

2003 DRAFTING REQUEST

Bill

Received: **01/27/2003**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Ronald Brown (608) 266-8546**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Sen.Brown@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Primary enforcement of seat belt

Instructions:

companion to 1226/2

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 01/27/2003	jdye 01/27/2003		_____			Crime
/1			chaskett 01/27/2003	_____	amentkow 01/27/2003	amentkow 02/07/2003	

02/07/2003 02:16:35 PM

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LRB-1779

FE Sent For:

↳ Not
Needed

<END>

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Per phone call from Sen. Brown's office

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1?	phurley	1/27 jld	1/27 csh	self 1/27			

FE Sent For:

<END>

2003 ASSEMBLY 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. 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 than \$75 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

ASSEMBLY BILL

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 for the first offense and not less than \$50 nor more than \$75 for the 2nd or any
16 later offense committed within 3 years.

17 **SECTION 3. Initial applicability.**

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

21 **SECTION 4. Effective date.**

