 7, 8, and 9 from the draft.
2. On page 2, line 17-18, delete "indigency. If the defendant is indigent" and substitute "poverty, as defined under s. 814.29 (1) (d). If the defendant is unable to pay because of poverty".
3. On page 2, line 20, delete "installments" and insert "reasonable installments, taking into account the defendant's income."
4. 345.47 (4) of the statutes is created to read:

"(4) (a) If the operating privilege of a defendant has been suspended under this section, the court may terminate the suspension of the operating privilege ~~for the institution of~~ <sup>and substitute</sup> ~~a reasonable~~ <sup>an</sup> installment payment plan that takes into account the defendant's income.

(b) If the operating privilege of a defendant has been suspended under this section, the court shall terminate the suspension of the driver's license ~~for the institution of a~~ <sup>and substitute</sup> ~~reasonable~~ installment payment plan that takes into account the defendant's income if all of the following apply.

1. The defendant is unable to pay the judgment because of poverty, as ~~defined~~ <sup>determined</sup> under s. 814.29 (1) (d).

2. The defendant has not previously failed to comply with a ~~reasonable~~ <sup>ordered under this section</sup> installment payment plan that takes into account the defendant's income.

(c) If the defendant fails to comply with the installment payment plan ordered under this <sup>sub</sup> section, the court

shall reinstate the suspension of the operator's license.

5. On page 3, line 13, delete "indigency" and insert "poverty, as <sup>determined</sup> defined under 814.29 (1) (d),".

6. 800.09 (3) is created to read:

(3) (a) If the operating privilege of a defendant has been suspended under this section or under s. 8900.095, the court may terminate the suspension of the operating privilege for the institution of a reasonable installment payment plan that takes into account the defendant's income.

(b) If the operating privilege of a defendant has been suspended under this section or under s. 8900.095, the court shall terminate the suspension of the driver's license for the institution of a reasonable installment payment plan that takes into account the defendant's income if all of the following apply.

1. The defendant is unable to pay the judgment because of poverty, as defined under s. 814.29 (1) (d).

2. The defendant has not previously failed to comply with a reasonable installment payment plan that takes into account the defendant's income.

(c) If the defendant fails to comply with the installment payment plan ordered under this section, the court shall reinstate the suspension of the operator's license.

7. 800.095 (4) (a) (b) and (c), the reference to "indigency" would be deleted and replaced by the following: "poverty, as defined under s. 814.29 (1) (d)".

*parallel  
as #4.*

*check indigency in ch 800!*



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3428/P2  
RPN:jlg&cjs:km

2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

✓ in traffic cases and in municipal court and the

reger

1 AN ACT to amend 343.10 (1) (a), 345.47 (1) (intro.), 800.09 (1) (a), 800.09 (1) (c)  
2 and 800.115 (2); and to create 345.47 (1) (e), 800.09 (1) (d), 800.095 (4m) and  
3 806.07 (4) of the statutes; relating to: payment of judgments, suspension and  
4 ~~revocation~~ of operating privileges and occupational licenses.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a later version.

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

5 SECTION 1. 343.10 (1) (a) of the statutes is amended to read:  
6 343.10 (1) (a) If a person's license or operating privilege is revoked or  
7 suspended under this chapter or s. 345.47, 767.303, 800.09, 800.095 or 961.50 and  
8 if the person is engaged in an occupation, including homemaking or full-time or  
9 part-time study, or a trade making it essential that he or she operate a motor vehicle,  
10 the person, after payment of the fee provided in sub. (6), may file an application with

*the court, using the criteria in s. 814.29 (1)(d), determines that*

1 the department setting forth in detail the need for operating a motor vehicle. No  
2 person may file more than one application with respect to each revocation or  
3 suspension of the person's license or operating privilege under this chapter or s.  
4 345.47, 767.303, 800.09, 800.095 or 961.50, except that this limitation does not apply  
5 to an application to amend an occupational license restriction.

