

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/8/99**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Etzler**

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

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **TNF, ISR**

**Topic:**

DOA:.....Etzler - DOT charging courts for license suspensions for non-traffic ordinance violations

**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 01/18/99	wjackson 01/20/99		_____			S&L
/P1	nilsepe 01/21/99	ygeller 01/21/99	lpaasch 01/21/99	_____	lrb_docadmin 01/21/99		S&L
/P2	nilsepe 02/2/99	wjackson 02/2/99	lpaasch 01/22/99	_____	lrb_docadmin 01/22/99		S&L
/1			jfrantze 02/2/99	_____	lrb_docadmin 02/2/99		

FE Sent For:

<END>

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/P2		1 2/2 WJ 1 3/2 JLG	lpaasch 01/22/99	_____	lrb_docadmin 01/22/99		

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/P1		<i>1/21/99 jlg</i>	lpaasch 01/21/99	_____	lrb_docadmin 01/21/99		

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*1/22/99*  
*1/22/99*  
*IS.*  
**<END>**

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/?	nilsepe	/PI 1/19 WLJ /PI 1/19 JLG	1/20 LP.	1/20 LP.			

FE Sent For:

<END>

**CORRESPONDENCE MEMORANDUM****STATE OF WISCONSIN  
Department of Administration**

**Date:** January 6, 1999

**To:** Steve Miller  
Legislative Reference Bureau

**From:** John M. Etzler *JME*  
Budget and Policy Analyst

**Subject:** Statutory Language Changes

Please draft legislation for the budget that would allow for the following:

1. Authorize the Department of Transportation to develop a program that will charge the court for the cost associated with developing and operating a license suspension/revocation program, based on the number of suspensions requested for failure-to-pay non-traffic related local ordinances penalties. Under this program, DOT may not process an order of the court suspending or revoking a license for failure-to-pay a non-traffic related ordinance penalty until the court has paid the required fee to DOT.

Please call me at 266-1039 if you have any questions or concerns.

cc: David Schmiedicke

**Nilsen, Paul**

---

**From:** Etzler, John [John.Etzler@doa.state.wi.us]  
**Sent:** Wednesday, January 06, 1999 1:54 PM  
**To:** Nilsen, Paul  
**Subject:** FTP Local Ordinance

Paul -- There have been some changes to the way the failure-to-pay (FTP) non-traffic related local ordinances is being developed.

DOT is directed to develop a system that charges the courts for the cost of development and operation of a license suspension program due to failure-to-pay non-traffic related ordinance penalties based on the number of transactions processed by DOT for the courts. Under this program, no FTP's for non-traffic related local ordinances will be processed unless the court has paid DOT the appropriate amount, determined by DOT under this program, for processing the request.

This approach is similar to the "cost of traffic violation and registration program" found in s.85.13. I will be sending a drafting request for this item shortly. Please let me know if you have any questions or concerns. Thanks.

Wisconsin State Journal January 11, 1999

# DOT proposal clumsy way to get money

This certainly wouldn't be the first time the state Department of Transportation was accused of having its priorities out of alignment. But it may be one of the worst cases of the rubber not meeting the road.

In a move that smacks of bureaucratic clumsiness, transportation officials want to start charging municipal and county courts a \$12 fee each time a judge orders a driver's license to be suspended.

The reason? To defray departmental expenses that result from processing the increased number of court-ordered license revocations.

Not surprisingly, some local officials who would have to foot the bill are not pleased. Who can blame them? A spokesman for Mayor John Norquist says it would cost the city up to \$780,000 per year.

Transportation officials argue that revocations related to driving went up only 26% between 1988 and 1996, while non-driving revocations jumped 278% in the same period. Over the last 10 years, officials say, judges have increasingly resorted to suspension of driver's licenses for non-driving offenses, including such things as loitering, failure to shovel a sidewalk and not paying overdue library fines.

What the state bureaucrats fail to grasp is that revoking driver's licenses is part of their normal responsibilities, along with issuing and renewing licenses.

And since cars are so important to most people in this increasingly mobile society, revoking driving privileges can be a highly effective way for judges to discipline people — including those accused of non-driving municipal offenses — or, better yet, to get them to change their behavior.

If anything, judges need more such discretion, not less. Considering that courts across the state, and especially in Milwaukee, are already financially strapped, tacking on a \$12 fee for court-ordered license revocations would make things even worse.

Besides, if the Transportation Department needs more money to do the job it's supposed to do by law, it should have the courage to ask the Legislature rather than resorting to a back-door approach such as this.

Maybe the reason the department hasn't dared asked lawmakers for more money is because it's already well-funded, thanks to its lucrative gas tax proceeds and whopping increases in transportation aid under the new federal transportation budget.

**It's their job:**  
 What the state bureaucrats fail to grasp is that revoking driver's licenses is part of their normal responsibilities, along with issuing and renewing licenses.

Wisconsin State Journal January 8, 1999

# DOT proposal calls for courts to pay fees

By Anita Clark  
Wisconsin State Journal

Would it be fair for courts to pay \$12 each time they order a driver's license suspended for non-payment of fines?

That's the proposal of the Department of Transportation, which says it needs the money to cover the costs of the program.

Some court officials in Madison and Milwaukee, however, call the proposal unfair and too expensive.

