

**2003 DRAFTING REQUEST**

**Bill**

Received: 03/24/2003

Received By: tfast

Wanted: Soon

Identical to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Daniel Lindstedt

This file may be shown to any legislator: NO

Drafter: tfast

May Contact:

Addl. Drafters:

Subject: Transportation - traffic laws

Extra Copies: PJH, ARG - 1

Submit via email: YES

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

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Seat belt violations and court costs

---

**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>
/?	tfast 04/21/2003	kgilfoy 04/21/2003		_____			S&L
/1			pgreensl 04/22/2003	_____	sbasford 04/22/2003		S&L
/2	tfast	jdyer	rschlue	_____	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	07/18/2003	07/21/2003	07/21/2003	_____	07/21/2003	08/19/2003	
				_____		sbasford	
				_____		08/19/2003	

FE Sent For:

<END>

**2003 DRAFTING REQUEST**

**Bill**

Received: **03/24/2003**

Received By: **tfast**

Wanted: **Soon**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Daniel Lindstedt**

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

Drafter: **tfast**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **PJH, ARG - 1**

Submit via email: **YES**

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

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Seat belt violations and court costs

---

**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>
/?	tfast 04/21/2003	kgilfoy 04/21/2003				per Leibham's office	S&L
/1			pgreensl 04/22/2003		sbasford 04/22/2003		S&L
/2	tfast	jdyer	rschlue		sbasford		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	07/18/2003	07/21/2003	07/21/2003	_____	07/21/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 03/24/2003

Received By: tfast

Wanted: Soon

Identical to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Daniel Lindstedt

This file may be shown to any legislator: NO

Drafter: tfast

May Contact:

Addl. Drafters:

Subject: Transportation - traffic laws

Extra Copies: PJH, ARG - 1

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Seat belt violations and court costs

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>
/?	tfast 04/21/2003	kgilfoy 04/21/2003		_____			S&L
/1		h 7/21 jld	pgreensl 04/22/2003	_____	sbasford 04/22/2003		

Handwritten signature and initials, possibly 'JJP' or similar, with '7-21-3' written below it.

FE Sent For:

**<END>**

2003 DRAFTING REQUEST

Bill

Received: 03/24/2003

Received By: tfast

Wanted: Soon

Identical to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Daniel Lindstedt

This file may be shown to any legislator: NO

Drafter: tfast

May Contact:

Addl. Drafters:

Subject: Transportation - traffic laws

Extra Copies: PJH, ARG - 1

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Seat belt violations and court costs

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>
1?	tfast	1-4/21 Kmg	4/21 PB	4/22 PSTR			

FE Sent For:

<END>

# Bill Request Form

**Legislative Reference Bureau**  
100 N. Hamilton Street  
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date MAR 20 2003

Legislator, agency, or other person requesting this draft SEN. LEIBHAM

Person submitting request (name and phone number) DANIEL LINDSTEDT / 6-2056

Persons to contact for questions about this draft (names and phone numbers) " / "

Describe the problem, including any helpful examples. How do you want to solve the problem?

- PLEASE SEE ATTACHED LETTER AND  
CALL WITH ANY QUESTIONS.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes:                      Anyone who asks?    YES    NO  
   Any legislator?        YES    NO

Only the following persons \_\_\_\_\_

Do you consider this request urgent?    YES NO    If yes, please indicate why \_\_\_\_\_

Should we give this request priority over any pending request of this legislator, agency, or person?

YES NO



# SHEBOYGAN COUNTY

Office of the Corporation Counsel

US Bank Building

607 North Eighth Street - Suite 400

Sheboygan, Wisconsin 53081

# FILE COPY

TELEPHONE (920) 459-3093

FACSIMILE (920) 457-8411

January 23, 2003

Senator Joseph Leibham  
State Capitol, Room 306 South  
P.O. Box 7882  
Madison, WI 53707-7882

Dear Senator Leibham:

As you recall, at the January legislative breakfast the issue of the seat belt law came up. The debate was whether the forfeiture of \$10.00 was too small, whether it should be increased, and whether there should be primary enforcement of seat belt use.

I indicated to you that simply by requiring the statutory fees to be added to the \$10.00 charge, one could enhance revenues and avoid a philosophical debate.

At present, the issuance of citations imposes a substantial burden on the Clerk of Courts who must process the citations once they are written. However, without the assessment of Court costs, the Clerks must eat the entire burden of Wisconsin's seat belt campaign.

I asked Clerk of Courts Nan Todd to provide me with information on the citations written in Sheboygan County, and I think the statistics are startling. Her staff had to process 1,284 citations which yielded only \$12,210.00 in potential revenues. That represents an enormous amount of staff time.

Nan also broke down the ordinary assessments and court costs that would otherwise have been imposed. A \$10.00 citation would yield a total of \$119.00. Of that, \$17.50 would stay with the County and the balance would go to the state (except that the underlying \$10.00 would go to the municipality that generated the ticket).

If you think that raising the total package to \$119.40 would be too much, you may want to consider just adding the \$25.00 circuit court fee.

Senator Joseph Leibham  
January 23, 2003  
Page 2

Nan points out that as a fine rises, the number of people who don't pay will rise as well, and this would impose additional burdens on the Courts.

However, it seems clear that whatever else is done with respect to addressing the seat belt issue, it would appear to be unfair that the courts have such a large burden added to their workload.

I am enclosing a copy of Nan's memo with this letter and am copying the other members of the County's legislative delegation as well as the Sheboygan County Circuit Judges.

Please feel free to contact me if you have any other questions on this issue.

Very truly yours,

SHEBOYGAN COUNTY CORPORATION COUNSEL

By 

CARL K. BUESING  
Corporation Counsel  
e-mail: cbuesing@hopplaw.com

CKB/dc  
Enclosure

c: Representative Terry Van Akkeren  
Representative Steve Kestell  
Representative Daniel LeMahieu  
Honorable L. Edward Stengel  
Honorable Timothy M. Van Akkeren  
Honorable Gary Langhoff  
Honorable John B. Murphy  
Honorable James Bolgert  
Mr. Adam Payne  
Ms. Nan Todd



**NAN TODD  
CLERK OF CIRCUIT COURTS**

615 NORTH SIXTH STREET, SHEBOYGAN, WISCONSIN 53081 920.459.3068 FAX 920.459.3921

DATE: January 17, 2003  
TO: Carl Buesing  
FROM: Nan Todd  
IN RE: 2002 Seatbelt violations

COPY

Recently you contacted this office requesting information about seatbelt violations and court costs for ordinance traffic citations.

In 2002, there were 1,284 citations issued for violations of Wis Stat § 347.48(2m)(b)-(d), mandatory seatbelt requirements. Of those citations issued, 1,221 were assessed the statutory fine of \$10.00. Of the total \$12,210 assessed, \$2,500 remains unpaid, however \$290 of this amount is not yet due.

The standard costs and fees assessed on a normal ordinance traffic citation total \$107. This amount consists of the following:

<u>Amount</u>	<u>Statute</u>	<u>Description</u>	<u>State Share</u>	<u>County Share</u>
25.00	814.63(1)(b)	Circuit court fee	17.50	7.50
52.00	814.634	Court support svcs. fee	52.00	
9.00	814.635(1)	Justice information fee	9.00	
10.00	302.46(1)	Jail assessment		10.00
5.00	165.755	Crime lab & drug assmt.	5.00	

In addition to the above amounts, there is normally assessed a 24% penalty assessment on the base fine. A \$10.00 base fine would result in a \$2.40 penalty assessment and court costs of \$107.00 for a total of \$119.40.

Had the above 971 seatbelt citations still been paid at full costs and penalty assessment, revenues of \$115,937.40 would have been generated, however of that amount, only \$16,992.50 would have remained with the county. You must also realize that the chances of non-payment escalate with the size of the forfeiture; people are far more likely to pay \$10 than \$119.40. You will also note, however, that 221 people have chosen to become delinquent even on a ten dollar fine.

## Fast, Timothy

---

**From:** Lindstedt, Daniel  
**Sent:** Thursday, April 03, 2003 4:16 PM  
**To:** Fast, Timothy  
**Subject:** RE: Seat belt violations and court costs

I guess my ASAP should be ASA I CAN.

thanks.

-----Original Message-----

**From:** Fast, Timothy  
**Sent:** Thursday, April 03, 2003 4:04 PM  
**To:** Lindstedt, Daniel  
**Subject:** FW: Seat belt violations and court costs

-----Original Message-----

**From:** Lindstedt, Daniel  
**Sent:** Monday, March 24, 2003 7:38 PM  
**To:** Fast, Timothy  
**Subject:** RE: Seat belt violations and court costs

Let me check into this and I'll let you know ASAP.

Thank you for your prompt attention to this draft request; much appreciated!