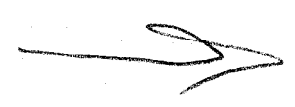
6 SECTION 2. 345.47 (1) (intro.) of the statutes, as affected by 1999 Wisconsin Act  
7 9, is amended to read:

8 345.47 (1) (intro.) If the defendant is found guilty, the court may enter  
9 judgment against the defendant for a monetary amount not to exceed the maximum  
10 forfeiture, penalty assessment, if required by s. 757.05, the jail assessment, if  
11 required by s. 302.46 (1), the railroad crossing improvement assessment, if required  
12 by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law  
13 enforcement assessment, if required by s. 165.755, provided for the violation and for  
14 costs under s. 345.53 and, in addition, may suspend or revoke his or her operating  
15 privilege under s. 343.30. Upon entering judgment, the court shall notify the  
16 defendant personally, if the defendant is present, and in writing that the defendant  
17 should notify the court if he or she is unable to pay the judgment because of indigency.

18 If the defendant is ~~indigent~~ *unable to pay the judgment because of poverty*  
19 privilege without first providing the defendant with an opportunity to pay the  
20 judgment in instalments. *taking into account the defendant's income*  
21 If the judgment is not paid or if the defendant fails to make  
any ordered instalment payment, the court shall order:

22 SECTION 3. 345.47 (1) (e) of the statutes is created to read:  
23 345.47 (1) (e) A defendant who has his or her operating privilege suspended  
24 under this subsection is eligible for an occupational license under s. 343.10.

✓  
Insert  
2-24



1           **SECTION 4.** 800.09 (1) (a) of the statutes, as affected by 1999 Wisconsin Act 9,  
2 is amended to read:

3           800.09 (1) (a) The court may defer payment of any judgment or provide for  
4 instalment payments. At the time the judgment is rendered, the court shall inform  
5 the defendant, orally and in writing, of the date by which restitution and the  
6 payment of the forfeiture, the penalty assessment, the jail assessment, the crime  
7 laboratories and drug law enforcement assessment, any applicable consumer  
8 information assessment and any applicable domestic abuse assessment plus costs  
9 must be made, and of the possible consequences of failure to do so in timely fashion,  
10 including imprisonment, as provided in s. 800.095, or suspension of the defendant's  
11 motor vehicle operating privilege, as provided in par. (c), if applicable. In addition,  
12 the court shall inform the defendant, orally and in writing, that if the defendant  
13 cannot pay the judgment because of ~~indigence~~ <sup>poverty, as that term is used in s. 844.29(1)(d),</sup> the defendant should so notify the  
14 court. ~~In this case,~~ <sup>If the defendant notifies the court of his or her poverty</sup> the court may not order imprisonment or the suspension of the  
15 defendant's operating privilege. If the defendant is not present, the court shall  
16 ensure that the information is sent to the defendant by mail. In 1st class cities, all  
17 of the written information required by this paragraph shall be printed in English and  
18 Spanish and provided to each defendant.

19           **SECTION 5.** 800.09 (1) (c) of the statutes is amended to read:

20           800.09 (1) (c) The court may suspend the defendant's operating privilege, as  
21 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments  
22 and costs are paid, if the defendant has not done so within 60 days after the date the  
23 restitution or payments or both are to be made under par. (a) and has not notified the  
24 court that he or she is unable to comply with the judgment, as provided under s.  
25 800.095 (4) par. (a), except that the suspension period may not exceed 5 years. The

**SECTION 5**

1 court shall take possession of the suspended license and shall forward the license,  
2 along with a notice of the suspension clearly stating that the suspension is for failure  
3 to comply with a judgment of the court, to the department of transportation.

4 **SECTION 6.** 800.09 (1) (d) of the statutes is created to read:

5 800.09 (1) (d) A defendant who has his or her operating privilege suspended  
6 under this subsection is eligible for an occupational license under s. 343.10.

7 **SECTION 7.** 800.095 (4m) of the statutes is created to read:

8 800.095 (4m) OCCUPATIONAL LICENSE. A defendant who has his or her operating  
9 privilege suspended under this subsection is eligible for an occupational license  
10 under s. 343.10.

11 **SECTION 8.** 800.115 (2) of the statutes is amended to read:

12 800.115 (2) A defendant may move for relief from a judgment entered under  
13 s. 800.09 or 800.095 at any time for any of the grounds listed under s. 806.07 (1) (f),  
14 (g) or (h) or as provided in s. 806.07 (4).

15 **SECTION 9.** 806.07 (4) of the statutes is created to read:

16 806.07 (4) Notwithstanding sub. (1), upon motion of an indigent defendant  
17 made at any time, but only once, the court may reopen a judgment to have an  
18 instalment payment plan instituted to pay the judgment. This subsection only  
19 applies to judgments entered under s. 345.47, 800.09 or 800.095.

✓  
Insert  
at 20

20 **SECTION 10. Initial applicability.**

21 (1) This act first applies to violations committed on the effective date of this  
22 subsection.

23 (END)



1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3428/P3ins  
RPN:jlg&cjs:km

1 INSERT 2-24:

2 SECTION 1. 345.47 (4)<sup>✓</sup> of the statutes is created to read:

3 345.47 (4) (a) If the operating privilege of a defendant is suspended under this  
4 section<sup>✓</sup>, the court may terminate that suspension and substitute an instalment<sup>✓</sup>  
5 payment plan for paying the amount of the judgment that takes into account the  
6 defendant's income.

7 (b) If the operating privilege of a defendant is suspended under this section, the  
8 court shall terminate that suspension and substitute an instalment payment plan  
9 for the payment of the amount of the judgment that takes into account the  
10 defendant's income if all of the following conditions apply:

11 1. The defendant is unable to pay the judgment in full because of poverty, as  
12 that term is used in s. 814.29 (1) (d).<sup>✓</sup>

13 2. The defendant has not previously failed to comply with an instalment  
14 payment plan ordered under this section that takes into account the defendant's  
15 income.

16 (c) If the defendant fails to comply with an instalment payment plan ordered  
17 under this subsection<sup>✓</sup>, the court shall reinstate the suspension of the defendant's  
18 operating privilege.

19  
20 INSERT 4-19.

21 SECTION 2. 800.09 (3)<sup>✓</sup> of the statutes is created to read:

22 800.09 (3) (a) If the operating privilege of a defendant is suspended under this  
23 section<sup>✓</sup> or s. 800.095, the court may terminate that suspension and substitute an

CS Judgment regarding operating privilege.

1 instalment payment plan for paying the amount of the judgment that takes into  
2 account the defendant's income.

3 (b) If the operating privilege of a defendant is suspended under this section or  
4 s. 800.095, the court shall terminate that suspension and substitute an instalment  
5 payment plan for the payment of the amount of the judgment that takes into account  
6 the defendant's income if all of the following conditions apply:

7 1. The defendant is unable to pay the judgment in full because of poverty, as  
8 that term is used in s. 814.29 (1) (d).

9 2. The defendant has not previously failed to comply with an instalment  
10 payment plan ordered under this section that takes into account the defendant's  
11 income.

12 (c) If the defendant fails to comply with an instalment payment plan ordered  
13 under this subsection, the court shall reinstate the suspension of the defendant's  
14 operating privilege.

15 **SECTION 3.** 800.095 (2) (a) (form) of the statutes is amended to read:

16 800.095 (2) (a) (form):

17 STATE OF WISCONSIN

18 .... City/Village/Town

19 State of Wisconsin

20 STET → vs.

21 .... Defendant(s)

22 THE STATE OF WISCONSIN TO THE DEFENDANT

23 A judgment, a copy of which is attached, has been entered against you for  
24 (restitution and) the payment of a civil forfeiture. You were ordered by the court on

left justify }

left justify }

1       ..., ... (year) to (make the following payments: ....) (perform the following community  
2       service work order: ....) (make the following restitution: ....).

