

2003 SENATE BILL 256

September 23, 2003 – Introduced by Senators LEIBHAM, KANAVAS and ROESSLER, cosponsored by Representatives OTT, MCCORMICK, COGGS, OWENS, BIES, JESKEWITZ, GOTTLIEB, SERATTI, AINSWORTH and M. LEHMAN. Referred to Committee on Judiciary, Corrections and Privacy.

- 1 **AN ACT to amend** 814.63 (1) (c) and 814.63 (2) of the statutes; **relating to:**
2 imposing court costs in cases involving motor vehicle seat belt violations.

Analysis by the Legislative Reference Bureau

Current law requires the use of safety belts (“seat belts”) in certain motor vehicles. With specific exceptions, no person may drive a motor vehicle unless he or she is properly restrained by a seat belt and unless he or she reasonably believes that each passenger between the ages of four and 15 years of age is properly restrained by a seat belt. No person who is at least four years old may be a passenger in the front seat of a motor vehicle, or in a seat other than the front seat for which a shoulder harness has been installed, unless that person is properly restrained. Violators of any of these requirements may be required to forfeit \$10, except that passengers must be at least 16 years of age before a forfeiture may be imposed. Violators pay no additional court costs, fees, or assessments.

This bill removes this exemption from the following circuit court fees:

1. A fee of \$25 collected from any person convicted of any of these motor vehicle seat belt requirements.
2. Upon disposition of a local ordinance relating to any of these motor vehicle seat belt requirements, a fee of \$5 collected from the local authority that enacted the applicable ordinance.

SENATE BILL 256

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.** 814.63 (1) (c) of the statutes, as affected by 2003 Wisconsin Act 30,
2 is amended to read:

3 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
4 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), or for a first violation of s. 23.33 (4c)
5 (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed
6 the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at
7 the time of the violation, ~~or for a violation of a safety belt use violation under s. 347.48~~
8 ~~(2m)~~.

9 **SECTION 2.** 814.63 (2) of the statutes, as affected by 2003 Wisconsin Act 30, is
10 amended to read:

11 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
12 violation of a county, town, city, village, town sanitary district or public inland lake
13 protection and rehabilitation district ordinance, except for an action for a first
14 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the
15 person who committed the violation had a blood alcohol concentration of 0.08 or more
16 but less than 0.1 at the time of the violation, ~~or for a safety belt use violation under~~
17 ~~s. 347.48 (2m)~~, the county, town, city, village, town sanitary district or public inland
18 lake protection and rehabilitation district shall pay a nonrefundable fee of \$5 to the
19 clerk of circuit court.

20 **SECTION 3. Initial applicability.**