"I think it's an outrageously high amount," said Todd Meurer, a court commissioner in Dane County. "Twelve bucks is a lot of dough, and from a court's perspective way too much."

State law allows judges to order a person's license suspended if fines have not been paid in non-criminal cases, including such things as juvenile drinking, loitering and overdue library books.

Those people used to be thrown in jail — and courts still have that option — but that filled cells with people for offenses that weren't crimes.

"There just isn't any really good mechanism to get people to pay their fines," Meurer said.

In Dane County Circuit Court, 2,109 license suspensions were ordered in 1998 for people who didn't pay their fines.

Such orders also are generated from municipal courts. Milwaukee's municipal judges say they order about 65,000 suspensions a

year, which would cost their city about \$780,000 under the DOT proposal. No estimate was available from Madison's court.

DOT says the suspension orders have significantly increased its workload and hurt its ability to provide other services.

In effect, the DOT said, it doesn't want to be a collection agency for the courts.

"It should be noted the courts have other methods to pursue for collecting unpaid fines such as: collection agencies, withholding wages, and garnishing lottery winnings or pension benefits," DOT said.

DOT said it handled about 180,100 suspensions for non-payment cases in 1996.

The fee proposal is included in DOT's budget request for 1999-01, which also seeks staffing help to improve customer service in the Division of Motor Vehicles.

"The DOT is the only state agency that serves virtually all citizens of Wisconsin over 16 years of age face-to-face," the agency said in its proposal. "The Wisconsin DMV can be described as the 'front door' of state government."

Judges probably could add the \$12 fee to the fine people are supposed to pay. But since the people already are in trouble for not paying the original fine, they're not likely to pay the fee either, said Leticia Smith, chief court administrator in Milwaukee.



SOON

- 1615 PI

FE = WLj =

~~DOA: Etzler - fees for suspending operating privilege for failure to pay +~~

jlg

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

inserts

no cat.

- 1 AN ACT relating to: assessing courts a fee for certain orders suspending or
- 2 revoking an operating privilege.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

Current law authorizes circuit courts and municipal courts to 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.

for ordinance violations unrelated to operating a motor vehicle, such as failing to properly keep sidewalks clear of snow and ice

authorizes

This bill ~~requires~~ DOT to charge courts a ~~processing~~ processing fee for each court order that suspends or revokes a person's operating privilege for failure to pay a ~~court-ordered restitution or forfeiture or related assessment or surcharge or driver improvement surcharge or for failing to complete certain court-ordered community service work.~~ This fee also applies whenever a court orders suspension or revocation in lieu of ordering the payment of restitution or a forfeiture. The bill also allows courts to charge the person whose operating privilege is suspended or revoked a fee in an amount not more than the fee DOT charges the court for processing the order.

forfeiture that was imposed for violating an ordinance unrelated to operating a motor vehicle

The amount of the fee may not exceed the cost of processing the order.

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. 85.135 of the statutes is created to read:

2 85.135 Fees for certain court orders suspending or revoking an

3 operating privilege. The department shall <sup>by rule</sup> develop a system for charging circuit  
4 courts and municipal courts ~~for~~ <sup>and implement</sup> for each order of the court suspending or revoking

5 an operating privilege under s. ~~343.30 (1z)~~ 345.47 (1) ~~800.09 (1) (c)~~, 800.095 (4)

6 (b) 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2). The department may not process an

7 order of a court suspending or revoking an operating privilege under s. ~~343.30 (1z)~~

8 345.47 (1) ~~800.09 (1) (c)~~, 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2)

9 until the court has paid to the department the fee required under this section <sup>if any</sup>.

10 SECTION 2. 343.30 (1z) of the statutes is amended to read:

11 343.30 (1z) If a court imposes a driver improvement surcharge under s. 346.655  
12 and the person fails to pay the surcharge within 60 days after the date by which the  
13 court ordered the surcharge to be paid, the court may suspend the person's operating  
14 privilege until the person pays the surcharge, except that the suspension period may  
15 not exceed 5 years. A suspension order under this subsection is subject to the fee  
16 under s. 85.135. Any period of suspension under this subsection is subject to sub. (1q)  
17 (h).

18 SECTION 3. 345.47 (1) (c) of the statutes is amended to read:

19 345.47 (1) (c) If a court or judge suspends an operating privilege under this  
20 section, the court or judge shall immediately take possession of the suspended license  
21 and shall forward it to the department together with the notice of suspension, which

solely for failure to pay a forfeiture imposed for violating an ordinance that is unrelated to the violator's operation of a motor vehicle

1 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty  
 2 assessment, if required by s. 165.87, a jail assessment, if required by s. 302.46 (1),  
 3 a railroad crossing improvement assessment, if required by s. 346.177, 346.495 or  
 4 346.65 (4r), and a crime laboratories and drug law enforcement assessment, if  
 5 required by s. 165.755, imposed by the court. The notice of suspension and the  
 6 suspended license, if it is available, shall be forwarded to the department within 48  
 7 hours after the order of suspension. The notice of suspension is subject to the fee  
 8 under s. 85.135 <sup>scored period</sup> If the forfeiture, penalty assessment, jail assessment, railroad  
 9 crossing improvement assessment and crime laboratories and drug law enforcement  
 10 assessment are paid during a period of suspension, the court or judge shall  
 11 immediately notify the department. Upon receipt of the notice and payment of the  
 12 reinstatement fee under s. 343.21 (1) (j), the department shall return the  
 13 surrendered license.

