

**2005 DRAFTING REQUEST**

**Senate Amendment (SA-AB69)**

Received: 11/30/2005

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Tim Carpenter (608) 266-8535

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Identification for aliens

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**Instructions:**

At time of presenting proof of citizenship, present proof of insurance, too. Require insurance for driving on roads, too. 05-4018

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**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	phurley 12/06/2005	kfollett 12/14/2005	rschluet 12/15/2005	_____	lemery 12/15/2005	lemery 12/15/2005	

FE Sent For:

<END>

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/1	phurley 12/06/2005	lrb_editor 11/19/05 12/14/05					

FE Sent For:

<END>

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 69**

May 10, 2005 - Offered by Representative PETTIS.

1     **AN ACT to amend** 343.50 (4), 343.50 (5) and 343.50 (6); and **to create** 343.06 (1)  
2             (L), 343.14 (2) (er), 343.17 (3) (a) 14., 343.20 (1) (f) and 343.20 (1m) of the  
3             statutes; **relating to:** operator's licenses and identification cards for aliens.

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

Under current law, a person who wishes to receive an operator's license or identification card from the Department of Transportation (DOT) must provide certain information to DOT, including the person's name, address, date of birth, and physically descriptive information. A license or an identification card that is issued by DOT includes a picture of the person, identifying information, the person's signature, and physically descriptive information.

Under this substitute amendment, an applicant for an operator's license or identification card must present documentary proof that the person is either a United States citizen or legally present in the United States. The substitute amendment requires DOT to include on the person's operator's license or identification card the date on which the person's legal presence in the United States expires, and specifies that the person's license or identification card expires on that date. If the person is authorized to be in the United States for an unspecified period

of time, the standard renewal periods for an operator’s license or an identification card apply.

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

1           **SECTION 1.** 343.06 (1) (L) of the statutes is created to read:

2           343.06 (1) (L) To any person who does not provide the documentary proof  
3 described in s. 343.14 (2) (er). (ep) and

4           **SECTION 2.** 343.14 (2) (er) of the statutes is created to read:

5           343.14 (2) (er) 1. Documentary proof that the individual is a citizen of the  
6 United States or documentary proof that the individual is legally present in the  
7 United States.

8           2. If the individual is not a citizen of the United States, he or she shall provide  
9 documentary proof of his or her status as a legal permanent resident or conditional  
10 resident, a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry  
11 into the United States, a pending or approved application for asylum in the United  
12 States, valid entry into the United States in refugee status, a pending or approved  
13 application for temporary protected status in the United States, approved deferred  
14 action status, or a pending application for adjustment of status to legal permanent  
15 resident status or conditional resident status.

16           **SECTION 3.** 343.17 (3) (a) 14. of the statutes is created to read:

17           343.17 (3) (a) 14. If the person is not a citizen of the United States, the date on  
18 which the person’s legal presence in the United States expires.

19           **SECTION 4.** 343.20 (1) (f) of the statutes is created to read:

20           343.20 (1) (f) The department shall cancel an operator’s license if the  
21 department is notified by a local, state, or federal government agency that the

1 operator is no longer a citizen of the United States, a legal permanent resident of the  
2 United States, or a conditional resident of the United States, or otherwise not legally  
3 present in the United States.

4 **SECTION 5.** 343.20 (1m) of the statutes is created to read:

5 343.20 (1m) A license that is issued to a person who is not a United States  
6 citizen and who provides documentary proof of legal status as provided under s.  
7 343.14 (2) (er) shall expire on the date that the person's legal presence in the United  
8 States is no longer authorized. If the documentary proof as provided under s. 343.14  
9 (2) (er) does not state the date that the person's legal presence in the United States  
10 is no longer authorized, sub. (1) shall apply.

11 **SECTION 6.** 343.50 (4) of the statutes is amended to read:

12 343.50 (4) APPLICATION. The application for an identification card shall include  
13 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), and  
14 (em), and (er), and such further information as the department may reasonably  
15 require to enable it to determine whether the applicant is entitled by law to an  
16 identification card. The department shall, as part of the application process, take a  
17 photograph of the applicant to comply with sub. (3). No application may be processed  
18 without the photograph being taken. Misrepresentations in violation of s. 343.14 (5)  
19 are punishable as provided in s. 343.14 (9).

20 **SECTION 7.** 343.50 (5) of the statutes is amended to read:

21 343.50 (5) VALID PERIOD; FEES. The fee for an original card and for the  
22 reinstatement of an identification card after cancellation under sub. (10) shall be \$9.  
23 The card shall be valid for the succeeding period of 4 years from the applicant's next  
24 birthday after the date of issuance, except that a card that is issued to a person who  
25 is not a United States citizen and who provides documentary proof of legal status as

1 provided under s. 343.14 (2) (er) shall expire on the date that the person's legal  
2 presence in the United States is no longer authorized. If the documentary proof as  
3 provided under s. 343.14 (2) (er) does not state the date that the person's legal  
4 presence in the United States is no longer authorized, then the card shall be valid  
5 for the succeeding period of 4 years from the applicant's next birthday after the date  
6 of issuance.

7 **SECTION 8.** 343.50 (6) of the statutes is amended to read:

8 343.50 (6) RENEWAL. At least 30 days prior to the expiration of the card, the  
9 department shall mail a renewal application to the last-known address of each  
10 identification card holder. The department shall include with the application  
11 information, as developed by all organ procurement organizations in cooperation  
12 with the department, that promotes anatomical donations and which relates to the  
13 anatomical donation opportunity available under s. 343.175. The fee for a renewal  
14 identification card shall be \$9, which card shall be valid for 4 years, except that a card  
15 that is issued to a person who is not a United States citizen and who provides  
16 documentary proof of legal status as provided under s. 343.14 (2) (er) shall expire on  
17 the date that the person's legal presence in the United States is no longer authorized.  
18 If the documentary proof as provided under s. 343.14 (2) (er) does not state the date  
19 that the person's legal presence in the United States is no longer authorized, then  
20 the card shall be valid for 4 years.

21 **SECTION 9. Initial applicability.**

22 (1) This act first applies to applications that are made on the effective date of  
23 this subsection.

24 (END)

**SENATE AMENDMENT ,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 69**

12-6  
5007

bill, as shown  
assembly  
substitute  
amendment  
1,

1 At the locations indicated, amend the substitute amendment as follows:

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

3 **INSERT A** attached  
here

4 2. Page 2, line 1: substitute "Section 1t" for "Section 1".

5 3. Page 2, line 3: after "(2)" insert "(ep) and".

6 4. Page 2, line 3: after that line insert:

7 "SECTION 1w. 343.14 (2) (ep) of the statutes is created to read:

8 343.14 (2) (ep) Documentary proof of compliance with s. 344.10, if the applicant  
9 is the owner of a motor vehicle."

10 5. Page 5, line 7: after that line insert:

11 **INSERT B** attached  
here

change component

1 →

6. Page 5, line 23: after that line insert:

94  
on page 1 of the material inserted by assembly amendment 2, delete lines 3 to 5 and substitute: #

change component

"SECTION 9m. Effective date.

Ins 2-2 (attached)

change component  
3  
4

(1) SECTION 8Z of this act takes effect on the day after publication."

(END)



## BILL

1 **SECTION 1.** <sup>e</sup> 85.55 of the statutes is amended to read:

2 **85.55 Safe-ride grant program.** The department may award grants to any  
3 county or municipality or to any nonprofit corporation, as defined in s. 66.0129 (6)  
4 (b), to cover the costs of transporting persons suspected of having a prohibited alcohol  
5 concentration, as defined in s. 340.01 (46m), from any premises licensed under ch.  
6 125 to sell alcohol beverages to their places of residence. The amount of a grant under  
7 this section may not exceed 50% of the costs necessary to provide the service. The  
8 liability of a provider of a safe-ride program to persons transported under the  
9 program is limited to the amounts required for ~~an automobile~~ a motor vehicle  
10 liability policy under s. 344.15 (1). Grants awarded under this section shall be paid  
11 from the appropriation under s. 20.395 (5) (ek).

