

2003 DRAFTING REQUEST

Bill

Received: **12/19/2002**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **John Ainsworth (608) 266-3097**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **TNF, ARG**

Submit via email: **YES**

Requester's email: **Rep.Ainsworth@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

safety belt enforcement

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>
/?	phurley 12/19/2002	jdye 12/20/2002		_____			Crime
/1			chaskett 12/20/2002	_____	mbarman 12/20/2002	sbasford 12/23/2002 sbasford 12/23/2002	Crime

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jackcted</u>	<u>Required</u>
/2	phurley 01/14/2003	jdyer 01/14/2003	rschluet 01/15/2003	_____	sbasford 01/15/2003	sbasford 01/15/2003	

FE Sent For:

<END>

↳ Not Needed

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/1		1/2 1/4 jld	chaskett 12/20/2002	_____	mbarman 12/20/2002	sbasford 12/23/2002 sbasford 12/23/2002	

[Handwritten signatures and initials]
1-15-3

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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1?	phurley	1/12/20 jld	1-12/20 cp	15/12/20			

FE Sent For:

<END>



John Ainsworth

State Representative • 6th Assembly District

Chair: Assembly Committee on Rural Affairs

MEMORANDUM

To: Peggy Hurley, Legislative Reference Bureau Attorney

From: Representative John Ainsworth

Date: December 17, 2002

Re: Primary Enforcement of Wisconsin's Safety Belt Law

I would like to request a legislative draft authorizing law enforcement officers to stop or inspect a vehicle solely to determine compliance with safety belt use requirements, if the office has probable cause to believe that a violation has occurred. Please find attached language that you have drafted for the DOT on this topic as a budget request.

In addition to the language drafted on behalf on the DOT, I would like my draft to increase the penalties for violating the state's laws requiring the use of safety belts. The penalty for a first offense would increase from \$10 to \$50. For the second and each later offense committed within three years, the penalty would increase to not less than \$75 nor more than \$100. As under current law, violators would pay no additional costs, fees, or assessments.

If you have any questions regarding this draft request, please do not hesitate to contact Kristina Boardman in my office at 266-3097. Thank you in advance for your work on this topic.



District:
 W6382 Waukechon Road
 Shawano, Wisconsin 54166
 (715) 526-3810

Toll-Free: (888) 529-0006
E-mail: Rep.Ainsworth@legis.state.wi.us
 Printed on recycled paper

Office:
 P.O. Box 8952, State Capitol
 Madison, Wisconsin 53708-8952
 (608) 266-3097 • Fax: (608) 282-3606

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

This state requires the use of safety belts in certain motor vehicles. Under current law, with specific exceptions, no person may drive a motor vehicle unless he or she is properly restrained by a safety belt and unless he or she reasonably believes that each passenger between the ages of four and fifteen years old is properly restrained by a safety belt. No person who is at least four years old may be a passenger in the front seat of a motor vehicle unless that person is properly restrained by a safety belt. Current law prohibits a law enforcement officer from stopping or inspecting a motor vehicle solely to determine compliance with safety belt use requirements. The officer may, however, issue a citation for a violation observed in the course of a stop or inspection made for other purposes. A law enforcement officer may not take a person into physical custody solely for a violation of those requirements.

This bill authorizes a law enforcement officer to stop or inspect a vehicle solely to determine compliance with safety belt use requirements, if the officer has probable cause to believe that a violation has occurred.

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

1 SECTION 1. 347.48 (2m) (gm) of the statutes is amended to read:

2 347.48 (2m) (gm) ~~Notwithstanding s. 349.02, a law enforcement officer may not~~
3 ~~stop or inspect a vehicle solely to determine compliance with this subsection or sub.~~
4 ~~(1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules~~
5 ~~of the department. This paragraph does not limit the authority of a law enforcement~~
6 ~~officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local~~
7 ~~ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department~~
8 ~~observed in the course of a stop or inspection made for other purposes, except that~~
9 ~~a~~ A law enforcement officer may not take a person into physical custody solely for
10 a violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with
11 this subsection, sub. (1) or (2) or rules of the department.

12

(END)

LRB-1226/1
LRB-00001
PJH:ld:pg
stays

2003 BILL

Regen

1 AN ACT to amend 347.48 (2m) (gm) and 347.50 (2m) (a) of the statutes; relating
2 to: enforcement of motor vehicle safety belt violations and providing a penalty.