3             You have failed to comply with that order.

4             **YOU ARE THEREFORE ORDERED** to appear before the Honorable .... in ....  
5       Courtroom, at the .... Courthouse, in the City/Town/Village of .... at .... a.m./p.m. **TO**  
6       **SHOW THAT YOU ARE UNABLE TO (PAY THE FORFEITURE OR MAKE**  
7       **RESTITUTION FOR GOOD CAUSE OR BECAUSE OF YOUR INDIGENCE**  
8       **POVERTY** (TO COMPLY WITH THE COMMUNITY SERVICE WORK ORDER  
9       FOR GOOD CAUSE). If (good cause or your indigence poverty has prevented you  
10       from paying the forfeiture or making restitution) (good cause has prevented you from  
11       complying with the community service work order), the court will modify the order.

12            **IF YOU FAIL TO APPEAR AT THE TIME AND PLACE DESIGNATED**  
13       **ABOVE, AN ORDER FOR COMMITMENT SHALL BE ISSUED AND YOU WILL**  
14       **BE IMPRISONED IN THE JAIL/HOUSE OF CORRECTIONS. IN ADDITION, AN**  
15       **ORDER MAY BE ISSUED TO SUSPEND YOUR MOTOR VEHICLE OPERATING**  
16       **PRIVILEGE.**

17            Dated: ....., .... (year)

18            Signature:....

19            (Municipal Court Judge)

*} right justify*

History: 1987 a. 389; 1987 a. 399 s. 494u; 1989 a. 31; 1991 a. 40; 1992 a. 27; 1997 a. 84, 250.

20            **SECTION 4. 800.095 (4) (a)** of the statutes is amended to read:

21            **800.095 (4) (a)** If the defendant appears before the court pursuant to a warrant  
22       or summons issued under sub. (1) or the defendant otherwise notifies the court that  
23       he or she is unable to comply with the judgment or community service work order,  
24       the court shall conduct a hearing. If the defendant failed to pay the forfeiture, make

1 restitution or comply with the work order, the court shall determine if the defendant  
2 is unable to comply with the judgment for good cause or because of the defendant's  
3 indigence poverty, as that term is used in s. 814.29 (1) (d), or is unable to comply with  
4 the work order for good cause.

5 History: 1987 a. 389; 1987 a. 399 s. 494u; 1989 a. 31; 1991 a. 40; 1995 a. 27; 1997 a. 84, 250.

5 **SECTION 5.** 800.095 (4) (b) (intro.) of the statutes is amended to read:

6 800.095 (4) (b) (intro.) If the defendant fails to appear before the court for a  
7 hearing conducted under par. (a) or if the court determines at a hearing under par.  
8 (a) that the failure of the defendant to comply with the judgment is not for good cause  
9 or because of the defendant's indigence poverty, as that term is used in s. 814.29 (1)  
10 (d), or that the failure of the defendant to comply with the work order is not for good  
11 cause, the court shall order one of the following:

12 History: 1987 a. 389; 1987 a. 399 s. 494u; 1989 a. 31; 1991 a. 40; 1995 a. 27; 1997 a. 84, 250.

12 **SECTION 6.** 800.095 (4) (c) of the statutes is amended to read:

13 800.095 (4) (c) If the court determines that the failure of the defendant to  
14 comply with the judgment is for good cause or because of the defendant's indigence  
15 poverty, as that term is used in s. 814.29 (1) (d), or that the failure of the defendant  
16 to comply with the work order is for good cause, the court may enter an order under  
17 par. (b) 2. or 3.

History: 1987 a. 389; 1987 a. 399 s. 494u; 1989 a. 31; 1991 a. 40; 1995 a. 27; 1997 a. 84, 250.

800N (2/28)

3428/1

1999 - 2000 LEGISLATURE

LRB-~~4000~~

RPN:jlg&cjs:km

## 1999 BILL

1 **AN ACT to amend** 345.47 (1) (intro.), 800.09 (1) (a), 800.09 (1) (c), 800.095 (2) (a)  
2 (form), 800.095 (4) (a), 800.095 (4) (b) (intro.) and 800.095 (4) (c); and **to create**  
3 345.47 (4) and 800.09 (3) of the statutes; **relating to:** payment of judgments in  
4 traffic cases and in municipal court and the suspension of operating privileges.

