

**2003 DRAFTING REQUEST****Senate Amendment (SA-SB51)**Received: **06/10/2003**Received By: **phurley**Wanted: **As time permits**

Identical to LRB:

For: **Sheila Harsdorf (608) 266-7745**

By/Representing:

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

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies:

Submit via email: **YES**Requester's email: **Sen.Harsdorf@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

License suspension for ordinance violations

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**Instructions:**

suspension for ordinances that mirror state laws only

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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>
/1	phurley 06/10/2003	jdyer 06/10/2003 jdyer 06/10/2003	rschluet 06/10/2003	_____	mbarman 06/10/2003	mbarman 06/10/2003	
/2	phurley 11/05/2003	jdyer 11/05/2003	rschluet 11/05/2003	_____	lnorthro 11/05/2003	lnorthro 11/05/2003	

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

**<END>**

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/1	phurley 06/10/2003	jdyer 06/10/2003	rschluet 06/10/2003		mbarman 06/10/2003	mbarman 06/10/2003	

Handwritten notes and signatures:

- Signature: *jd*
- Signature: *rs*
- Handwritten: *1153*
- Handwritten: *CA*

FE Sent For:

<END>

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/1	phurley	1 6/10 jld					

FE Sent For:

<END>

## Hurley, Peggy

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**From:** Schneider, Christian  
**Sent:** Friday, April 11, 2003 9:38 AM  
**To:** Hurley, Peggy  
**Subject:** SB 51 Amendment Question

1323

Peggy:

During the public hearing on Senate Bill 51, some senators expressed concern that the bill was too broad - that people could have their drivers licenses suspended for not shoveling their sidewalk, not picking up dog waste in their yard, etc. One suggestion we received was to amend the bill to limit license suspension to municipal violations that have a comparable state statute, like theft, writing bad checks, etc. The snow shoveling example from above would then be exempt. Is there any way we could craft an amendment that incorporates this limitation?

Thanks.

Christian Schneider  
Committee Clerk, Senate Committee on Higher Education and Tourism  
Staff, Joint Committee on Finance  
Office of State Senator Sheila Harsdorf  
(608)266-7745  
christian.schneider@legis.state.wi.us



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBa0637/1

PJH:.....

SOON

JLd

SENATE AMENDMENT,  
TO 2003 SENATE BILL 51

#. Page 2, line 11: delete "This paragraph" and substitute "This paragraph".

1 At the locations indicated, amend the bill as follows:

2 <sup>Fix</sup> Component 1. Page 2, line 13: <sup>delete</sup> after "vehicle." <sup>and substitute</sup> insert "~~This paragraph~~ applies only to a ~~vehicle~~ ← (strike) judgment that was entered for a violation of an ordinance that is in conformity with state law".

3 <sup>Fix</sup> Component 2. Page 3, line 4: <sup>delete</sup> after "vehicle." <sup>and substitute</sup> insert "~~This paragraph~~ applies only if the ~~vehicle~~ ← (strike) forfeiture is assessed for a violation of an ordinance that is in conformity with state law".

4 <sup>Fix</sup> Component 3. Page 3, line 10: <sup>delete</sup> after "vehicle." <sup>and substitute</sup> insert "~~This subdivision~~ applies only if the ~~vehicle~~ ← (strike) forfeiture is assessed for a violation of an ordinance that is in conformity with state law".

(END)

#. Page 3, line 2: delete "This" and substitute "This".

# Page 3, line 3: delete "paragraph" and substitute "paragraph".

#. Page 3, line 8: delete "This subdivision" and substitute "This subdivision".

## 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.

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### *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.

767.303  
961.50 LRB-1333/1  
PJH:cmh:rs

**SENATE BILL 51**

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:*

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

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

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

800.09 (1) (c) The court may suspend the defendant's operating privilege, as defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments and costs are paid, if the defendant has not done so within 60 days after the date the restitution or payments or both are to be made under par. (a) and has not notified the court that he or she is unable to comply with the judgment, as provided under s. 800.095 (4) (a), except that the suspension period may not exceed 2 years. The court shall take possession of the suspended license and shall forward the license, along

**SENATE BILL 51**

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)

**Emery, Lynn**

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**From:** Schneider, Christian  
**Sent:** Friday, October 31, 2003 11:35 AM  
**To:** Emery, Lynn  
**Subject:** lrb a0637/1

Lynn,

We had an amendment drafted to SB 51 - can I get a copy of the draft?