- Dan

-----Original Message-----

**From:** Fast, Timothy  
**Sent:** Monday, March 24, 2003 3:38 PM  
**To:** Lindstedt, Daniel  
**Subject:** Seat belt violations and court costs

Dan -- Greetings. I have received your request for a bill for Rep. Leibham to remove the exemption from court costs that currently applies to "ordinary" \$10 seat belt violations. I have entered the draft and it is LRB-2398.

A quick question. I wasn't aware myself, Dan, until a couple of sessions ago that all of the penalties for various seat belt violations are permissive ("may be required to forfeit"). See s. 347.50 (2m) (a), (3) (a) and (4), stats. Do you want any or all of these mandatory? FYI, most traffic law violations and all equipment violations with a civil penalty for a violation have permissive forfeitures and, in the real world (ah, I remember it), violations usually result in forfeitures being imposed. But the option currently exists for a court not to impose one. --Tim

Timothy N. Fast  
Senior Legislative Attorney  
Legislative Reference Bureau  
Phone: (608) 266-9739

2003

Date (time) needed Thurs. 4/24

LRB - 2398 1 1

BILL

TNF: King

Use the appropriate components and routines developed for bills.

AN ACT... [generate catalog] to repeal...; to renumber...; to consolidate and renumber...; to renumber and amend...; to consolidate, renumber and amend...; to amend...; to repeal and recreate...; and to create... of the statutes; relating to: Imposing court costs in cases involving motor vehicle safety belt violations

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: ..... create -> anal: -> title: -> head

For the subheading, execute: ..... create -> anal: -> title: -> sub

For the sub-subheading, execute: ..... create -> anal: -> title: -> sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: ..... create -> anal: -> text

(Attached)

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

SECTION #.

Section #. 165.755 (1) (b) of the statutes is amended to read:

165.755 (1) (b) A court may not impose the crime laboratories and drug law enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5) (b) or for a violation of a state law or municipal or county ordinance involving a nonmoving traffic violation ~~or a safety belt use violation under s. 347.48 (2m).~~

**History:** 1997 a. 27; 1999 a. 9, 72; 1999 a. 150 s. 672; 2001 a. 16.

Section #. 302.46 (1) (a) of the statutes is amended to read:

302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5) or state laws or municipal or county ordinances involving nonmoving traffic violations ~~or safety belt use violations under s. 347.48 (2m)~~, the court, in addition, shall impose a jail assessment in an amount of 1% of the fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the court shall determine the jail assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail assessment in proportion to the suspension.

**History:** 1987 a. 27; 1989 a. 22; 1989 a. 31 s. 1670c, 1670g; Stats. 1989 s. 302.46; 1989 a. 97, 359; 1991 a. 26, 32, 130, 189; 1993 a. 313; 1995 a. 201; 1999 a. 72; 2001 a. 16.

Section #. 757.05 (1) (a) of the statutes is amended to read:

757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5) or state laws or municipal or county ordinances involving nonmoving traffic violations ~~or safety belt use violations under s. 347.48 (2m)~~, there shall be imposed in addition a penalty assessment in an amount of 24% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty assessment shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

**History:** 1999 a. 9 ss. 2292m, 2298, 3050m to 3050o; 1999 a. 72 s. 6; 1999 a. 150 s. 672; 2001 a. 16.



Section #. 814.63 (1) (c) of the statutes is amended to read:

814.63 (1) (c) This subsection does not apply to an action for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5) ~~or a safety belt use violation under s. 347.48 (2m).~~

History: 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1989 a. 22, 31, 64, 97, 107, 359; 1991 a. 26, 39, 130; 1993 a. 16, 167, 313; 1995 a. 27, 227, 349; 1997 a. 27, 248; 1999 a. 9, 72; 2001 a. 16.

*plain period*

Section #. 814.63 (2) of the statutes is amended to read:

814.63 (2) Upon the disposition of a forfeiture action in circuit court for violation of a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district ordinance, ~~except an action for a safety belt use violation under s. 347.48 (2m)~~, the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

**History:** 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1989 a. 22, 31, 64, 97, 107, 359; 1991 a. 26, 39, 130; 1993 a. 16, 167, 313; 1995 a. 27, 227, 349; 1997 a. 27, 248; 1999 a. 9, 72; 2001 a. 16.

Section #. 814.634 (1) (a) of the statutes is amended to read:

814.634 (1) (a) ~~Except for an action for a safety belt use violation under s. 347.48 (2m), the~~ clerk of circuit court shall charge and collect a \$52 court support services fee from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

**History:** 1993 a. 16; 1995 a. 27, 201, 417; 2001 a. 109.

The

Section #. 814.635 (1) of the statutes is amended to read:

814.635 (1) ~~Except for an action for a safety belt use violation under s. 347.48 (2m), the~~ clerk of circuit court shall charge and collect a \$9 justice information system fee from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The justice information system fee is in addition to the other fees listed in this section.