14 SECTION 4. 800.09 (1) (c) of the statutes is amended to read:

15 800.09 (1) (c) The court may suspend the defendant's operating privilege, as  
 16 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments  
 17 and costs are paid, if the defendant has not done so within 60 days after the date the  
 18 restitution or payments or both are to be made under par. (a) and has not notified the  
 19 court that he or she is unable to comply with the judgment, as provided under s.  
 20 800.095 (4) (a), except that the suspension period may not exceed 5 years. The court  
 21 shall take possession of the suspended license and shall forward the license, along  
 22 with a notice of the suspension clearly stating that the suspension is for failure to  
 23 comply with a judgment of the court, to the department of transportation. A

24 suspension order under this paragraph is subject to the fee <sup>established</sup> under s. 85.135.

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

inset  
A

inset  
A  
(again)

1 800.095 (4) (b) 4. That the defendant's operating privilege, as defined in s.  
2 340.01 (40), be suspended until the judgment is complied with, except that the  
3 suspension period may not exceed 5 years. An order of suspension under this  
4 subdivision is subject to the fee <sup>established</sup> under s. 85.135.

INSECT  
A  
(third time)

5 SECTION 6. 814.613 of the statutes is created to read:

6 **814.613 Fees for driver's license suspensions or revocations.** A court  
7 may require a person to pay a fee upon ordering the suspension or revocation of that  
8 person's operating privilege under s. ~~343.30~~ 345.47 (1), 800.09 (1) (c), 800.095  
9 (4) (b) 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2). The amount of the fee may not  
10 exceed the amount that the court is required to pay under s. 85.135.

INSECT  
B  
(twice)

11 SECTION 7. 814.65 (6) of the statutes is created to read:

12 **814.65 (6) FEE FOR DRIVER'S LICENSE SUSPENSION OR REVOCATION.** A municipal  
13 court may require a person to pay a fee upon ordering the suspension or revocation  
14 of that person's operating privilege under s. ~~343.30~~ 345.47 (1), 800.09 (1) (c),  
15 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2). The amount of the fee may  
16 not exceed the amount that the court is required to pay under s. 85.135.

17 SECTION 8. 938.17 (2) (d) of the statutes is amended to read:

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

1 not less than 30 days nor more than 5 years. If a court suspends a license or privilege  
 2 under this section, the court shall immediately take possession of the applicable  
 3 license and forward it to the department that issued the license, together with the  
 4 notice of suspension clearly stating that the suspension is for failure to pay a  
 5 forfeiture imposed by the court. An order under this paragraph <sup>✓</sup> suspending an  
 6 operating privilege is subject to the fee <sup>established</sup> under s. 85.135 <sup>✓</sup> If the forfeiture is paid  
 7 during the period of suspension, the court shall immediately notify the department,  
 8 which shall thereupon return the license to the person.

✓  
 Inset  
 C

9 **SECTION 9.** 938.34 (8) <sup>✓</sup> of the statutes is amended to read:

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

*established*

*insert (again)*

1

subsection suspending an operating privilege is subject to the fee under s. 85.135

2

If the forfeiture is paid during the period of suspension, the suspension shall be

3

reduced to the time period which has already elapsed and the court shall

4

immediately notify the department which shall then return the license to the

5

juvenile. Any recovery under this subsection shall be reduced by the amount

6

recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

7

SECTION 10. 938.343 (2) of the statutes is amended to read:

8

938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may

9

be imposed on an adult for committing that violation or, if the violation is only

10

applicable to a person under 18 years of age, \$50. Any such order shall include a

11

finding that the juvenile alone is financially able to pay and shall allow up to 12

12

months for the payment. If a juvenile fails to pay the forfeiture, the court may

13

suspend any license issued under ch. 29 or suspend the juvenile's operating privilege

14

as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years. The court

15

shall immediately take possession of the suspended license and forward it to the

16

department which issued the license, together with the notice of suspension clearly

17

stating that the suspension is for failure to pay a forfeiture imposed by the court. An

*established*

18

order under this subsection suspending an operating privilege is subject to the fee

19

under s. 85.135. If the forfeiture is paid during the period of suspension, the court

*insert (again)*

20

shall immediately notify the department, which will thereupon return the license to

21

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22

recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

23

SECTION 9350. Initial applicability; transportation.

24

(1) FEES FOR COURT ORDERS SUSPENDING OR REVOKING OPERATING PRIVILEGES. The

25

treatment of section 85.135 of the statutes first applies to operating privileges that

1 are ordered suspended or revoked on the effective date of the rule promulgated under  
2 that section.

3 (END)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1615/P1ins  
PEN.....