12 **SECTION 2.** <sup>g 1m</sup> 194.41 (1) of the statutes is amended to read:

13 194.41 (1) No permit or vehicle registration may be issued to a common motor  
14 carrier of property, contract motor carrier, or rental company, no permit or vehicle  
15 registration may remain in force to operate any motor vehicle under the authority  
16 of this chapter, and no vehicle registration may be issued or remain in force for a  
17 semitrailer unless the carrier or rental company has on file with the department and  
18 in effect an approved certificate for a policy of insurance or other written contract in  
19 such form and containing such terms and conditions as may be approved by the  
20 department issued by an insurer authorized to do a surety or ~~automobile~~ motor  
21 vehicle liability business in this state under which the insurer assumes the liability  
22 prescribed by this section with respect to the operation of such motor vehicles. The  
23 certificate or other contract is subject to the approval of the department and shall  
24 provide that the insurer shall be directly liable for and shall pay all damages for  
25 injuries to or for the death of persons or for injuries to or destruction of property that

**BILL**

1 may be recovered against the owner or operator of any such motor vehicles by reason  
2 of the negligent operation thereof in such amount as the department may require.  
3 Liability may be restricted so as to be inapplicable to damage claims on account of  
4 injury to or destruction of property transported, but the department may require a  
5 certificate or other contract protecting the owner of the property transported by  
6 carriers from loss or damage in the amount and under the conditions as the  
7 department may require. No permit or vehicle registration may be issued to a  
8 common motor carrier of passengers by any motor vehicle, or other carrier of  
9 passengers by motor bus, except those registered in accordance with s. 341.26 (2) (a)  
10 and (d), and no permit or vehicle registration may remain in force to operate any  
11 motor vehicle unless it has on file with the department a like certificate or other  
12 contract in the form and containing the terms and conditions as may be approved by  
13 the department for the payment of damages for injuries to property and injuries to  
14 or for the death of persons, including passengers, in the amounts as the department  
15 may require. This subsection does not apply to a motor carrier that is registered by  
16 another state under a single-state registration system consistent with the standards  
17 under 49 USC 14504.

18 **SECTION 3.** <sup>g 15</sup> 302.46 (1) (a) of the statutes is amended to read:

19 302.46 (1) (a) ~~On or after October 1, 1987, if~~ If a court imposes a fine or  
20 forfeiture for a violation of state law or for a violation of a municipal or county  
21 ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv)  
22 or (5), for a financial responsibility violation under s. 344.10 (1) (a) 2., or for a first  
23 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the  
24 person who committed the violation had a blood alcohol concentration of 0.08 or more  
25 but less than 0.1 at the time of the violation, or for a violation of state laws or

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1 municipal or county ordinances involving nonmoving traffic violations or safety belt  
 2 use violations under s. 347.48 (2m), the court, in addition, shall impose a jail  
 3 surcharge under ch. 814 in an amount of 1% of the fine or forfeiture imposed or \$10,  
 4 whichever is greater. If multiple offenses are involved, the court shall determine the  
 5 jail surcharge on the basis of each fine or forfeiture. If a fine or forfeiture is  
 6 suspended in whole or in part, the court shall reduce the jail surcharge in proportion  
 7 to the suspension.

8 **SECTION 4.** ~~344.10~~ of the statutes is created to read:

9 **344.10 Compulsory financial responsibility; limits and penalties. (1)**

10 (a) 1. No person may operate a motor vehicle upon a highway in this state unless the  
 11 owner or operator has in effect a motor vehicle liability policy or bond for the motor  
 12 vehicle, which meets the requirements under s. 344.15, insuring against loss  
 13 resulting from liability imposed by law for bodily injury, death, and property damage  
 14 sustained by any person arising out of the ownership, maintenance, operation, or use  
 15 of the motor vehicle.

16 2. No person may operate a motor vehicle upon a highway in this state unless  
 17 the person has in his or her immediate possession at all times while operating the  
 18 vehicle proof that he or she is in compliance with subd. 1. or that the requirements  
 19 of subd. 1. do not apply to him or her. The operator of the motor vehicle shall display  
 20 the proof required under this subdivision upon demand from any law enforcement  
 21 officer.

22 (b) 1. No person charged with violating par. (a) 1. may be convicted if the person  
 23 produces proof that he or she was in compliance with par. (a) 1. or that the  
 24 requirements of par. (a) 1. did not apply to him or her at the time of the arrest. Such  
 25 proof may be produced either at the time of the person's appearance in court in

A. cont

Insert B

8b

**BILL**

1 response to the uniform traffic citation, or in the office of the arresting officer within  
2 5 days after the date of issuance of the uniform traffic citation.