---

### *Analysis by the Legislative Reference Bureau*

Currently, if a person is found guilty of violating a traffic regulation, the court may enter judgment against the defendant for the forfeiture and for any applicable assessments, such as a penalty assessment. In addition, the court may suspend or revoke the person's operating privilege for a period not exceeding one year. This bill requires the court, when entering judgment, to tell the defendant, or to notify the defendant if he or she is not present in court, that he or she should notify the court if he or she is unable to pay the judgment because of poverty. The bill requires the court to determine if the defendant is unable to pay the judgment because of poverty, and if so, to give the defendant the opportunity to pay the judgment in instalments, based on the defendant's income.

Under current law, if a defendant is found guilty in municipal court of an ordinance violation, the court orders the defendant to pay a forfeiture, restitution and applicable assessments and informs the defendant of the date on which the judgment must be paid and of the penalties of failure to pay the judgment, including imprisonment and operating privilege suspension. The bill requires the municipal court to also notify the defendant at the time the judgment is rendered that, if the defendant cannot pay the judgment because of poverty, he or she should notify the

**BILL**

court. If a judgment is not paid, current law allows the municipal court to defer payments, provide for instalment payments of the judgment, allow the defendant to perform community service in lieu of paying the judgment, suspend the defendant's operating privilege or imprison the defendant for up to 90 days. This bill prohibits the judge from ordering the defendant imprisoned or the suspension of the defendant's operating privilege if the defendant has notified the municipal court of his or her poverty unless the defendant fails to comply with the court order to pay the judgment in instalments or to perform community service work.

Currently, a person found guilty of violating a traffic regulation or ordinance who fails to pay the ordered judgment may be imprisoned for up to 90 days or may have his or her operating privilege suspended for 30 days or until the judgment is paid, but not to exceed five years. Under this bill, the court may terminate the ordered operating privilege suspension and substitute an instalment plan for the payment of the judgment. The bill requires the court to terminate the ordered operating privilege suspension and substitute an instalment plan for the payment of the judgment if the defendant is unable to pay the judgment because of poverty and the defendant has not previously failed to comply with a court-ordered instalment plan.

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:***

1           SECTION 1. 345.47 (1) (intro.)<sup>^</sup> of the statutes, as affected by 1999 Wisconsin Act  
2 9, is amended to read:  
3           345.47 (1) (intro.) If the defendant is found guilty, the court may enter  
4 judgment against the defendant for a monetary amount not to exceed the maximum  
5 forfeiture, penalty assessment, if required by s. 757.05, the jail assessment, if  
6 required by s. 302.46 (1), the railroad crossing improvement assessment, if required  
7 by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law  
8 enforcement assessment, if required by s. 165.755, provided for the violation and for  
9 costs under s. 345.53 and, in addition, may suspend or revoke his or her operating  
10 privilege under s. 343.30. Upon entering judgment, the court shall notify the  
11 defendant personally, if the defendant is present, and in writing that the defendant

**BILL**

1 should notify the court if he or she is unable to pay the judgment because of poverty,  
2 as that term is used in s. 814.29<sup>✓</sup> (1) (d). If the court, using the criteria in s. 814.29<sup>✓</sup>  
3 (1) (d), determines that the defendant is unable to pay the judgment because of  
4 poverty, the court may not suspend the defendant's operating privilege without first  
5 providing the defendant with an opportunity to pay the judgment in instalments,  
6 taking into account the defendant's income. If the judgment is not paid or if the  
7 defendant fails to make any ordered instalment payment, the court shall order:

8 **SECTION 2.** 345.47 (4)<sup>^</sup> of the statutes is created to read:

9 345.47 (4) (a) If the operating privilege of a defendant is suspended under this  
10 section, the court may terminate that suspension and substitute an instalment  
11 payment plan for paying the amount of the judgment that takes into account the  
12 defendant's income.

