

2003 SENATE BILL 51

February 26, 2003 – Introduced by Senator HARSDORF, cosponsored by Representatives RHOADES, LADWIG, ZIEGELBAUER, GUNDRUM and HINES. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT to amend** 345.47 (1) (b), 800.09 (1) (c) and 800.095 (4) (b) 4. of the
2 statutes; **relating to:** authority of a court to suspend a persons operating
3 privilege for violations of ordinances unrelated to the operation of a motor
4 vehicle or for failing to pay a penalty for such a violation.

Analysis by the Legislative Reference Bureau

Under current law, circuit courts and municipal courts may suspend a person's motor vehicle operating privilege for a variety of reasons, including failure to pay an amount ordered by the court. Suspensions for failure to pay generally last until the person pays the amount owed. The suspension orders are forwarded to the Department of Transportation (DOT), which updates the person's driving record to reflect the suspension. However, under current law, circuit courts and municipal courts are not permitted to suspend a person's operating privilege solely because of the person's failure to pay a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle, unless the person is a juvenile.

This bill permits circuit courts and municipal courts to suspend the operating privilege of any person solely because the person has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

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

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

1 **SECTION 1.** 345.47 (1) (b) of the statutes is amended to read:

2 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
3 or revocation, that the defendant's operating privilege be suspended. The operating
4 privilege shall be suspended for 30 days or until the person pays the forfeiture, the
5 penalty assessment, if required by s. 757.05, the jail assessment, if required by s.
6 302.46 (1), the truck driver education assessment, if required by s. 349.04, the
7 railroad crossing improvement assessment, if required by s. 346.177, 346.495 or
8 346.65 (4r), and the crime laboratories and drug law enforcement assessment, if
9 required by s. 165.755, but not to exceed 2 years. Suspension under this paragraph
10 shall not affect the power of the court to suspend or revoke under s. 343.30 or the
11 power of the secretary to suspend or revoke the operating privilege. ~~This paragraph
12 does not apply if the judgment was entered solely for violation of an ordinance
13 unrelated to the violator's operation of a motor vehicle.~~

14 **SECTION 2.** 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 2 years. The court
21 shall take possession of the suspended license and shall forward the license, along

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1 with a notice of the suspension clearly stating that the suspension is for failure to
2 comply with a judgment of the court, to the department of transportation. This
3 ~~paragraph does not apply if the forfeiture is assessed for violation of an ordinance~~
4 ~~that is unrelated to the violator's operation of a motor vehicle.~~

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

6 800.095 **(4)** (b) 4. That the defendant's operating privilege, as defined in s.
7 340.01 (40), be suspended until the judgment is complied with, except that the
8 suspension period may not exceed 2 years. ~~This subdivision does not apply if the~~
9 ~~forfeiture is assessed for violation of an ordinance that is unrelated to the violator's~~
10 ~~operation of a motor vehicle.~~

11 **SECTION 4. Initial applicability.**

12 (1) This act first applies to forfeitures imposed on the effective date of this
13 subsection.

14 (END)