3 2. Proof of compliance with par. (a) 1. may be evidenced by display of the motor  
4 vehicle policy or bond in effect for the motor vehicle under s. 344.15, a copy of that  
5 policy or bond, or an identification card issued to the person by the insurer indicating  
6 that the policy or bond is in effect or by display of certification of insurance under s.  
7 344.31 or a copy of that certification.

8 3. The department shall promulgate a rule specifying the form of proof that  
9 may be displayed by a person under par. (c) to show that the requirements under par.  
10 (a) 1. do not apply to him or her.

11 (c) Paragraph (a) 1. does not apply to any of the following:

12 1. A person operating a vehicle owned by a self-insurer under s. 344.16 if  
13 operating with the owner's permission.


14 2. A person operating a vehicle insured as required by s. 121.53, 194.41, or  
15 194.42 if operating with the owner's permission.

16 3. A person who has filed proof of financial responsibility as provided under  
17 sub. (2) or a person operating a vehicle owned by the person who has deposited money  
18 or security if operating with the owner's permission.

19 4. The operator of a vehicle owned by or leased to the United States, this or  
20 another state, or any county or municipality of this or another state, if operating with  
21 the owner's or lessee's permission.

22 (2) Proof of financial responsibility may be evidenced by a deposit of money or  
23 securities in the amount, form, and manner specified in s. 344.37.

24 (3) Notwithstanding s. 349.02, a law enforcement officer may not stop or  
25 inspect a vehicle solely to determine compliance with sub. (1) (a) 1. or 2. or both or



**BILL**

1 a local ordinance in conformity with sub. (1) (a) 1. or 2. or both. This subsection does  
2 not limit the authority of a law enforcement officer to issue a citation for a violation  
3 of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity with sub. (1) (a) 1. or  
4 2. or both observed in the course of a stop or inspection made for other purposes,  
5 except that a law enforcement officer may not take a person into physical custody  
6 solely for a violation of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity  
7 with sub. (1) (a) 1. or 2. or both.

8 (4) The department shall include with each operator's license issued under ch.  
9 343 notification of the requirements and penalties under this section.

10 (5) (a) Any person who violates sub. (1) (a) 1. shall forfeit not more than \$500.

11 (b) Any person who violates sub. (1) (a) 2. may be required to forfeit \$10.

12 **SECTION 5.** 344.15 (1) of the statutes is amended to read:

13 344.15 (1) No policy or bond is effective under s. 344.10 or 344.14 unless issued  
14 by an insurer authorized to do ~~an automobile~~ a motor vehicle liability or surety  
15 business in this state, except as provided in sub. (2), or unless the policy or bond is  
16 subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of  
17 interest and costs, of not less than \$25,000 because of bodily injury to or death of one  
18 person in any one accident and, subject to that limit for one person, to a limit of not  
19 less than \$50,000 because of bodily injury to or death of 2 or more persons in any one  
20 accident and, if the accident has resulted in injury to or destruction of property, to  
21 a limit of not less than \$10,000 because of injury to or destruction of property of  
22 others in any one accident.

23 **SECTION 6.** 344.15 (2) (intro.) of the statutes is amended to read:

24 344.15 (2) (intro.) A policy or bond with respect to a vehicle which was not  
25 registered in this state or was registered elsewhere at the time of the effective date

**BILL**

1 of the policy or bond or the most recent renewal thereof may be effective under s.  
2 344.10 or 344.14 even though not issued by an insurer authorized to do ~~an automobile~~  
3 a motor vehicle liability or surety business in this state if the following conditions are  
4 complied with:

5 **SECTION 7.** 344.15 (4) of the statutes is amended to read:

6 344.15 (4) After receipt of the report of an accident of the type specified in s.  
7 344.12, the secretary may forward to the insurer named therein, that portion of the  
8 report or other notice which pertains to ~~an automobile~~ a motor vehicle liability policy  
9 or bond. The secretary shall assume that ~~an automobile~~ a motor vehicle liability  
10 policy or bond as described in this section was in effect and applied to both the owner  
11 and operator with respect to the accident unless the insurer notifies the secretary  
12 otherwise within 30 days from the mailing to the insurer of that portion of the report  
13 or other notice pertaining to the ~~automobile~~ motor vehicle liability policy or bond.  
14 Upon receipt of notice from the insurer that ~~an automobile~~ a motor vehicle liability  
15 policy or bond was in effect as to the owner only, the operator only or was not in effect  
16 as to either of them, the secretary shall within the remainder of the 90-day period  
17 specified in s. 344.13 (3) require the owner or operator or both, whichever is  
18 applicable, to deposit security pursuant to this chapter. As respects permission to  
19 operate the vehicle, the insurer may correct the report or other notice only if it files  
20 with the secretary within the 30-day period specified in this subsection an affidavit  
21 signed by the owner stating that the operator did not have the owner's permission  
22 to operate the vehicle. Where the insurer's failure to notify the secretary within 30  
23 days of a correction in that portion of the report or other notice pertaining to ~~an~~  
24 ~~automobile~~ a motor vehicle liability policy or bond is caused by fraud, the insurer

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1 shall notify the secretary of the correction within 30 days of the time the fraud is  
2 discovered.

3 **SECTION 8.** 344.15 (5) of the statutes is amended to read:

4 344.15 (5) Nothing in this chapter shall be construed to impose any obligation  
5 not otherwise assumed by the insurer in its ~~automobile~~ motor vehicle liability policy  
6 or bond except that if no correction is made in the report or other notice within 30  
7 days after it is mailed to the insurer, the insurer, except in case of fraud, whenever  
8 such fraud may occur, is estopped from using as a defense to its liability the insured's  
9 failure to give permission to the operator or a violation of the purposes of use specified  
10 in the ~~automobile~~ motor vehicle liability policy or bond or the use of the vehicle  
11 beyond agreed geographical limits.

12 **SECTION 9.** 344.32 (1) (intro.) of the statutes is amended to read:

13 344.32 (1) (intro.) A nonresident may give proof of financial responsibility by  
14 filing with the secretary a written certification of an insurer authorized to transact  
15 ~~an automobile~~ a motor vehicle liability or surety business in the state in which the  
16 person resides or by transmitting such certification to the secretary by another  
17 means approved by the secretary, provided the certification otherwise conforms to  
18 this chapter. The secretary shall accept the certification if the insurer complies with  
19 the following with respect to the policies so certified:

20 **SECTION 10.** 344.33 (1) of the statutes is amended to read:

21 344.33 (1) CERTIFICATION. In ~~this chapter~~ ss. 344.30 to 344.34, "motor vehicle  
22 liability policy" means a motor vehicle policy of liability insurance, certified as  
23 provided in s. 344.31 or 344.32 as proof of financial responsibility for the future, and  
24 issued, except as otherwise provided in s. 344.32, by an insurer authorized to do an

## BILL

1 ~~automobile~~ a motor vehicle liability business in this state to or for the benefit of the  
2 person named in the policy as the insured.

3 SECTION 11. 344.35 (title) of the statutes is amended to read:

4 344.35 (title) ~~This chapter~~ Section 344.33 not to affect other policies.

5 SECTION 12. 344.35 (1) of the statutes is amended to read:

6 344.35 (1) ~~This chapter~~ Section 344.33 does not apply to or affect policies of  
7 ~~automobile~~ motor vehicle insurance against liability which may now or hereafter be  
8 required by any other law of this state. If such policies contain an agreement or are  
9 endorsed to conform to the requirements of ~~this chapter s. 344.33~~, they may be  
10 certified as proof of financial responsibility under this chapter.

11 SECTION 13. 344.35 (2) of the statutes is amended to read:

12 344.35 (2) ~~This chapter~~ Section 344.33 does not apply to or affect policies  
13 insuring solely the insured named in the policy against liability resulting from the  
14 maintenance or use by persons in the insured's employ or on the insured's behalf of  
15 motor vehicles not owned by the insured.

16 SECTION 14. 344.51 (1m) of the statutes is amended to read:

17 344.51 (1m) No lessor or rental company may for compensation rent or lease  
18 any motor vehicle unless there is filed with the department on a form prescribed by  
19 the department a certificate for a good and sufficient bond or policy of insurance  
20 issued by an insurer authorized to do ~~an automobile~~ a motor vehicle liability  
21 insurance or surety business in this state. The certificate shall provide that the  
22 insurer which issued it will be liable for damages caused by the negligent operation  
23 of the motor vehicle in the amounts set forth in s. 344.01 (2) (d). No lessor or rental  
24 company complying with this subsection, and no lessor or rental company entering  
25 into or acquiring an interest in any contract for the rental or leasing of a motor vehicle



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1 for which any other lessor or rental company has complied with this subsection, is  
2 liable for damages caused by the negligent operation of the motor vehicle by another  
3 person.

4 **SECTION 15.** 345.61 (1) (a) of the statutes is amended to read:

5 345.61 (1) (a) Any domestic or foreign surety company which that has qualified  
6 to transact surety business in this state may, in any year, become surety in an amount  
7 not to exceed \$200 with respect to any guaranteed arrest bond certificates issued in  
8 such year by an automobile club, by an association, or by an insurance company  
9 authorized to write ~~automobile~~ motor vehicle liability insurance within this state, by  
10 filing with the commissioner of insurance an undertaking thus to become surety.

11 **SECTION 16.** 345.61 (2) (c) of the statutes is amended to read:

12 345.61 (2) (c) "Guaranteed arrest bond certificate," as used in this section,  
13 means any printed card or other certificate issued by an automobile club, association,  
14 or insurance company to any of its members or insureds, which card or certificate is  
15 signed by the member or insureds and contains a printed statement that the  
16 automobile club, association, or insurance company and a surety company, or an  
17 insurance company authorized to transact both ~~automobile~~ motor vehicle liability  
18 insurance and surety business, guarantee the appearance of the persons whose  
19 signature appears on the card or certificate and that they will, in the event of failure  
20 of the person to appear in court at the time of trial, pay any fine or forfeiture imposed  
21 on the person, plus costs, fees, and surcharges imposed under ch. 814, in an amount  
22 not exceeding \$200, or \$1,000 as provided in sub. (1) (b).

23 **SECTION 17.** 345.61 (3) of the statutes is amended to read:

24 345.61 (3) Any guaranteed arrest bond certificate with respect to which a  
25 surety company has become surety, or a guaranteed arrest bond certificate issued by

**BILL**

1 an insurance company authorized to transact both ~~automobile~~ motor vehicle liability  
2 insurance and surety business within this state as herein provided, shall, when  
3 posted by the person whose signature appears thereon, be accepted in lieu of cash bail  
4 or other bond in an amount not to exceed \$200, or \$1,000 as provided in sub. (1) (b),  
5 as a bail bond, to guarantee the appearance of such person in any court in this state,  
6 including all municipal courts in this state, at such time as may be required by such  
7 court, when the person is arrested for violation of any vehicle law of this state or any  
8 motor vehicle ordinance of any county or municipality in this state except for the  
9 offense of driving under the influence of intoxicating liquors or of drugs or for any  
10 felony committed prior to the date of expiration shown on such guaranteed arrest  
11 bond certificates; provided, that any such guaranteed arrest bond certificates so  
12 posted as bail bond in any court in this state shall be subject to the forfeiture and  
13 enforcement provisions with respect to bail bonds in criminal cases as otherwise  
14 provided by law or as hereafter may be provided by law, and that any such  
15 guaranteed arrest bond certificate posted as a bail bond in any municipal court of this  
16 state shall be subject to the forfeiture and enforcement provisions, if any, of the  
17 charter or ordinance of the particular county or municipality pertaining to bail bonds  
18 posted.

19 **SECTION 18.** 346.73 of the statutes is amended to read:

20 **346.73 Accident reports not to be used in trial.** Notwithstanding s. 346.70  
21 (4) (f), accident reports required to be filed with or transmitted to the department or  
22 a county or municipal authority shall not be used as evidence in any judicial trial,  
23 civil or criminal, arising out of an accident, except that such reports may be used as  
24 evidence in a trial for a violation of s. 344.10 or in any administrative proceeding  
25 conducted by the department. The department shall furnish upon demand of any

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1 person who has or claims to have made such a report, or upon demand of any court,  
2 a certificate showing that a specified accident report has or has not been made to the  
3 department solely to prove a compliance or a failure to comply with the requirement  
4 that such a report be made to the department.

5 **SECTION 19.** 757.05 (1) (a) of the statutes, as affected by 2005 Wisconsin Act 25,  
6 is amended to read:

7 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of  
8 state law or for a violation of a municipal or county ordinance except for a violation  
9 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility  
10 violation under s. 344.10 (1) (a) 2., or for a first violation of s. 23.33 (4c) (a) 2., 30.681  
11 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation  
12 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the  
13 violation, or for a violation of state laws or municipal or county ordinances involving  
14 nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), there  
15 shall be imposed in addition a penalty surcharge under ch. 814 in an amount of 25%  
16 of the fine or forfeiture imposed. If multiple offenses are involved, the penalty  
17 surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine  
18 or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced  
19 in proportion to the suspension.

20 **SECTION 20.** 814.63 (1) (c) of the statutes is amended to read:

21 814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
22 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility  
23 violation under s. 344.10 (1) (a) 2., for a first violation of s. 23.33 (4c) (a) 2., 30.681  
24 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation

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1 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the  
2 violation, or for a violation of a safety belt use violation under s. 347.48 (2m).

3 **SECTION 21.** 814.63 (2) of the statutes is amended to read:

4 814.63 (2) Upon the disposition of a forfeiture action in circuit court for  
5 violation of a county, town, city, village, town sanitary district or public inland lake  
6 protection and rehabilitation district ordinance, except for an action for a first  
7 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the  
8 person who committed the violation had a blood alcohol concentration of 0.08 or more  
9 but less than 0.1 at the time of the violation, for a financial responsibility violation  
10 under s. 344.10 (1) (a) 2., or for a safety belt use violation under s. 347.48 (2m), the  
11 county, town, city, village, town sanitary district or public inland lake protection and  
12 rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk of circuit court

13 **SECTION 22.** 814.65 (1) of the statutes is amended to read: *as affected by 2005 Wisconsin Act*

14 814.65 (1) COURT COSTS. In a municipal court action, except for an action for  
15 a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)  
16 (b), if the person who committed the violation had a blood alcohol concentration of  
17 0.08 or more but less than 0.1 at the time of the violation, for a financial responsibility  
18 violation under s. 344.10 (1) (a) 2., or for a violation of an ordinance in conformity with  
19 s. 347.48 (2m), the municipal judge shall collect a fee of not less than \$15 nor more  
20 than ~~\$23~~ *#28 ← plain* on each separate matter, whether it is on default of appearance, a plea of  
21 guilty or no contest, on issuance of a warrant or summons, or the action is tried as  
22 a contested matter. Of each fee received by the judge under this subsection, the  
23 municipal treasurer shall pay monthly \$5 to the secretary of administration for  
24 deposit in the general fund and shall retain the balance for the use of the  
25 municipality.

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1           **SECTION 23.** 814.85 (1) (a) of the statutes is amended to read:

2           814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,  
3           30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the  
4           violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the  
5           time of the violation, for a financial responsibility violation under s. 344.10 (1) (a) 2.,  
6           or for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall  
7           charge and collect a \$68 court support services surcharge from any person, including  
8           any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1)  
9           (a), (3), or (8) (am) or 814.63 (1).

10           **SECTION 24.** 814.86 (1) of the statutes, as affected by 2005 Wisconsin Act 25,  
11           is amended to read:

12           814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681  
13           (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation  
14           had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the  
15           violation, for a financial responsibility violation under s. 344.10 (1) (a) 2., or for a  
16           safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge  
17           and collect a \$12 justice information system surcharge from any person, including  
18           any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1)  
19           (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice  
20           information system surcharge is in addition to the surcharge listed in sub. (1m).

21           **SECTION 25. Nonstatutory provisions.**

22           (1) The department of transportation shall submit in proposed form the rule  
23           required under section 344.10 (1) (b) 3. of the statutes, as created by this act, to the  
24           legislative council staff under section 227.15 (1) of the statutes no later than the first  
25           day of the 9th month beginning after the effective date of this subsection.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa1009/1  
PJH:wlj:rs

**ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 69**

September 21, 2005 - Offered by JOINT COMMITTEE ON FINANCE.

*INS 2-2*

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 4, line 23: after that line insert:

3 **SECTION 9m. Effective date.**

4 *no #* (1) This act takes effect on the first day of the 13th month beginning after  
5 publication~~k~~, *except as follows: #*

6 (END)