

**2001 DRAFTING REQUEST**

**Bill**

Received: **01/08/2002**

Received By: **fasttn**

Wanted: **Soon**

Identical to LRB:

For: **John Lehman (608) 266-0634**

By/Representing: **Lynn Ansfield (aide)**

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

Drafter: **fasttn**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **ARG, PJH, PJK - 1**

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Mandatory automobile insurance

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**Instructions:**

Redraft 1999 SB-31

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**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>
/?	fasttn 01/11/2002	hhagen 01/14/2002		_____			S&L
/1			pgreensl 01/14/2002	_____	lrb_docadmin 01/14/2002	lrb_docadmin 01/17/2002	

FE Sent For:

*At intro.*

<END>

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/?	fasttn	lh 1/14/02	Y/14 pg	Y/14 pg	JR		

FE Sent For:

<END>

**Fast, Timothy**

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**From:** Ansfield, Lynn  
**Sent:** Tuesday, January 08, 2002 3:00 PM  
**To:** Fast, Timothy  
**Subject:** Drafting request for Rep. John Lehman

January 8, 2002

**TO:** Timothy N. Fast 266-9739  
**FROM:** Lynn Ansfield, Legislative Aide  
Office of Rep. John Lehman  
**RE:** Drafting request - Redraft of 1999 Senate Bill 31

Issue Mandatory automobile insurance

**Requested draft** I have spoken with Sen. Rod Moen's office, and he has informed us that he does not intend to introduce his bill this session. Please redraft 1999 Senate Bill 31 for introduction by Rep. John Lehman.

2001

Date (time) needed

FRI 1/18

LRB-460111

BILL

TNF: hmb:

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . . of the statutes; relating to:

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . create -> anal: -> title: -> head

For the subheading, execute: . . . . . create -> anal: -> title: -> sub

For the sub-subheading, execute: . . . . . create -> anal: -> title: -> sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . create -> anal: -> text

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

SECTION #.

~~1999 SENATE BILL 31~~

February 3, 1999 - Introduced by Senators MOEN, DECKER, ERPENBACH, JAUCH, BURKE, GROBSCHMIDT, ROBSON, ROESSLER and ROSENZWEIG, cosponsored by Representatives GUNTERSON, CILLEN, KRUG, TURNER, ZIEGELBAUER, J. LEHMAN, RYBA, KREUSER, BOYLE, PLALE, PLOUFF, BRANDEMUEHL, LASSA, STEINBRINK and BLACK. Referred to Committee on Insurance, Tourism, Transportation and Corrections.

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

**Analysis by the Legislative Reference Bureau**

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

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



## SENATE BILL 31

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

11 SECTION 2. 194.41 (1) of the statutes <sup>X</sup> is amended to read:

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



SENATE BILL 31

Insert 4-15

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

15 SECTION 3. 302.46 (1) (a) of the statutes is amended to read: *as affected by 2001 Wisconsin Act 16,*

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

## SENATE BILL 31

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

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

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

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

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

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

**SENATE BILL 31**

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

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

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

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

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

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

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

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

## SENATE BILL 31

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

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

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

5 **SECTION 5.** 344.15 (1) of the statutes is amended<sup>X</sup> to read:

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

16 **SECTION 6.** 344.15 (2) (intro.) of the statutes is amended<sup>X</sup> to read:

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

23 **SECTION 7.** 344.15 (4) of the statutes is amended<sup>X</sup> to read:

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

## SENATE BILL 31

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

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

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

## SENATE BILL 31

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

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

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

12 **SECTION 10.** 344.33 (1) of the <sup>✓</sup>statutes is amended to read:

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

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

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

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

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

## SENATE BILL 31

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

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

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

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

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

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

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

SENATE BILL 31

*Insert 11-3*

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

*as affected  
by 2001  
Wisconsin Act*

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

4 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means  
5 any printed card or other certificate issued by an automobile club, association or  
6 insurance company to any of its members or insureds, which card or certificate is  
7 signed by the member or insureds and contains a printed statement that the  
8 automobile club, association or insurance company and a surety company, or an  
9 insurance company authorized to transact both ~~automobile~~ motor vehicle liability  
10 insurance and surety business, guarantee the appearance of the persons whose  
11 signature appears on the card or certificate and that they will in the event of failure  
12 of the person to appear in court at the time of trial, pay any fine or forfeiture imposed  
13 on the person, including the penalty assessment required by s. 165.87, the jail  
14 assessment required by s. 302.46 (1), the railroad crossing improvement assessment  
15 required by s. 346.177, 346.495 or 346.65 (4r) and the crime laboratories and drug  
16 law enforcement assessment required by s. 165.755, in an amount not exceeding  
17 \$200, or \$1,000 as provided in sub. (1) (b).

*16,*

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

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



SENATE BILL 31

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

14 SECTION 18. 346.73 of the statutes is <sup>X</sup>amended to read:

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

25 SECTION 19. 814.63 (1) (c) <sup>X</sup> of the statutes is amended to read:

, as affected  
by 2001  
Wisconsin Act  
16,

SENATE BILL 31

Insert 13-3

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

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

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

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

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

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

19 814.635 (1) Except for an action for a financial responsibility violation under  
 20 s. 344.10 (1) (a) 2. or a safety belt use violation under s. 347.48 (2m), the clerk of  
 21 circuit court shall charge and collect a \$7 justice information system fee from any  
 22 person, including any governmental unit as defined in s. 108.02 (17), paying a fee

23 under s. 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The  
 24 justice information system fee is in addition to the other fees listed in this section.

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



Insert 4-15

~~Section # 302.46 (1) (a) of the Statutes~~

302.46 (1) (a) ~~On or after October 1, 1987, if~~ <sup>if</sup> a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5) or state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), the court, in addition, shall impose a jail assessment in an amount of 1% of the fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the court shall determine the jail assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail assessment in proportion to the suspension.

NOTE: Par. (a) is shown as amended eff. 8-1-02 by 2001 Wis. Act 16. Prior to 8-1-02 it reads:

, financial responsibility violations under s. 344.10 (1)(a)2.) ✓

Insert 11-3

~~Section # 345.61 (2) (c) of the statutes~~

345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means any printed card or other certificate issued by an automobile club, association or insurance company to any of its members or insureds, which card or certificate is signed by the member or insureds and contains a printed statement that the automobile club, association or insurance company and a surety company, or an insurance company authorized to transact both automobile liability insurance and surety business, guarantee the appearance of the persons whose signature appears on the card or certificate and that they will in the event of failure of the person to appear in court at the time of trial, pay any fine or forfeiture imposed on the person, including the penalty assessment required by s. 757.05, the truck driver education assessment required by s. 349.04, the jail assessment required by s. 302.46 (1), the railroad crossing improvement assessment required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement assessment required by s. 165.755, in an amount not exceeding \$200, or \$1,000 as provided in sub. (1) (b).

History: 1977 c. 29; 1987 a. 27; 1989 a. 107; 1991 a. 39, 316; 1993 a. 16; 1997 a. 27, 135, 237; 1999 a. 9; 2001 a. 16.

motor vehicle

Insert 13-3

~~Section # 814.63 (1) (c) of the statutes~~

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

NOTE: Par. (c) is shown as amended eff. 8-1-02 by 2001 Wis. Act 16. Prior to 8-1-02 it reads:

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

History: 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1989 a. 22, 31, 64, 97, 107, 359; 1991 a. 26, 39, 130; 1993 a. 16, 167, 313; 1995 a. 27, 227, 349; 1997 a. 27, 248; 1999 a. 9, 72; 2001 a. 16.

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



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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LEGAL FAX: (608) 264-6948

January 14, 2002


### MEMORANDUM

To: Representative J. Lehman

From: Timothy N. Fast, Senior Legislative Attorney

Re: LRB-4601/1 Mandatory automobile insurance

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

        JACKET FOR ASSEMBLY        JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9739 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.