

**ASSEMBLY BILL 211 (LRB -1547)**

An Act to amend 59.40 (4), 59.52 (28), 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 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. (FE)

**2005**

09-13.	A.	Introduced by Representatives <b>Gottlieb, Seidel, Bies, Gielow, Gronemus, Gunderson, Hahn, Hundertmark, Jeskewitz, Kestell, Kreibich, LeMahieu, Montgomery, Ott, Owens, Pettis, Towns, Townsend, Underheim, Vos, Mursau, Albers, Vrakas, Kerkman, Strachota, Berceau, Richards, Nischke, Kessler, Molepske, Nelson, Parisi, Pope-Roberts, Sherman, Shilling, Vruwink, Sheridan and Stone</b> ; cosponsored by Senators <b>Grothman, Kedzie, A. Lasee, Olsen and Wirch.</b>	
03-16.	A.	Read first time and referred to committee on Corrections and the Courts .....	133
04-06.	A.	Fiscal estimate received.	
04-14.	A.	Fiscal estimate received.	
05-05.	A.	Assembly amendment 1 offered by Representatives Gottlieb and Seidel ( <b>LRB a0422</b> ) .....	224
05-05.	A.	Assembly amendment 2 offered by Representatives Gottlieb and Seidel ( <b>LRB a0423</b> ) .....	224
05-17.	A.	Assembly amendment 3 offered by Representatives Gottlieb and Seidel ( <b>LRB a0620</b> ) .....	244
05-18.	A.	Public hearing held.	
06-01.	A.	Senator Roessler added as a cosponsor .....	262
06-01.	A.	Executive action taken.	
06-03.	A.	Fiscal estimate received.	
06-09.	A.	Report Assembly Amendment 1 adoption recommended by committee on Corrections and the Courts, Ayes 10, Noes 0 .....	270
06-09.	A.	Report Assembly Amendment 3 adoption recommended by committee on Corrections and the Courts, Ayes 10, Noes 0 .....	270
06-09.	A.	Report passage as amended recommended by committee on Corrections and the Courts, Ayes 10, Noes 0 .....	270
06-09.	A.	Referred to committee on Rules .....	270
06-09.	A.	Placed on calendar 6-14-2005 by committee on Rules.	
06-14.	A.	Read a second time .....	278
06-14.	A.	Referred to joint committee on Finance .....	278
06-14.	A.	Withdrawn from joint committee on Finance and taken up .....	278
06-14.	A.	Assembly amendment 1 <b>adopted</b> .....	288
06-14.	A.	Placed at the foot of the eleventh order of business on the calendar .....	279
06-14.	A.	Assembly amendment 3 <b>adopted</b> .....	288
06-14.	A.	Assembly amendment 4 offered by Representatives Seidel, Schneider and Gottlieb ( <b>LRB a0757</b> ) .....	288
06-14.	A.	Assembly amendment 4 <b>adopted</b> .....	289
06-14.	A.	Ordered to a third reading .....	289
06-14.	A.	Rules suspended .....	289
06-14.	A.	Read a third time and <b>passed</b> .....	289
06-14.	A.	Representative Krusick added as a coauthor .....	288
06-14.	A.	Ordered immediately messaged .....	289
06-15.	S.	Received from Assembly .....	257
06-15.	S.	Read first time and referred to committee on Judiciary, Corrections and Privacy .....	258
09-13.	S.	Public hearing held.	
09-13.	S.	Executive action taken.	
09-15.	S.	Report concurrence recommended by committee on Judiciary, Corrections and Privacy, Ayes 5, Noes 0 ....	350
09-15.	S.	Available for scheduling.	
10-27.	S.	Placed on calendar 11-1-2005 by committee on Senate Organization.	
11-01.	S.	Read a second time.	
11-01.	S.	Ordered to a third reading.	
11-01.	S.	Rules suspended.	
11-01.	S.	Read a third time and <b>concurrred in</b> .	
11-01.	S.	Ordered immediately messaged.	
11-01.	A.	Received from Senate concurred in.	

**2005  
ENROLLED BILL**

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**ADOPTED DOCUMENTS:**

Orig     Engr     SubAmdt

05 - 1547 / 1

Amendments to above (if none, write "NONE"): AA1, AA2, AA3,  
AA4

Corrections - show date (if none, write "NONE"): None

Topic Collection of fees, fines,  
forfeitures, and surcharges

11/02/05    Rita / [Signature]  
Date                      Enrolling Drafter

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## 2005 ASSEMBLY BILL 211

March 16, 2005 – Introduced by Representatives GOTTLIEB, SEIDEL, BIES, GIELOW, GRONEMUS, GUNDERSON, HAHN, HUNDERTMARK, JESKEWITZ, KESTELL, KREIBICH, LEMAHIEU, MONTGOMERY, OTT, OWENS, PETTIS, TOWNS, TOWNSEND, UNDERHEIM, VOS, MURSAU, ALBERS, VRAKAS, KERKMAN, STRACHOTA, BERCEAU, RICHARDS, NISCHKE, KESSLER, MOLEPSKE, NELSON, PARISI, POPE-ROBERTS, SHERMAN, SHILLING, VRUWINK, SHERIDAN and STONE, cosponsored by Senators GROTHMAN, KEDZIE, A. LASEE, OLSEN and WIRCH. Referred to Committee on Corrections and the Courts.