Analysis by the Legislative Reference Bureau

This state requires the use of safety belts in certain motor vehicles. Under current law, with specific exceptions, no person may drive a motor vehicle unless he or she is properly restrained by a safety belt and unless he or she reasonably believes that each passenger between the ages of four and fifteen years old is properly restrained by a safety belt. No person who is at least four years old may be a passenger in the front seat of a motor vehicle unless that person is properly restrained by a safety belt. Current law prohibits a law enforcement officer from stopping or inspecting a motor vehicle solely to determine compliance with safety belt use requirements. The officer may, however, issue a citation for a violation observed in the course of a stop or inspection made for other purposes. A law enforcement officer may not take a person into physical custody solely for a violation of safety belt use requirements.

This bill authorizes a law enforcement officer to stop or inspect a vehicle solely to determine compliance with safety belt use requirements, if the officer has probable cause to believe that a violation has occurred. ~~For the first six months after the effective date, if the law enforcement officer stops or inspects a vehicle solely to determine compliance with safety belt requirements and observes a violation, the officer may issue a warning, but not a citation, for the violation.~~

noff The bill also increases the penalty for violating this state's laws requiring the use of safety belts from \$10 to \$25 for a first offense and to not less than \$50 nor more

\$50 ✓

\$75 ✓

BILL

than ~~\$75~~ ^{\$100} for the second and each later offense committed within three years. As under current law, violators pay no additional costs, fees, or assessments.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1 **SECTION 1.** 347.48 (2m) (gm) of the statutes is amended to read:

2 347.48 (2m) (gm) ~~Notwithstanding s. 349.02, a law enforcement officer may not~~
3 ~~stop or inspect a vehicle solely to determine compliance with this subsection or sub-~~
4 ~~(1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules~~
5 ~~of the department. This paragraph does not limit the authority of a law enforcement~~
6 ~~officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local~~
7 ~~ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department~~
8 ~~observed in the course of a stop or inspection made for other purposes, except that~~
9 ~~a~~ A law enforcement officer may not take a person into physical custody solely for
10 a violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with
11 this subsection, sub. (1) or (2) or rules of the department.

12 **SECTION 2.** 347.50 (2m) (a) of the statutes is amended to read:

13 347.50 (2m) (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person
14 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10
15 ~~\$25~~ ^{\$50} for the first offense and not less than ~~\$50~~ ^{\$75} nor more than ~~\$75~~ ^{\$100} for the 2nd or any
16 later offense committed within 3 years.

17 **SECTION 3. Nonstatutory provisions.**

18 (1) Notwithstanding section 347.48 (2m) (gm) of the statutes, during the period
19 beginning on the effective date of this subsection and ending on the last day of the

BILL

1 6th month beginning on the effective date of this subsection, a law enforcement
2 officer may stop or inspect a vehicle solely to determine compliance with section
3 347.48 (1), (2), or (2m) of the statutes, or a local ordinance in conformity with section
4 347.48 (1), (2), or (2m) of the statutes, or rules of the department of transportation,
5 and may, as a result of such stop or inspection, issue a warning notice, but not a
6 citation, for any violation specified in this subsection.

SECTION 4. Initial applicability.

7
8 (1) The treatment of section 347.50 (2m) (a) of the statutes first applies to
9 violations committed on the effective date of this subsection, but does not preclude
10 the counting of other violations as prior violations for sentencing a person.

11 *Fix component* **SECTION 5. Effective dates.** ^{g - * (#)} This act takes effect on the day after publication,
12 except as follows:

13 (1) The treatment of section 347.48 (2m) (gm) of the statutes takes effect on the
14 first day of the 7th month beginning after publication.

15 (END)

Mentkowski, Annie

From: Boardman, Kristina
Sent: Friday, December 20, 2002 1:19 PM
To: LRB.Legal
Subject: Draft review: LRB-1226/1 Topic: safety belt enforcement

It has been requested by <Boardman, Kristina> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-1226/1 Topic: safety belt enforcement



2003 BILL

Regen

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- 2 to: enforcement of motor vehicle safety belt violations and providing a penalty.

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This bill authorizes a law enforcement officer to stop or inspect a vehicle solely to determine compliance with safety belt use requirements, if the officer has probable cause to believe that a violation has occurred. The bill also increases the penalty for violating this state's laws requiring the use of safety belts from \$10 to \$50 for a first offense and to not less than \$75 nor more than \$100 for the second and each later offense committed within three years. As under current law, violators pay no additional costs, fees, or assessments.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

✓
\$50

✓
\$25

✓
\$75

BILL

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SECTION 3. Initial applicability.

(1) The treatment of section 347.50 (2m) (a) of the statutes first applies to violations committed on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for sentencing a person.

SECTION 4. Effective date.

\$25

\$50 ✓

\$75 ✓