Christian Schneider  
Committee Clerk, Senate Committee on Higher Education and Tourism  
Staff, Joint Committee on Finance  
Office of State Senator Sheila Harsdorf  
(608)266-7745  
christian.schneider@legis.state.wi.us

## Emery, Lynn

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**From:** Emery, Lynn  
**Sent:** Monday, November 03, 2003 9:27 AM  
**To:** Schneider, Christian  
**Subject:** LRBa0637/1 (attached as requested)



03a0637/1

Lynn Emery  
Program Assistant  
Legislative Reference Bureau  
608-266-3561  
lynn.emery@legis.state.wi.us



2 mr

SENATE AMENDMENT,  
TO 2003 SENATE BILL 51

11-503

✓  
Insert A

- 1 At the locations indicated, amend the bill as follows: ✓
- 2 1. Page 2, line 11: delete "~~This paragraph~~" and substitute "This paragraph".
- 3 2. Page 2, line 13: delete "~~vehicle.~~" and substitute "vehicle applies only to a
- 4 judgment that was entered for a violation of an ordinance that is in conformity with
- 5 state law." ✓
- 6 3. Page 3, line 2: delete "~~This~~" and substitute "This".
- 7 4. Page 3, line 3: delete "~~paragraph~~" and substitute "paragraph".
- 8 5. Page 3, line 4: delete "~~vehicle.~~" and substitute "vehicle applies only if the
- 9 forfeiture is assessed for a violation of an ordinance that is in conformity with state
- 10 law."
- 11 6. Page 3, line 8: delete "~~This subdivision~~" and substitute "This subdivision".



2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa0637/lins  
PJH:jld:rs

A  
1 INSERT

2 1. Page 2, line 1: before that line insert:

3 "SECTION 1g. 343.10 (1) (a) of the statutes is amended to read:

4 343.10 (1) (a) If a person's license or operating privilege is revoked or

5 suspended under this chapter or s. 345.47 (1) (b), 767.303, 800.09 (1) (c), 800.095 (4)

6 (b) 4., or 961.50 and if the person is engaged in an occupation, including homemaking

7 or full-time or part-time study, or a trade making it essential that he or she operate

8 a motor vehicle, the person, after payment of the fee provided in sub. (6), may file an

9 application with the department setting forth in detail the need for operating a motor

10 vehicle. No person may file more than one application with respect to each revocation

11 or suspension of the person's license or operating privilege under this chapter or s.

12 345.47 (1) (b), 767.303, 800.09 (1) (c), 800.095 (4) (b) 4., or 961.50, except that this

13 limitation does not apply to an application to amend an occupational license

14 restriction.

history: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337; 1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109; 2001 a. 16 ss. 3409f, 3409g, 4060hw, 4060hy; 2003 a. 33.

15 SECTION 1m. 343.10 (5) (b) of the statutes is amended to read:

16 343.10 (5) (b) *Limitations*. Occupational licenses are subject to the limitations

17 specified in ss. 343.30 (1q) (b) and (h), 343.305 (8) (d) and (10) (b) and (em), 343.31

18 (3m), 343.32 (1m), 345.47 (1) (b), 767.303, 800.09 (1) (c), 800.095 (4) (b) 4., and

19 961.50."

history: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337; 1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109; 2001 a. 16 ss. 3409f, 3409g, 4060hw, 4060hy; 2003 a. 33.

20 2. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1t".

(end ins A)

## Emery, Lynn

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**From:** Emery, Lynn  
**Sent:** Monday, December 22, 2003 9:24 AM  
**To:** Schneider, Christian  
**Subject:** LRBa0637/2 (attached as requested)



03a0637/2

Lynn Emery  
Program Assistant  
Legislative Reference Bureau  
608-266-3561  
[lynn.emery@legis.state.wi.us](mailto:lynn.emery@legis.state.wi.us)