1

**(Insert A):**

2

~~NO~~ \$, if the operating privilege was suspended solely for failure to pay a forfeiture imposed for violating an ordinance that is unrelated to the violator's operation of a motor vehicle ✓

4

5

**(Insert B):**

6

~~NO~~ \$, if the operating privilege was suspended or revoked solely for failure to pay a forfeiture imposed for violating an ordinance that is unrelated to the violator's operation of a motor vehicle ✓ ✓ ✓

7

8

9

**(Insert C):**

10

~~NO~~ \$, if the operating privilege was suspended solely for failure to pay a forfeiture imposed for violating an ordinance that is unrelated to the juvenile's operation of a motor vehicle ✓

12

13

(end insert)

NO  
UNDERScore





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1615/PT  
PEN:wlj&jlg:lp

SOON

102

DOA:.....Etzler - DOT charging courts for license suspensions for non-traffic ordinance violations

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

do not gen

- 1 AN ACT ...; relating to: assessing courts a fee for certain orders suspending or
- 2 revoking an operating privilege.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

Current law authorizes circuit courts and municipal courts to 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 for ordinance violations unrelated to operating a motor vehicle, such as failing to properly keep sidewalks clear of snow and ice. Suspensions and revocations for failure to pay generally last until the person pays the amount owed. The suspension and revocation orders are forwarded to the department of transportation (DOT), which updates the person's driving record to reflect the suspension or revocation.

requires

This bill ~~authorizes~~ DOT to charge courts a processing fee for each court order that suspends or revokes a person's operating privilege for failure to pay a forfeiture that was imposed for violating an ordinance unrelated to ~~operating~~ a motor vehicle. The bill also allows courts to charge the person whose operating privilege is suspended or revoked a fee in an amount not more than the fee DOT charges the court for processing the order.

the violator's operation of

15

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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1           **SECTION 1.** 85.135 of the statutes is created to read:

2           **85.135 Fees for certain court orders suspending or revoking an**  
3 **operating privilege.** The department shall, by rule, develop and implement a  
4 system for charging circuit courts and municipal courts for each order of the court  
5 suspending or revoking an operating privilege under s. 345.47 (1), 800.09 (1) (c),  
6 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2) solely for failure to pay a  
7 forfeiture imposed for violating an ordinance that is unrelated to the violator's  
8 operation of a motor vehicle. The amount of the fee may not exceed the cost of  
9 processing the order. The department may not process an order of a court suspending  
10 or revoking an operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b)  
11 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2) until the court has paid the fee required  
12 under this section, if any, to the department.

13           **SECTION 2.** 345.47 (1) (c) of the statutes is amended to read:

14           345.47 (1) (c) If a court or judge suspends an operating privilege under this  
15 section, the court or judge shall immediately take possession of the suspended license  
16 and shall forward it to the department together with the notice of suspension, which  
17 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty  
18 assessment, if required by s. 165.87, a jail assessment, if required by s. 302.46 (1),  
19 a railroad crossing improvement assessment, if required by s. 346.177, 346.495 or  
20 346.65 (4r), and a crime laboratories and drug law enforcement assessment, if  
21 required by s. 165.755, imposed by the court. The notice of suspension and the

and the fee required under s. 85.135 ✓

1 suspended license, if it is available, shall be forwarded to the department within 48  
 2 hours after the order of suspension. ~~The notice of suspension is subject to the fee~~  
 3 ~~established under s. 85.135, if the operating privilege was suspended solely for~~  
 4 ~~failure to pay a forfeiture imposed for violating an ordinance that is unrelated to the~~  
 5 ~~violator's operation of a motor vehicle.~~ If the forfeiture, penalty assessment, jail  
 6 assessment, railroad crossing improvement assessment and crime laboratories and  
 7 drug law enforcement assessment are paid during a period of suspension, the court  
 8 or judge shall immediately notify the department. Upon receipt of the notice and  
 9 payment of the reinstatement fee under s. 343.21 (1) (j), the department shall return  
 10 the surrendered license.

11 SECTION 3. 800.09 (1) (c) of the statutes is amended to read:

12 800.09 (1) (c) ~~The~~ <sup>Subject to the fee under s. 85.135, if applicable, the</sup> court may suspend the defendant's operating privilege, as  
 13 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments  
 14 and costs are paid, if the defendant has not done so within 60 days after the date the  
 15 restitution or payments or both are to be made under par. (a) and has not notified the  
 16 court that he or she is unable to comply with the judgment, as provided under s.  
 17 800.095 (4) (a), except that the suspension period may not exceed 5 years. The court  
 18 shall take possession of the suspended license and shall forward the license, along  
 19 with a notice of the suspension clearly stating that the suspension is for failure to  
 20 comply with a judgment of the court, to the department of transportation. <sup>A</sup>  
 21 ~~suspension order under this paragraph is subject to the fee established under s.~~  
 22 ~~85.135, if the operating privilege was suspended solely for failure to pay a forfeiture~~  
 23 ~~imposed for violating an ordinance that is unrelated to the violator's operation of a~~  
 24 ~~motor vehicle.~~

25 SECTION 4. 800.095 (4) (b) 4. of the statutes is amended to read:

## SECTION 4

1 800.095 (4) (b) 4. ~~That~~ <sup>Subject to the fee under s. 85.135, if applicable, then</sup> the defendant's operating privilege, as defined in s.  
2 340.01 (40), be suspended until the judgment is complied with, except that the  
3 suspension period may not exceed 5 years. / An order of suspension under this  
4 subdivision is subject to the fee established under s. 85.135, if the operating privilege  
5 was suspended solely for failure to pay a forfeiture imposed for violating an  
6 ordinance that is unrelated to the violator's operation of a motor vehicle.

