

2005 Assembly Bill 211

Date of enactment: **December 16, 2005**  
Date of publication\*: **December 30, 2005**

## 2005 WISCONSIN ACT 59

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

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

**SECTION 1g.** 19.36 (13) of the statutes is created to read:

19.36 (13) FINANCIAL IDENTIFYING INFORMATION. An authority shall not provide access to personally identifiable data that contains an individual's account or customer number with a financial institution, as defined in s. 895.505 (1) (b), including credit card numbers, debit card numbers, checking account numbers, or draft account numbers, unless specifically required by law.

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

59.40 (4) CLERK OF CIRCUIT COURT; ~~COLLECTION AGENCY DEBT COLLECTOR CONTRACT~~. If authorized by the board under s. 59.52 (28), the clerk of circuit court may contract with a ~~collection agency debt collector, as defined in s. 427.103 (3),~~ for the collection of unpaid fines and forfeitures. Any contract entered into shall provide that the ~~collection agency debt collector~~ shall be paid from the proceeds recovered by the ~~collection agency debt collector~~. The net proceeds received by the

~~clerk of circuit court after the payment to the collection agency debt collector~~ shall be considered the amount of fines and forfeitures collected for purposes of distribution to the state and county under sub. (2) (m).

**SECTION 2.** 59.40 (5) of the statutes is created to read:  
59.40 (5) CLERK OF CIRCUIT COURT; CREDIT AND DEBIT CARDS; PAYMENT PLANS. (a) In this subsection:

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

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

3. "Depository-institution access device" means a terminal or other facility or installation, attended or unattended, that is not located at the principal place of business or at a branch or remote facility of a depository institution and through which depository institutions and their customers may engage, by means of either the direct transmission of electronic impulses to and from a depository institution or the recording of electronic impulses or other indicia of a transaction for delayed transmission to

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\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

a depository institution, in transactions that are incidental to the conduct of the business of a depository institution.

4. "Open-end credit agreement" means an agreement under which credit is extended on an account and under which all of the following are true:

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

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

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

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

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

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

59.52 (28) COLLECTION OF COURT IMPOSED PENALTIES. The board may adopt a resolution authorizing the clerk of circuit court, under s. 59.40 (4), to contract with a ~~collection agency~~ debt collector, as defined in s. 427.103 (3), for the collection of unpaid fines and forfeitures.

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

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

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

71.935 (2) A municipality or county may certify to the department any debt owed to it. Not later than 5 days after certification, the municipality or county shall notify the debtor in writing of its certification of the debt to the department, of the basis of the certification and of the debtor's right to appeal and, in the case of parking citations, of the debtor's right to contest the citation. At the time of certification, the municipality or county shall fur-

nish to the department the name and social security number or operator's license number of each individual debtor and the name and federal employer identification number of each other debtor.

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

71.935 (5) ~~At the time of each settlement, each municipality and county~~ Each debtor shall be charged for administration expenses, and the amounts charged shall be credited to the appropriation account under s. 20.566 (1) (h). ~~The department may set off amounts charged to the debtor under this subsection against any refund owed to the debtor, in the manner provided in sub. (3).~~ Annually on or before November 1, the department shall review its costs incurred during the previous fiscal year in administering setoffs under this section and shall adjust its subsequent charges to each ~~municipality and county debtor~~ to reflect that experience.

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

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

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

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

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

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

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

**343.027 Confidentiality of signatures.** Any signature collected under this chapter may be maintained by the department and shall be kept confidential. ~~The, except that the~~ department ~~may shall~~ release a signature or a facsimile of a signature only to the department of revenue for the purposes of administering state taxes and

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collecting debt or to the person to whom the signature relates.

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

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

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

343.14 (2j) (b) Except as otherwise required to administer and enforce this chapter, the department of transportation may not disclose a social security number obtained from an applicant for a license under sub. (2) (bm) to any person except to the department of workforce

development for the sole purpose of administering s. 49.22 or to the department of revenue for the purposes of administering state taxes and collecting debt.

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

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

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

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

**SECTION 14. Initial applicability.**

(1) This act first applies to payments ordered in actions commenced on the effective date of this subsection.

**SECTION 15. Effective date.**

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

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