13 (b) If the operating privilege of a defendant is suspended under this section, the  
14 court shall terminate that suspension and substitute an instalment payment plan  
15 for the payment of the amount of the judgment that takes into account the  
16 defendant's income if all of the following conditions apply:

17 1. The defendant is unable to pay the judgment in full because of poverty, as  
18 that term is used in s. 814.29<sup>^</sup> (1) (d).

19 2. The defendant has not previously failed to comply with an instalment  
20 payment plan ordered under this section that takes into account the defendant's  
21 income.

22 (c) If the defendant fails to comply with an instalment payment plan ordered  
23 under this subsection, the court shall reinstate the suspension of the defendant's  
24 operating privilege.

**BILL**

1           **SECTION 3.** 800.09 (1) (a) of the statutes, as affected by 1999 Wisconsin Act 9,  
2 is amended to read:

3           800.09 (1) (a) The court may defer payment of any judgment or provide for  
4 instalment payments. At the time the judgment is rendered, the court shall inform  
5 the defendant, orally and in writing, of the date by which restitution and the  
6 payment of the forfeiture, the penalty assessment, the jail assessment, the crime  
7 laboratories and drug law enforcement assessment, any applicable consumer  
8 information assessment and any applicable domestic abuse assessment plus costs  
9 must be made, and of the possible consequences of failure to do so in timely fashion,  
10 including imprisonment, as provided in s. 800.095, or suspension of the defendant's  
11 motor vehicle operating privilege, as provided in par. (c), if applicable. In addition,  
12 the court shall inform the defendant, orally and in writing, that if the defendant  
13 cannot pay the judgment because of poverty, as that term is used in s. 814.29 (1) (d),  
14 the defendant should so notify the court. If the defendant notifies the court of his or  
15 her poverty, the court may not order imprisonment or the suspension of the  
16 defendant's operating privilege, except as provided in s. 800.095. If the defendant  
17 is not present, the court shall ensure that the information is sent to the defendant  
18 by mail. In 1st class cities, all of the written information required by this paragraph  
19 shall be printed in English and Spanish and provided to each defendant.

20           **SECTION 4.** 800.09 (1) (c) of the statutes, as affected by 1999 Wisconsin Act 9,  
21 is amended to read:

22           800.09 (1) (c) The court may suspend the defendant's operating privilege, as  
23 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments  
24 and costs are paid, if the defendant has not done so within 60 days after the date the  
25 restitution or payments or both are to be made under par. (a) and has not notified the



**BILL**

1 court that he or she is unable to comply with the judgment, as provided under s.  
2 ~~800.095 (4) par. (a)~~, except that the suspension period may not exceed 5 years. The  
3 court shall take possession of the suspended license and shall forward the license,  
4 along with a notice of the suspension clearly stating that the suspension is for failure  
5 to comply with a judgment of the court, to the department of transportation. This  
6 paragraph does not apply if the forfeiture is assessed for violation of an ordinance  
7 that is unrelated to the violator's operation of a motor vehicle.

8 **SECTION 5.** 800.09 (3) of the statutes is created to read:

9 **800.09 (3) JUDGMENT REGARDING OPERATING PRIVILEGE.** (a) If the operating  
10 privilege of a defendant is suspended under this section or s. 800.09<sup>5</sup>, the court may  
11 terminate that suspension and substitute an instalment payment plan for paying  
12 the amount of the judgment that takes into account the defendant's income.

13 (b) If the operating privilege of a defendant is suspended under this section or  
14 s. 800.09<sup>5</sup>, the court shall terminate that suspension and substitute an instalment  
15 payment plan for the payment of the amount of the judgment that takes into account  
16 the defendant's income if all of the following conditions apply:

17 1. The defendant is unable to pay the judgment in full because of poverty, as  
18 that term is used in s. 814.29 (1) (d).

19 2. The defendant has not previously failed to comply with an instalment  
20 payment plan ordered under this section that takes into account the defendant's  
21 income.

22 (c) If the defendant fails to comply with an instalment payment plan ordered  
23 under this subsection, the court shall reinstate the suspension of the defendant's  
24 operating privilege.