7 **SECTION 5.** 814.613 of the statutes is created to read:

8 **814.613 Fees for driver's license suspensions or revocations.** A court  
9 may require a person to pay a fee upon ordering the suspension or revocation of that  
10 person's operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b) 4.,  
11 938.17 (2) (d), 938.34 (8) or 938.343 (2), if the operating privilege was suspended or  
12 revoked solely for failure to pay a forfeiture imposed for violating an ordinance that  
13 is unrelated to the violator's operation of a motor vehicle. The amount of the fee may  
14 not exceed the amount that the court is required to pay under s. 85.135.

15 **SECTION 6.** 814.65 (6) of the statutes is created to read:

16 **814.65 (6) FEE FOR DRIVER'S LICENSE SUSPENSION OR REVOCATION.** A municipal  
17 court may require a person to pay a fee upon ordering the suspension or revocation  
18 of that person's operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b)  
19 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2), if the operating privilege was suspended  
20 or revoked solely for failure to pay a forfeiture imposed for violating an ordinance  
21 that is unrelated to the violator's operation of a motor vehicle. The amount of the fee  
22 may not exceed the amount that the court is required to pay under s. 85.135.

23 **SECTION 7.** 938.17 (2) (d) of the statutes is amended to read:

24 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
25 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that

*subject to the  
fee under s. 85.135, if applicable may*

1 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)  
2 or 961.575 (2), the court shall enter any of the dispositional orders permitted under  
3 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture  
4 imposed by the municipal court, the court may not impose a jail sentence but may  
5 suspend any license issued under ch. 29 for not less than 30 days nor more than 5  
6 years, or suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for  
7 not less than 30 days nor more than 5 years. If a court suspends a license or privilege  
8 under this section, the court shall immediately take possession of the applicable  
9 license and forward it to the department that issued the license, together with the  
10 notice of suspension clearly stating that the suspension is for failure to pay a  
11 forfeiture imposed by the court.

An order under this paragraph suspending an  
operating privilege is subject to the fee established under s. 85.135, if the operating  
privilege was suspended solely for failure to pay a forfeiture imposed for violating an  
ordinance that is unrelated to the juvenile's operation of a motor vehicle.

If the  
15 forfeiture is paid during the period of suspension, the court shall immediately notify  
16 the department, which shall thereupon return the license to the person.

17 **SECTION 8.** 938.34 (8) of the statutes is amended to read:

18 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
19 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The  
20 maximum forfeiture that the court may impose under this subsection for a violation  
21 by a juvenile is the maximum amount of the fine that may be imposed on an adult  
22 for committing that violation or, if the violation is applicable only to a person under  
23 18 years of age, \$100. Any such order shall include a finding that the juvenile alone  
24 is financially able to pay the forfeiture and shall allow up to 12 months for payment.  
25 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order

*subject to the fee under s. 85.135, if applicable, may*

1 other alternatives under this section, in accordance with the conditions specified in  
2 this chapter; or the court may suspend any license issued under ch. 29 for not less  
3 than 30 days nor more than 5 years, or suspend the juvenile's operating privilege as  
4 defined in s. 340.01 (40) for not less than 30 days nor more than 5 years. If the court  
5 suspends any license under this subsection, the clerk of the court shall immediately  
6 take possession of the suspended license and forward it to the department which  
7 issued the license, together with a notice of suspension clearly stating that the  
8 suspension is for failure to pay a forfeiture imposed by the court.

An order under this subsection suspending an operating privilege is subject to the fee established under s. 85.135, if the operating privilege was suspended solely for failure to pay a forfeiture imposed for violating an ordinance that is unrelated to the juvenile's operation of a motor vehicle.

If the forfeiture is paid during the period of suspension, the suspension shall be reduced to the time period which has already elapsed and the court shall immediately notify the department which shall then return the license to the juvenile. Any recovery under this subsection shall be reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

**SECTION 9.** 938.343 (2) of the statutes is amended to read:

18 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may  
19 be imposed on an adult for committing that violation or, if the violation is only  
20 applicable to a person under 18 years of age, \$50. Any such order shall include a  
21 finding that the juvenile alone is financially able to pay and shall allow up to 12  
22 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
23 suspend any license issued under ch. 29 or suspend the juvenile's operating privilege  
24 as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years. The court  
25 shall immediately take possession of the suspended license and forward it to the

*subject to the fee under s. 85.135, if applicable, may*

1 department which issued the license, together with the notice of suspension clearly  
2 stating that the suspension is for failure to pay a forfeiture imposed by the court. An  
3 order under this subsection suspending an operating privilege is subject to the fee  
4 established under s. 85.135, if the operating privilege was suspended solely for  
5 failure to pay a forfeiture imposed for violating an ordinance that is unrelated to the  
6 juvenile's operation of a motor vehicle. If the forfeiture is paid during the period of  
7 suspension, the court shall immediately notify the department, which will thereupon  
8 return the license to the person. Any recovery under this subsection shall be reduced  
9 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

10 **SECTION 9350. Initial applicability; transportation.**

11 (1) FEES FOR COURT ORDERS SUSPENDING OR REVOKING OPERATING PRIVILEGES. The  
12 treatment of section 85.135 of the statutes first applies to operating privileges that  
13 are ordered suspended or revoked on the effective date of the rule promulgated under  
14 that section.

