

## 2005 ASSEMBLY BILL 211

1     **AN ACT** *to amend* 59.40 (4), 59.52 (28), 71.93 (5), 71.935 (2), 71.935 (5), 85.103  
2           (6), 342.06 (1) (intro.), 342.06 (1) (eg), 343.027, 343.14 (1) and 343.14 (2j) (b); and  
3           **to create** 19.36 (13), 59.40 (5), 969.02 (2m) and 969.03 (1m) of the statutes;  
4           **relating to:** collection of fees, fines, forfeitures, and surcharges by credit or  
5           debit card; setoffs against tax refunds; disclosing information obtained by the  
6           Department of Transportation to the Department of Revenue; and creation of  
7           a fine or forfeiture service fee and a payment plan fee.

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***Analysis by the Legislative Reference Bureau***

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

8           **SECTION 1g.** 19.36 (13) of the statutes is created to read:  
9           19.36 (13) FINANCIAL IDENTIFYING INFORMATION. An authority shall not provide  
10          access to personally identifiable data that contains an individual's account or

**ASSEMBLY BILL 211****SECTION 1g**

1 customer number with a financial institution, as defined in s. 895.505 (1) (b),  
2 including credit card numbers, debit card numbers, checking account numbers, or  
3 draft account numbers, unless specifically required by law.

4 **SECTION 1m.** 59.40 (4) of the statutes is amended to read:

5 59.40 (4) CLERK OF CIRCUIT COURT; ~~COLLECTION AGENCY~~ DEBT COLLECTOR CONTRACT.

6 If authorized by the board under s. 59.52 (28), the clerk of circuit court may contract  
7 with a ~~collection agency~~ debt collector, as defined in s. 427.103 (3), for the collection  
8 of unpaid fines and forfeitures. Any contract entered into shall provide that the  
9 ~~collection agency~~ debt collector shall be paid from the proceeds recovered by the  
10 ~~collection agency~~ debt collector. The net proceeds received by the clerk of circuit court  
11 after the payment to the ~~collection agency~~ debt collector shall be considered the  
12 amount of fines and forfeitures collected for purposes of distribution to the state and  
13 county under sub. (2) (m).

14 **SECTION 2.** 59.40 (5) of the statutes is created to read:

15 59.40 (5) CLERK OF CIRCUIT COURT; CREDIT AND DEBIT CARDS; PAYMENT PLANS. (a)

16 In this subsection:

17 1. “Credit card” means a card or other similar device existing for the purpose  
18 of obtaining money, property, or services on credit under an open-end credit  
19 agreement.

20 2. “Debit card” means a card or other similar device existing for the purpose of  
21 obtaining money, property, or services through the use of a depository-institution  
22 access device.

23 3. “Depository-institution access device” means a terminal or other facility or  
24 installation, attended or unattended, that is not located at the principal place of  
25 business or at a branch or remote facility of a depository institution and through

**ASSEMBLY BILL 211**

1 which depository institutions and their customers may engage, by means of either  
2 the direct transmission of electronic impulses to and from a depository institution or  
3 the recording of electronic impulses or other indicia of a transaction for delayed  
4 transmission to a depository institution, in transactions that are incidental to the  
5 conduct of the business of a depository institution.

6 4. “Open–end credit agreement” means an agreement under which credit is  
7 extended on an account and under which all of the following are true:

8 a. The debtor may make purchases or obtain loans, from time to time, directly  
9 from the creditor or indirectly by use of a credit card, check, or other device, as the  
10 plan may provide.

11 b. The debtor has the privilege of paying the balance in full or in installments.

12 c. The creditor may from time to time assess a charge, computed on any  
13 outstanding unpaid balance.

14 (b) The clerk of circuit court may accept a credit card or debit card for any  
15 required payment to the clerk of circuit court and may charge and collect a  
16 reasonable service fee for the use of a credit card or debit card. The county board shall  
17 establish the amount of the service fee, which shall be retained in full by the county.

18 (c) The clerk of circuit court may charge and collect a fee for the establishment  
19 and monitoring of a payment plan for persons ordered to make payments to the clerk  
20 of circuit court. The amount of the fee may not exceed \$15 and shall be on a sliding  
21 scale based on the person’s ability to pay in view of the person’s income.

22 **SECTION 3.** 59.52 (28) of the statutes is amended to read:

23 59.52 **(28)** COLLECTION OF COURT IMPOSED PENALTIES. The board may adopt a  
24 resolution authorizing the clerk of circuit court, under s. 59.40 (4), to contract with

**ASSEMBLY BILL 211****SECTION 3**

1 a ~~collection agency~~ debt collector, as defined in s. 427.103 (3), for the collection of  
2 unpaid fines and forfeitures.