25 **SECTION 6.** 800.095 (2) (a) (form) of the statutes is amended to read:

**BILL**

1           800.095 (2) (a) (form):

2       STATE OF WISCONSIN

3       .... City/Village/Town

4       State of Wisconsin

5           vs.

6       .... Defendant(s)

7           **THE STATE OF WISCONSIN TO THE DEFENDANT**

8           A judgment, a copy of which is attached, has been entered against you for  
9       (restitution and) the payment of a civil forfeiture. You were ordered by the court on  
10      ..., ... (year) to (make the following payments: ...) (perform the following community  
11      service work order: ...) (make the following restitution: ...).

12           You have failed to comply with that order.

13           **YOU ARE THEREFORE ORDERED** to appear before the Honorable .... in ....  
14      Courtroom, at the .... Courthouse, in the City/Town/Village of .... at .... a.m./p.m. **TO**  
15      **SHOW THAT YOU ARE UNABLE TO (PAY THE FORFEITURE OR MAKE**  
16      **RESTITUTION FOR GOOD CAUSE OR BECAUSE OF YOUR INDIGENCE**  
17      **POVERTY (TO COMPLY WITH THE COMMUNITY SERVICE WORK ORDER**  
18      **FOR GOOD CAUSE). If (good cause or your ~~indigence~~ poverty has prevented you**  
19      **from paying the forfeiture or making restitution) (good cause has prevented you from**  
20      **complying with the community service work order), the court will modify the order.**

21           **IF YOU FAIL TO APPEAR AT THE TIME AND PLACE DESIGNATED**  
22      **ABOVE, AN ORDER FOR COMMITMENT SHALL BE ISSUED AND YOU WILL**  
23      **BE IMPRISONED IN THE JAIL/HOUSE OF CORRECTIONS. IN ADDITION, AN**  
24      **ORDER MAY BE ISSUED TO SUSPEND YOUR MOTOR VEHICLE OPERATING**  
25      **PRIVILEGE.**

**BILL**

1 Dated: ....., .... (year)

2 Signature:.....

3 (Municipal Court Judge)

4 SECTION 7. 800.095 (4) (a) of the statutes is amended to read:

5 800.095 (4) (a) If the defendant appears before the court pursuant to a warrant  
6 or summons issued under sub. (1) or the defendant otherwise notifies the court that  
7 he or she is unable to comply with the judgment or community service work order,  
8 the court shall conduct a hearing. If the defendant failed to pay the forfeiture, make  
9 restitution or comply with the work order, the court shall determine if the defendant  
10 is unable to comply with the judgment for good cause or because of the defendant's  
11 indigence poverty, as that term is used in s. 814.29 (1) (d), or is unable to comply with  
12 the work order for good cause.

13 SECTION 8. 800.095 (4) (b) (intro.) of the statutes is amended to read:

14 800.095 (4) (b) (intro.) If the defendant fails to appear before the court for a  
15 hearing conducted under par. (a) or if the court determines at a hearing under par.  
16 (a) that the failure of the defendant to comply with the judgment is not for good cause  
17 or because of the defendant's indigence poverty, as that term is used in s. 814.29 (1)  
18 (d), or that the failure of the defendant to comply with the work order is not for good  
19 cause, the court shall order one of the following:

20 SECTION 9. 800.095 (4) (c) of the statutes is amended to read:

21 800.095 (4) (c) If the court determines that the failure of the defendant to  
22 comply with the judgment is for good cause or because of the defendant's indigence  
23 poverty, as that term is used in s. 814.29 (1) (d), or that the failure of the defendant  
24 to comply with the work order is for good cause, the court may enter an order under  
25 par. (b) 2. or 3.



**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: 02/24/2000

To: Senator Moore

Relating to LRB drafting number: LRB-3428

**Topic**

Installment payments for indigents in circuit court, reopening of judgments and expanding occupational licenses for ordinance violators

**Subject(s)**

Courts - civil procedure, Transportation - driver licenses

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.

Robert P. Nelson, Senior Legislative Attorney  
Telephone: (608) 267-7511