15 (END)



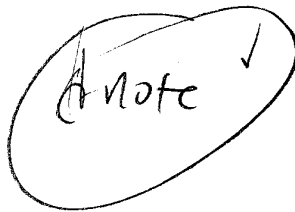
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1615/P2  
PEN:wlj&jlg:lp



DOA:.....Etzler – DOT charging courts for license suspensions for non-traffic ordinance violations

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION



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Cat

1 AN ACT /...; relating to: assessing courts a fee for certain orders suspending or  
2 revoking an operating privilege.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

Current law authorizes circuit courts and municipal courts to 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 for ordinance violations unrelated to operating a motor vehicle, such as failing to properly keep sidewalks clear of snow and ice. Suspensions and revocations for failure to pay generally last until the person pays the amount owed. The suspension and revocation orders are forwarded to the department of transportation (DOT), which updates the person's driving record to reflect the suspension or revocation.

This bill requires DOT to charge courts a processing fee for each court order that suspends or revokes a person's operating privilege for failure to pay a forfeiture that was imposed for violating an ordinance unrelated to the violator's operation of a motor vehicle. The bill also allows courts to charge the person whose operating privilege is suspended or revoked a fee in an amount not more than the fee DOT charges the court for processing the order.



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.** 85.135 of the statutes is created to read:

2           **85.135 Fees for certain court orders suspending or revoking an**  
3 **operating privilege.** The department shall, by rule, develop and implement a  
4 system for charging circuit courts and municipal courts for each order of the court  
5 suspending or revoking an operating privilege under s. 345.47 (1), 800.09 (1) (c),  
6 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2) solely for failure to pay a  
7 forfeiture imposed for violating an ordinance that is unrelated to the violator's  
8 operation of a motor vehicle. The amount of the fee may not exceed the cost of  
9 processing the order. The department may not process an order of a court suspending  
10 or revoking an operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b)  
11 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2) until the court has paid the fee required  
12 under this section, if any, to the department.

13           **SECTION 2.** 345.47 (1) (c) of the statutes is amended to read: ✓

14           345.47 (1) (c) If a court or judge suspends an operating privilege under this  
15 section, the court or judge shall immediately take possession of the suspended license  
16 and shall forward it to the department together with the notice of suspension, which  
17 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty  
18 assessment, if required by s. 165.87, a jail assessment, if required by s. 302.46 (1),  
19 a railroad crossing improvement assessment, if required by s. 346.177, 346.495 or  
20 346.65 (4r), and a crime laboratories and drug law enforcement assessment, if  
21 required by s. 165.755, and the fee required under s. 95.135 imposed by the court.

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1 The notice of suspension and the suspended license, if it is available, shall be  
2 forwarded to the department within 48 hours after the order of suspension. If the  
3 forfeiture, penalty assessment, jail assessment, railroad crossing improvement  
4 assessment and crime laboratories and drug law enforcement assessment are paid  
5 during a period of suspension, the court or judge shall immediately notify the  
6 department. Upon receipt of the notice and payment of the reinstatement fee under  
7 s. 343.21 (1) (j), the department shall return the surrendered license.

8 **SECTION 3.** 800.09 (1) (c) of the statutes is amended to read:

9 800.09 (1) (c) The Subject to the fee under s. 85.135, if applicable, the court may  
10 suspend the defendant's operating privilege, as defined in s. 340.01 (40), until  
11 restitution is made and the forfeiture, assessments and costs are paid, if the  
12 defendant has not done so within 60 days after the date the restitution or payments  
13 or both are to be made under par. (a) and has not notified the court that he or she is  
14 unable to comply with the judgment, as provided under s. 800.095 (4) (a), except that  
15 the suspension period may not exceed 5 years. The court shall take possession of the  
16 suspended license and shall forward the license, along with a notice of the suspension  
17 clearly stating that the suspension is for failure to comply with a judgment of the  
18 court, to the department of transportation.

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

20 800.095 (4) (b) 4. That Subject to the fee under s. 85.135, if applicable, that the  
21 defendant's operating privilege, as defined in s. 340.01 (40), be suspended until the  
22 judgment is complied with, except that the suspension period may not exceed 5 years.

23 **SECTION 5.** 814.613 of the statutes is created to read:

24 **814.613 Fees for driver's license suspensions or revocations.** A court  
25 may require a person to pay a fee upon ordering the suspension or revocation of that

1 person's operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b) 4.,  
2 938.17 (2) (d), 938.34 (8) or 938.343 (2), if the operating privilege was suspended or  
3 revoked solely for failure to pay a forfeiture imposed for violating an ordinance that  
4 is unrelated to the violator's operation of a motor vehicle. The amount of the fee may  
5 not exceed the amount that the court is required to pay under s. 85.135.

6 **SECTION 6.** 814.65 (6) of the statutes is created to read:

7 814.65 (6) FEE FOR DRIVER'S LICENSE SUSPENSION OR REVOCATION. A municipal  
8 court may require a person to pay a fee upon ordering the suspension or revocation  
9 of that person's operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b)  
10 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2), if the operating privilege was suspended  
11 or revoked solely for failure to pay a forfeiture imposed for violating an ordinance  
12 that is unrelated to the violator's operation of a motor vehicle. The amount of the fee  
13 may not exceed the amount that the court is required to pay under s. 85.135.