3 **SECTION 3m.** 71.93 (5) of the statutes is amended to read:

4 71.93 (5) ~~STATE AGENCY DEBTOR~~ CHARGED FOR COSTS. ~~At the time of each~~  
5 ~~settlement, each state agency~~ Each debtor shall be charged for administration  
6 expenses, and the amounts charged shall be credited to the department's  
7 appropriation under s. 20.566 (1) (h). The department may set off amounts charged  
8 to the debtor under this subsection against any refund owed to the debtor, in the  
9 manner provided in sub. (3). Annually on or before November 1, the department  
10 shall review its costs incurred during the previous fiscal year in administering state  
11 agency setoffs and shall adjust its subsequent charges to each ~~state agency~~ debtor  
12 to reflect that experience.

13 **SECTION 4.** 71.935 (2) of the statutes is amended to read:

14 71.935 (2) A municipality or county may certify to the department any debt  
15 owed to it. Not later than 5 days after certification, the municipality or county shall  
16 notify the debtor in writing of its certification of the debt to the department, of the  
17 basis of the certification and of the debtor's right to appeal and, in the case of parking  
18 citations, of the debtor's right to contest the citation. At the time of certification, the  
19 municipality or county shall furnish to the department the name and social security  
20 number or operator's license number of each individual debtor and the name and  
21 federal employer identification number of each other debtor.

22 **SECTION 5.** 71.935 (5) of the statutes is amended to read:

23 71.935 (5) ~~At the time of each settlement, each municipality and county~~ Each  
24 debtor shall be charged for administration expenses, and the amounts charged shall  
25 be credited to the appropriation account under s. 20.566 (1) (h). The department may

**ASSEMBLY BILL 211**

1 set off amounts charged to the debtor under this subsection against any refund owed  
2 to the debtor, in the manner provided in sub. (3). Annually on or before November  
3 1, the department shall review its costs incurred during the previous fiscal year in  
4 administering setoffs under this section and shall adjust its subsequent charges to  
5 each ~~municipality and county~~ debtor to reflect that experience.

6 **SECTION 6.** 85.103 (6) of the statutes is amended to read:

7 85.103 (6) The department may disclose the personal identifier of any person  
8 who has made a designation under sub. (2) or (3) if the department discloses the  
9 personal identifier under s. 341.17 (9), 342.06, 343.027, 343.14, 343.234, 343.235,  
10 343.24 (3) and (4), or 343.245 (3m).

11 **SECTION 7.** 342.06 (1) (intro.) of the statutes is amended to read:

12 342.06 (1) (intro.) An application for a certificate of title shall be made to the  
13 department upon a form or in an automated format prescribed by it and shall be  
14 accompanied by the required fee and any applicable taxes. Information obtained by  
15 the department under this subsection shall be provided to the department of revenue  
16 for the purposes of administering state taxes and collecting debt. Each application  
17 for certificate of title shall include the following information:

18 **SECTION 8.** 342.06 (1) (eg) of the statutes is amended to read:

19 342.06 (1) (eg) Except as provided in par. (eh), if the applicant is an individual,  
20 the social security number of the applicant. The department of transportation may  
21 not disclose a social security number obtained under this paragraph to any person  
22 except to the department of workforce development for the sole purpose of  
23 administering s. 49.22 and to the department of revenue for the purposes of  
24 administering state taxes and collecting debt.

25 **SECTION 9.** 343.027 of the statutes is amended to read:

**ASSEMBLY BILL 211****SECTION 9**

1           **343.027 Confidentiality of signatures.** Any signature collected under this  
2 chapter may be maintained by the department and shall be kept confidential.—The,  
3 except that the department may shall release a signature or a facsimile of a signature  
4 only to the department of revenue for the purposes of administering state taxes and  
5 collecting debt or to the person to whom the signature relates.

6           **SECTION 10.** 343.14 (1) of the statutes is amended to read:

7           343.14 (1) Every application to the department for a license or identification  
8 card or for renewal thereof shall be made upon the appropriate form furnished by the  
9 department and shall be accompanied by the required fee. Names, addresses, license  
10 numbers, and social security numbers obtained by the department under this  
11 subsection shall be provided to the department of revenue for the purpose of  
12 administering ss. 71.93 and 71.935 and state taxes.

13           **SECTION 11.** 343.14 (2j) (b) of the statutes is amended to read:

14           343.14 (2j) (b) Except as otherwise required to administer and enforce this  
15 chapter, the department of transportation may not disclose a social security number  
16 obtained from an applicant for a license under sub. (2) (bm) to any person except to  
17 the department of workforce development for the sole purpose of administering s.  
18 49.22 or to the department of revenue for the purposes of administering state taxes  
19 and collecting debt.

20           **SECTION 12.** 969.02 (2m) of the statutes is created to read:

21           969.02 (2m) The clerk of circuit court may accept a credit card or debit card,  
22 as defined in s. 59.40 (5) (a) and 1. and 2., instead of cash under sub. (2).

23           **SECTION 13.** 969.03 (1m) of the statutes is created to read:

24           969.03 (1m) The clerk of circuit court may accept a credit card or debit card,  
25 as defined in s. 59.40 (5) (a) 1. and 2., instead of cash under sub. (1) (d).