**History:** 1987 a. 27; 1989 a. 22; 1991 a. 26, 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 9.

The

**INITIAL APPLICABILITY**

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX  
 For the text, execute: ..... create → text: → \*NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

**SECTION #**   93   **Initial applicability;** .....

( #1 ) (    )

The treatment of sections ..

of the statutes

first applies to .....

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the text, execute: ..... create → text: → \*NS: → inapplA
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

**SECTION #**   AAA   **Initial applicability;** .....

( #1 )   AAA  

This act first

applies to violations committed on the effective date  
of this subsection.

**EFFECTIVE DATE**

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → \*NS: → **effdate**  
For the text, execute: ..... **create** → **text:** → \*NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

**SECTION #** AAAA • **Effective date.**

( #1 ) MM ..... This act takes effect on the first day of the 4th month beginning after publication.

(END)  
D-NOTE

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → \*NS: → **effdateE**  
For the text, execute: ..... **create** → **text:** → \*NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

**SECTION #** \_\_\_\_\_ • **Effective dates;** .....

..... This act takes effect on the day after publication, except as follows:

( #1 ) ( ) ..... The treatment of sections ..... of the statutes takes effect on .....

1. In the component bar: For the budget action phrase, execute: ... **create** → **action:** → \*NS: → **94XX**  
For the text, execute: ..... **create** → **text:** → \*NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9400 department code.

**SECTION 94** \_\_\_\_\_ • **Effective dates;** .....

( #1 ) ( ) ..... The treatment of sections ..... of the statutes takes effect on .....

## Analysis

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 ~~fifteen~~<sup>15</sup> 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 costs, fees, or assessments.

(court costs).

This bill removes this exemption from court costs, thereby requiring court costs to be imposed against a person convicted of any of these motor vehicle safety belt requirements.

FE - S/L



LRB-2398/Pldn

TNF: Kmg:

DRAFTER'S NOTE

ATTN: Daniel Lindstedt

I thought it best to get this preliminary draft to you now because, in the near future,

the LRB will be focused very heavily on

preparation of the joint finance sub. <sup>amdt.</sup> to the

biennial budget bill. Please let me know if you

have any questions or changes to the draft.

Please note that I have given the draft a

short delayed effective date to allow the courts

to administratively implement this change.

TNF

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2398/1dn  
TNF:kmg:pg

April 21, 2003

ATTN: Daniel Lindstedt

I thought it best to get this preliminary draft to you now because, in the near future, the LRB will be focused very heavily on preparation of the joint finance sub. amdt. to the biennial budget bill. Please let me know if you have any questions or changes to the draft. Please note that I have given the draft a short delayed effective date to allow the courts to administratively implement this change.

Timothy N. Fast  
Senior Legislative Attorney  
Phone: (608) 266-9739  
E-mail: [tim.fast@legis.state.wi.us](mailto:tim.fast@legis.state.wi.us)

## **Fast, Timothy**

---

**From:** Vogel, Brad  
**Sent:** Tuesday, July 15, 2003 3:58 PM  
**To:** Fast, Timothy  
**Subject:** A Redraft for Senator Leibham

Tim -

Senator Leibham would like a redraft of LRB-2398 which deals with seat belt fine exemptions. Upon further discussion with the constituent parties concerned, the senator would like to retain only sections 4, 5, 8, and 9; the latter two being "housekeeping" clauses. He would like to limit the exemption terminations to those laid out in sections 4 and 5 because they appear to apply directly to processing fees directly related to the seatbelt violation itself.

I thought I heard something about your possible absence from the office for some time. I hope all is well.

Please contact me if you have any other questions.