14 **SECTION 7.** 938.17 (2) (d) of the statutes 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, subject to the fee under s. 85.135, if applicable may suspend the juvenile's  
23 operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more  
24 than 5 years. If a court suspends a license or privilege under this section, the court  
25 shall immediately take possession of the applicable license and forward it to the

1 department that issued the license, together with the notice of suspension clearly  
2 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
3 the forfeiture is paid during the period of suspension, the court shall immediately  
4 notify the department, which shall thereupon return the license to the person.

5 **SECTION 8.** 938.34 (8) of the statutes is amended to read:

6 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
7 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The  
8 maximum forfeiture that the court may impose under this subsection for a violation  
9 by a juvenile is the maximum amount of the fine that may be imposed on an adult  
10 for committing that violation or, if the violation is applicable only to a person under  
11 18 years of age, \$100. Any such order shall include a finding that the juvenile alone  
12 is financially able to pay the forfeiture and shall allow up to 12 months for payment.  
13 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
14 other alternatives under this section, in accordance with the conditions specified in  
15 this chapter; or the court may suspend any license issued under ch. 29 for not less  
16 than 30 days nor more than 5 years, or, subject to the fee under s. 85.135, if  
17 applicable, may suspend the juvenile's operating privilege as defined in s. 340.01 (40)  
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19 under this subsection, the clerk of the court shall immediately take possession of the  
20 suspended license and forward it to the department which issued the license,  
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23 of suspension, the suspension shall be reduced to the time period which has already  
24 elapsed and the court shall immediately notify the department which shall then  
25 return the license to the juvenile. Any recovery under this subsection shall be

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

3 **SECTION 9.** 938.343 (2) of the statutes is amended to read:

4 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may  
5 be imposed on an adult for committing that violation or, if the violation is only  
6 applicable to a person under 18 years of age, \$50. Any such order shall include a  
7 finding that the juvenile alone is financially able to pay and shall allow up to 12  
8 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
9 suspend any license issued under ch. 29 or, subject to the fee under s. 85.135, if  
10 applicable, may suspend the juvenile's operating privilege as defined in s. 340.01  
11 (40), for not less than 30 days nor more than 5 years. The court shall immediately  
12 take possession of the suspended license and forward it to the department which  
13 issued the license, together with the notice of suspension clearly stating that the  
14 suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is  
15 paid during the period of suspension, the court shall immediately notify the  
16 department, which will thereupon return the license to the person. Any recovery  
17 under this subsection shall be reduced by the amount recovered as a forfeiture for  
18 the same act under s. 938.45 (1r) (b).

19 **SECTION 9350. Initial applicability; transportation.**

20 (1) FEES FOR COURT ORDERS SUSPENDING OR REVOKING OPERATING PRIVILEGES. The  
21 treatment of section 85.135 of the statutes first applies to operating privileges that  
22 are ordered suspended or revoked on the effective date of the rule promulgated under  
23 that section.

24 (END)

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LRB-1615/1

If this draft <sup>is</sup> reconciled <sup>s</sup> with LRB-1265/S. Both drafts should appear in the compiled bill!

-PEN

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

LRB-1615/1dn  
PEN:wlj&jlg:jf

February 2, 1999

This draft reconciles LRB-1615/1 with LRB-1265/5. Both drafts should appear in the compiled bill.

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



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1615/1  
PEN:wlj&jlg:jf

DOA:.....Etzler – DOT charging courts for license suspensions for non-traffic ordinance violations

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

- 1     **AN ACT ...; relating to:** assessing courts a fee for certain orders suspending or  
2            revoking an operating privilege.

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*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**DRIVERS AND MOTOR VEHICLES**

Current law authorizes circuit courts and municipal courts to 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 for ordinance violations unrelated to operating a motor vehicle, such as failing to properly keep sidewalks clear of snow and ice. Suspensions and revocations for failure to pay generally last until the person pays the amount owed. The suspension and revocation orders are forwarded to the department of transportation (DOT), which updates the person's driving record to reflect the suspension or revocation.

This bill requires DOT to charge courts a processing fee for each court order that suspends or revokes a person's operating privilege for failure to pay a forfeiture that was imposed for violating an ordinance unrelated to the violator's operation of a motor vehicle. The bill also allows courts to charge the person whose operating privilege is suspended or revoked a fee in an amount not more than the fee DOT charges the court for processing the order.



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.** 85.135 of the statutes is created to read:

2           **85.135 Fees for certain court orders suspending or revoking an**  
3 **operating privilege.** The department shall, by rule, develop and implement a  
4 system for charging circuit courts and municipal courts for each order of the court  
5 suspending or revoking an operating privilege under s. 345.47 (1), 800.09 (1) (c),  
6 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2) solely for failure to pay a  
7 forfeiture imposed for violating an ordinance that is unrelated to the violator's  
8 operation of a motor vehicle. The amount of the fee may not exceed the cost of  
9 processing the order. The department may not process an order of a court suspending  
10 or revoking an operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b)  
11 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2) until the court has paid the fee required  
12 under this section, if any, to the department.

13           **SECTION 2.** 800.09 (1) (c) of the statutes is amended to read:

14           800.09 (1) (c) The Subject to the fee under s. 85.135, if applicable, the court may  
15 suspend the defendant's operating privilege, as defined in s. 340.01 (40), until  
16 restitution is made and the forfeiture, assessments and costs are paid, if the  
17 defendant has not done so within 60 days after the date the restitution or payments  
18 or both are to be made under par. (a) and has not notified the court that he or she is  
19 unable to comply with the judgment, as provided under s. 800.095 (4) (a), except that  
20 the suspension period may not exceed 5 years. The court shall take possession of the  
21 suspended license and shall forward the license, along with a notice of the suspension

1 clearly stating that the suspension is for failure to comply with a judgment of the  
2 court, to the department of transportation.

3 **SECTION 3.** 800.095 (4) (b) 4. of the statutes is amended to read:

4 800.095 (4) (b) 4. ~~That~~ Subject to the fee under s. 85.135, if applicable, that the  
5 defendant's operating privilege, as defined in s. 340.01 (40), be suspended until the  
6 judgment is complied with, except that the suspension period may not exceed 5 years.

7 **SECTION 4.** 814.613 of the statutes is created to read:

8 **814.613 Fees for driver's license suspensions or revocations.** A court  
9 may require a person to pay a fee upon ordering the suspension or revocation of that  
10 person's operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b) 4.,  
11 938.17 (2) (d), 938.34 (8) or 938.343 (2), if the operating privilege was suspended or  
12 revoked solely for failure to pay a forfeiture imposed for violating an ordinance that  
13 is unrelated to the violator's operation of a motor vehicle. The amount of the fee may  
14 not exceed the amount that the court is required to pay under s. 85.135.

15 **SECTION 5.** 814.65 (6) of the statutes is created to read:

16 814.65 (6) FEE FOR DRIVER'S LICENSE SUSPENSION OR REVOCATION. A municipal  
17 court may require a person to pay a fee upon ordering the suspension or revocation  
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21 that is unrelated to the violator's operation of a motor vehicle. The amount of the fee  
22 may not exceed the amount that the court is required to pay under s. 85.135.

23 **SECTION 6.** 938.17 (2) (d) of the statutes is amended to read:

24 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
25 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that

1 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)  
2 or 961.575 (2), the court shall enter any of the dispositional orders permitted under  
3 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture  
4 imposed by the municipal court, the court may not impose a jail sentence but may  
5 suspend any license issued under ch. 29 for not less than 30 days nor more than 5  
6 years, or, subject to the fee under s. 85.135, if applicable may suspend the juvenile's  
7 operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more  
8 than 5 years. If a court suspends a license or privilege under this section, the court  
9 shall immediately take possession of the applicable license and forward it to the  
10 department that issued the license, together with the notice of suspension clearly  
11 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
12 the forfeiture is paid during the period of suspension, the court shall immediately  
13 notify the department, which shall thereupon return the license to the person.

14 **SECTION 7.** 938.34 (8) of the statutes is amended to read:

15 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
16 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The  
17 maximum forfeiture that the court may impose under this subsection for a violation  
18 by a juvenile is the maximum amount of the fine that may be imposed on an adult  
19 for committing that violation or, if the violation is applicable only to a person under  
20 18 years of age, \$100. Any such order shall include a finding that the juvenile alone  
21 is financially able to pay the forfeiture and shall allow up to 12 months for payment.  
22 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
23 other alternatives under this section, in accordance with the conditions specified in  
24 this chapter; or the court may suspend any license issued under ch. 29 for not less  
25 than 30 days nor more than 5 years, or, subject to the fee under s. 85.135, if

1 applicable, may suspend the juvenile's operating privilege as defined in s. 340.01 (40)  
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3 under this subsection, the clerk of the court shall immediately take possession of the  
4 suspended license and forward it to the department which issued the license,  
5 together with a notice of suspension clearly stating that the suspension is for failure  
6 to pay a forfeiture imposed by the court. If the forfeiture is paid during the period  
7 of suspension, the suspension shall be reduced to the time period which has already  
8 elapsed and the court shall immediately notify the department which shall then  
9 return the license to the juvenile. Any recovery under this subsection shall be  
10 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)  
11 (b).

12 **SECTION 8.** 938.343 (2) of the statutes is amended to read:

13 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may  
14 be imposed on an adult for committing that violation or, if the violation is only  
15 applicable to a person under 18 years of age, \$50. Any such order shall include a  
16 finding that the juvenile alone is financially able to pay and shall allow up to 12  
17 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
18 suspend any license issued under ch. 29 or, subject to the fee under s. 85.135, if  
19 applicable, may suspend the juvenile's operating privilege as defined in s. 340.01  
20 (40), for not less than 30 days nor more than 5 years. The court shall immediately  
21 take possession of the suspended license and forward it to the department which  
22 issued the license, together with the notice of suspension clearly stating that the  
23 suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is  
24 paid during the period of suspension, the court shall immediately notify the  
25 department, which will thereupon return the license to the person. Any recovery

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

3 **SECTION 9350. Initial applicability; transportation.**

4 (1) FEES FOR COURT ORDERS SUSPENDING OR REVOKING OPERATING PRIVILEGES. The  
5 treatment of section 85.135 of the statutes first applies to operating privileges that  
6 are ordered suspended or revoked on the effective date of the rule promulgated under  
7 that section.

8 (END)