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

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

Under current law, when a circuit court (court) imposes a fine or forfeiture on a person for the violation of a state law or local ordinance, the person is also required to pay certain fees and surcharges, depending on the type of violation involved. For example, in a criminal case, the defendant must pay a \$20 fee to the court for all necessary filing, entering, or recording done by the court. Currently, the clerk of circuit court (clerk) must collect the amount owed and pay that amount to the county treasurer, but the clerk may contract with a collection agency to collect unpaid fines and forfeitures. The collection agency is paid for its services from the proceeds collected.

This bill allows the county to hire a debt collector (a business or individual who engages in debt collection), instead of a collection agency, to collect unpaid fines and

**ASSEMBLY BILL 211**

forfeitures. The bill allows the clerk of circuit court to accept credit cards and debit cards for any required payment to the clerk and for the payment of bail and to charge a fee for that service. The clerk of circuit court may also charge a fee for establishing and monitoring a payment plan ordered by the court.

Under current law, if a person owes a debt related to unpaid fines, fees, or forfeitures to a county or municipality, the county or municipality may certify the debt to the Department of Revenue (DOR) so that DOR may collect the debt for the county or municipality by subtracting the amount of the debt from any tax refund owed to the debtor. DOR charges the county or municipality an administrative fee for collecting a certified debt. Under the bill, DOR charges the person who owes the certified debt an administrative fee for collecting the debt, rather than charging the county or municipality that certifies the debt.

Under the bill, the Department of Transportation must disclose any information that it obtains from driver's license and vehicle title applications to DOR for the purposes of administering state taxes and collecting debt, including social security numbers and signatures.

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:*

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**SECTION 1.** 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:

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**ASSEMBLY BILL 211**

1 59.40 (5) CLERK OF CIRCUIT COURT; CREDIT AND DEBIT CARDS; PAYMENT PLANS. (a)

2 In this subsection:

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

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

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

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

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

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

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

ASSEMBLY BILL 211

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

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

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

10 59.52 (28) COLLECTION OF COURT IMPOSED PENALTIES. The board may adopt a  
11 resolution authorizing the clerk of circuit court, under s. 59.40 (4), to contract with  
12 a ~~collection agency~~ debt collector, as defined in s. 427.103 (3), for the collection of  
13 unpaid fines and forfeitures.

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

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

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

24 ~~71.935 (5) At the time of each settlement, each municipality and county debtor~~  
25 shall be charged for administration expenses, and the amounts charged shall be

4-13 AA3

4-24 AA3

**ASSEMBLY BILL 211**

1 credited to the appropriation account under s. 20.566 (1) (h). The department may  
2 set off amounts charged to the debtor under this subsection against any refund owed  
3 to the debtor, in the manner provided in sub. (3). Annually on or before November  
4 1, the department shall review its costs incurred during the previous fiscal year in  
5 administering setoffs under this section and shall adjust its subsequent charges to  
6 each ~~municipality and county~~ debtor to reflect that experience.

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

8 85.103 (6) The department may disclose the personal identifier of any person  
9 who has made a designation under sub. (2) or (3) if the department discloses the  
10 personal identifier under s. 341.17 (9), 342.06, 343.027, 343.14, 343.234, 343.235,  
11 343.24 (3) and (4), or 343.245 (3m).

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

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

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

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

**ASSEMBLY BILL 211**

**SECTION 9**

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

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

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

8           343.14 (1) Every application to the department for a license or identification  
9 card or for renewal thereof shall be made upon the appropriate form furnished by the  
10 department and shall be accompanied by the required fee. Information obtained by  
11 the department under this subsection shall be provided to the department of revenue  
12 for the purposes of administering state taxes and collecting debt.

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).

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**ASSEMBLY AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 211**

May 5, 2005 - Offered by Representatives GOTTLIEB and SEIDEL.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 10: delete lines 10 to 12 and substitute "department and shall  
3 be accompanied by the required fee. Names, addresses, license numbers, and social  
4 security numbers obtained by the department under this subsection shall be  
5 provided to the department of revenue for the purpose of administering ss. 71.93 and  
6 71.935 and state taxes."

6-9

7

(END)

**ASSEMBLY AMENDMENT 3,  
TO 2005 ASSEMBLY BILL 211**

May 17, 2005 – Offered by Representatives GOTTLEB and SEIDEL.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 13: after that line insert:

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 **2.** Page 4, line 24: delete that line and substitute:

1 "71.935 (5) ~~At the time of each settlement, each municipality and county~~ Each  
2 debtor".

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3 (END)

**ASSEMBLY AMENDMENT 4,  
TO 2005 ASSEMBLY BILL 211**

June 14, 2005 - Offered by Representatives SEIDEL, SCHNEIDER and GOTTLIEB.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

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

4 19.36 (13) FINANCIAL IDENTIFYING INFORMATION. An authority shall not provide  
5 access to personally identifiable data that contains an individual's account or  
6 customer number with a financial institution, as defined in s. 895.505 (1) (b),  
7 including credit card numbers, debit card numbers, checking account numbers, or  
8 draft account numbers, unless specifically required by law.".

9 **2.** Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1m".

10

(END)