Thank you,

Brad Vogel  
Office of Senator Joe Leibham

2 (Redraft  
LRB-23981X maker has  
TNF:kmg:pg been run)  
L & JLD

WANTED MON.  
7/21

2003 BILL

the following circuit court fees:

¶ 1. A fee of \$25 collected from any

Regen

1 AN ACT to amend 165.755 (1) (b), 302.46 (1) (a), 757.05 (1) (a), 814.63 (1) (c),  
2 814.63 (2), 814.634 (1) (a) and 814.635 (1) of the statutes; relating to: imposing  
3 court costs in cases involving motor vehicle ~~safety~~ belt violations. seat ✓

**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 costs, fees, or assessments ~~(court costs)~~.

This bill removes this exemption from ~~court costs~~, thereby requiring court costs to be imposed against a person convicted of any of these motor vehicle ~~safety~~ belt requirements. seat

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:**

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

**BILL**

1       **SECTION 1.** 165.755 (1) (b) of the statutes is amended to read:

2       165.755 (1) (b) A court may not impose the crime laboratories and drug law  
3 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1.,  
4 (ar), (bm), or (br) or (5) (b) or for a violation of a state law or municipal or county  
5 ordinance involving a nonmoving traffic violation ~~or a safety belt use violation under~~  
6 ~~s. 347.48 (2m).~~

7       **SECTION 2.** 302.46 (1) (a) of the statutes is amended to read:

8       302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture  
9 for a violation of state law or for a violation of a municipal or county ordinance except  
10 for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5) or state laws or  
11 municipal or county ordinances involving nonmoving traffic violations ~~or safety belt~~  
12 ~~use violations under s. 347.48 (2m),~~ the court, in addition, shall impose a jail  
13 assessment in an amount of 1% of the fine or forfeiture imposed or \$10, whichever  
14 is greater. If multiple offenses are involved, the court shall determine the jail  
15 assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended  
16 in whole or in part, the court shall reduce the jail assessment in proportion to the  
17 suspension.

18       **SECTION 3.** 757.05 (1) (a) of the statutes is amended to read:

19       757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of  
20 state law or for a violation of a municipal or county ordinance except for a violation  
21 of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5) or state laws or municipal or  
22 county ordinances involving nonmoving traffic violations ~~or safety belt use violations~~  
23 ~~under s. 347.48 (2m),~~ there shall be imposed in addition a penalty assessment in an  
24 amount of 24% of the fine or forfeiture imposed. If multiple offenses are involved,  
25 the penalty assessment shall be based upon the total fine or forfeiture for all offenses.

**BILL**

Insert 3-3 ✓

- ① ~~When a fine or forfeiture is suspended in whole or in part, the penalty assessment~~
- ② ~~shall be reduced in proportion to the suspension~~

as affected by  
2003 Wisconsin  
Act 30,

3 SECTION 4. 814.63 (1) (c) of the statutes is amended to read:

4 ~~814.63 (1) (c) This subsection does not apply to an action for a violation of s.~~  
5 ~~101.123 (2) (a) (am) 1, (ar), (bm), or (br) or (5) or a safety belt use violation under~~  
6 ~~s. 347.48 (2m)~~

7 SECTION 5. 814.63 (2) of the statutes is amended to read:

8 ~~814.63 (2) Upon the disposition of a forfeiture action in circuit court for~~  
9 ~~violation of a county, town, city, village, town sanitary district or public inland lake~~  
10 ~~protection and rehabilitation district ordinance, except an action for a safety belt use~~  
11 ~~violation under s. 347.48 (2m), the county, town, city, village, town sanitary district~~  
12 ~~or public inland lake protection and rehabilitation district shall pay a nonrefundable~~  
13 ~~fee of \$5 to the clerk of circuit court~~

14 SECTION 6. 814.634 (1) (a) of the statutes is amended to read:

15 ~~814.634 (1) (a) Except for an action for a safety belt use violation under s.~~  
16 ~~347.48 (2m), the~~ The clerk of circuit court shall charge and collect a \$52 court support  
17 services fee from any person, including any governmental unit as defined in s. 108.02  
18 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

19 SECTION 7. 814.635 (1) of the statutes is amended to read:

20 ~~814.635 (1) Except for an action for a safety belt use violation under s. 347.48~~  
21 ~~(2m), the~~ The clerk of circuit court shall charge and collect a \$9 justice information  
22 system fee from any person, including any governmental unit as defined in s. 108.02  
23 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b)  
24 or 814.63 (1). The justice information system fee is in addition to the other fees listed  
25 in this section.

Insert 3-7 ✓

**BILL**

1           **SECTION 8. Initial applicability.**

2           (1) This act first applies to violations committed on the effective date of this  
3 subsection.

4           **SECTION 9. Effective date.**

5           (1) This act takes effect on the first day of the 4th month beginning after  
6 publication.

7   **(END)**

Insert 3-3

~~03 Wis. Act 30, s. 189 - continued~~

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

Strike comma

or

SCORE

POFF

NO SCORING on type written text

strike

strike

plain period

~~03 Wis. Act 30, s. 18L - continued~~

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

POFF

strike

strike

Insert 3-7