

2003 ASSEMBLY BILL 232

1 **AN ACT** *to renumber* 943.212 (4); *to renumber and amend* 943.21 (3); *to*
2 *amend* 343.10 (1) (a), 343.10 (2) (a) 1., 343.30 (5), 943.21 (title), 943.212 (title)
3 and 943.212 (1) (a); and *to create* 943.21 (1) (d), 943.21 (2r), 943.21 (3) (bm),
4 943.21 (3m) and 943.212 (4) (b) of the statutes; **relating to:** failure to pay for
5 gasoline or diesel fuel and suspension of operating privileges after conviction
6 for theft of gasoline or diesel fuel and providing penalties.

Analysis by the Legislative Reference Bureau

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

7 **SECTION 1.** 343.10 (1) (a) of the statutes is amended to read:
8 343.10 (1) (a) If a person's license or operating privilege is revoked or
9 suspended under this chapter or s. 767.303, 943.21 (3m), or 961.50 and if the person
10 is engaged in an occupation, including homemaking or full-time or part-time study,

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1 or a trade making it essential that he or she operate a motor vehicle, the person, after
2 payment of the fee provided in sub. (6), may file an application with the department
3 setting forth in detail the need for operating a motor vehicle. No person may file more
4 than one application with respect to each revocation or suspension of the person's
5 license or operating privilege under this chapter or s. 767.303, 943.21 (3m), or 961.50,
6 except that this limitation does not apply to an application to amend an occupational
7 license restriction.

8 **SECTION 2.** 343.10 (2) (a) 1. of the statutes is amended to read:

9 343.10 (2) (a) 1. Except for a revocation or suspension that arose out of the same
10 incident or occurrence for which the person's license or operating privilege is
11 currently revoked or suspended, the person's license or operating privilege was not
12 revoked or suspended previously under this chapter or ch. 344 or s. 943.21 (3m) or
13 961.50 within the one-year period immediately preceding the present revocation or
14 suspension, except as provided in s. 344.40.

15 **SECTION 3.** 343.30 (5) of the statutes is amended to read:

16 343.30 (5) No court may suspend or revoke an operating privilege except as
17 authorized by this chapter or ch. 345, 351 or 938 or s. 767.303, 800.09 (1) (c), 800.095
18 (4) (b) 4., 943.21 (3m), or 961.50. When a court revokes, suspends or restricts a
19 juvenile's operating privilege under ch. 938, the department of transportation shall
20 not disclose information concerning or relating to the revocation, suspension or
21 restriction to any person other than a court, district attorney, county corporation
22 counsel, city, village or town attorney, law enforcement agency, or the minor whose
23 operating privilege is revoked, suspended or restricted, or his or her parent or
24 guardian. Persons entitled to receive this information shall not disclose the
25 information to other persons or agencies.

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1 **SECTION 4.** 943.21 (title) of the statutes is amended to read:

2 **943.21** (title) **Fraud on hotel or restaurant keeper ~~or~~ taxicab operator,**
3 **or gas station.**

4 **SECTION 5.** 943.21 (1) (d) of the statutes is created to read:

5 943.21 **(1)** (d) Having obtained gasoline or diesel fuel from a service station,
6 garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale
7 at retail, intentionally absconds without paying for the gasoline or diesel fuel.

8 **SECTION 6.** 943.21 (2r) of the statutes is created to read:

9 943.21 **(2r)** The failure or refusal to pay a service station, garage, or other place
10 where gasoline or diesel fuel is sold at retail or offered for sale at retail the
11 established charge for gasoline or diesel fuel provided by the service station, garage,
12 or other place constitutes prima facie evidence of an intent to abscond without
13 payment.

14 **SECTION 7.** 943.21 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
15 is renumbered 943.21 (3) (am), and 943.21 (3) (am) (intro.), as renumbered, is
16 amended to read:

17 943.21 **(3)** (am) (intro.) Whoever violates ~~this section~~ sub. (1) (a), (b), or (c):

18 **SECTION 8.** 943.21 (3) (bm) of the statutes is created to read:

19 943.21 **(3)** (bm) Whoever violates sub. (1) (d) is subject to a Class D forfeiture.

20 **SECTION 9.** 943.21 (3m) of the statutes is created to read:

21 943.21 **(3m)** (a) *Definitions.* In this subsection:

22 1. “Operating privilege” has the meaning given in s. 340.01 (40).

23 2. “Repeat offense” means a violation of sub. (1) (d) that occurs after a person
24 has been found by a court to have violated sub. (1) (d).

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1 (b) *Driver's license suspension; 2nd offense.* Subject to pars. (c) and (d), if a
2 person commits a repeat offense, the court, in addition to imposing any penalty under
3 sub. (3) (bm), may suspend the person's operating privilege for not more than 6
4 months.

5 (c) *Driver's license suspension; 3rd offense.* Subject to par. (d), if a person
6 violates sub. (1) (d) after having been found by a court to have committed an offense
7 that constitutes a repeat offense, the court, in addition to imposing any penalty
8 under sub. (3) (bm), shall suspend the person's operating privilege for not more than
9 6 months.

10 (d) *Driver's license suspension; 4th offense.* If a person violates sub. (1) (d) after
11 having his or her operating privilege suspended under par. (c), the court, in addition
12 to imposing any penalty under sub. (3) (bm), shall suspend the person's operating
13 privilege for one year.

14 **SECTION 10.** 943.212 (title) of the statutes is amended to read:

15 **943.212 (title) Fraud on hotel or restaurant keeper ~~or~~ taxicab operator,**
16 **or gas station; civil liability.**

17 **SECTION 11.** 943.212 (1) (a) of the statutes is amended to read:

18 943.212 (1) (a) The retail value of the beverage, food, lodging, accommodation,
19 gasoline or diesel fuel, transportation or service involved in the violation. A person
20 may recover under this paragraph only if he or she exercises due diligence in
21 demanding payment for the beverage, food, lodging, accommodation, gasoline or
22 diesel fuel, transportation or service.

23 **SECTION 12.** 943.212 (4) of the statutes is renumbered 943.212 (4) (a).

24 **SECTION 13.** 943.212 (4) (b) of the statutes is created to read:

