

**ASSEMBLY AMENDMENT 2,
TO 2005 ASSEMBLY BILL 715**

November 17, 2005 – Offered by COMMITTEE ON TRANSPORTATION.

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

2 **1.** Page 3, line 1: before that line insert:

3 “**SECTION 1d.** 165.755 (1) (b) of the statutes is amended to read:

4 165.755 (1) (b) A court may not impose the crime laboratories and drug law
5 enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar),
6 (bm), (br), or (bv) or (5) (b), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1.,
7 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood
8 alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,
9 or for a violation of a state law or municipal or county ordinance involving a
10 nonmoving traffic violation, a violation under s. 343.51 (1m) (b). or a safety belt use
11 violation under s. 347.48 (2m).

12 **SECTION 1f.** 302.46 (1) (a) of the statutes is amended to read:

1 302.46 (1) (a) ~~On or after October 1, 1987, if~~ If a court imposes a fine or
2 forfeiture for a violation of state law or for a violation of a municipal or county
3 ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv)
4 or (5), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or
5 350.101 (1) (b), if the person who committed the violation had a blood alcohol
6 concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a
7 violation of state laws or municipal or county ordinances involving nonmoving traffic
8 violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s.
9 347.48 (2m), the court, in addition, shall impose a jail surcharge under ch. 814 in an
10 amount of ~~1%~~ 1 percent of the fine or forfeiture imposed or \$10, whichever is greater.
11 If multiple offenses are involved, the court shall determine the jail surcharge on the
12 basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part,
13 the court shall reduce the jail surcharge in proportion to the suspension.”.

14 **2.** Page 3, line 1: delete “**SECTION 1**” and substitute “**SECTION 1m**”.

15 **3.** Page 3, line 1: after that line insert:

16 “**SECTION 1p.** 343.51 (1m) of the statutes is renumbered 343.51 (1m) (a) and
17 amended to read:

18 343.51 (1m) (a) The form for application for a special identification card under
19 sub. (1) shall include the information required under s. 85.103 (2) and shall advise
20 the applicant of the requirement under par. (b).

21 **SECTION 1r.** 343.51 (1m) (b) of the statutes is created to read:

22 343.51 (1m) (b) If the department issues to a person a special identification
23 card under sub. (1), the person shall retain, for the period during which the special
24 identification card is valid, any statement specified in sub. (1) submitted by the

1 person to the department in support of the application. Any time that a special
2 identification card issued under sub. (1) is displayed on a vehicle, the person issued
3 the special identification card shall carry on the person or in the vehicle a copy of this
4 statement and shall, upon request by any traffic officer, produce the statement for
5 inspection.”.

6 **4.** Page 5, line 3: after that line insert:

7 “**SECTION 8m.** 343.52 (1r) of the statutes is created to read:

8 343.52 (1r) Any person who violates s. 343.51 (1m) (b) may be required to forfeit
9 not more than \$10, except that a person charged with violating s. 343.51 (1m) (b) may
10 not be convicted if he or she produces the statement in court or in the office of the
11 officer issuing the citation, within 10 days after the date on which the citation is
12 issued.”.

13 **5.** Page 5, line 12: after that line insert:

14 “**SECTION 9p.** 757.05 (1) (a) of the statutes, as affected by 2005 Wisconsin Act
15 25, is amended to read:

16 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
17 state law or for a violation of a municipal or county ordinance except for a violation
18 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s.
19 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who
20 committed the violation had a blood alcohol concentration of 0.08 or more but less
21 than 0.1 at the time of the violation, or for a violation of state laws or municipal or
22 county ordinances involving nonmoving traffic violations, violations under s. 343.51
23 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in
24 addition a penalty surcharge under ch. 814 in an amount of ~~25%~~ 25 percent of the

1 fine or forfeiture imposed. If multiple offenses are involved, the penalty surcharge
2 shall be based upon the total fine or forfeiture for all offenses. When a fine or
3 forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced
4 in proportion to the suspension.

5 **SECTION 9r.** 814.63 (1) (c) of the statutes is amended to read:

6 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
7 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a first violation of s. 23.33
8 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who
9 committed the violation had a blood alcohol concentration of 0.08 or more but less
10 than 0.1 at the time of the violation, or for a violation of s. 343.51 (1m) (b) or
11 a safety belt use violation under s. 347.48 (2m).

12 **SECTION 9t.** 814.63 (2) of the statutes is amended to read:

13 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
14 violation of a county, town, city, village, town sanitary district or public inland lake
15 protection and rehabilitation district ordinance, except for an action for a first
16 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the
17 person who committed the violation had a blood alcohol concentration of 0.08 or more
18 but less than 0.1 at the time of the violation, or for a violation under s. 343.51 (1m)
19 (b) or a safety belt use violation under s. 347.48 (2m), the county, town, city, village,
20 town sanitary district or public inland lake protection and rehabilitation district
21 shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

22 **SECTION 9v.** 814.65 (1) of the statutes is amended to read:

23 814.65 (1) COURT COSTS. In a municipal court action, except for an action for
24 a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)
25 (b), if the person who committed the violation had a blood alcohol concentration of

1 0.08 or more but less than 0.1 at the time of the violation, or for a violation of an
2 ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge
3 shall collect a fee of not less than \$15 nor more than \$23 on each separate matter,
4 whether it is on default of appearance, a plea of guilty or no contest, on issuance of
5 a warrant or summons, or the action is tried as a contested matter. Of each fee
6 received by the judge under this subsection, the municipal treasurer shall pay
7 monthly \$5 to the secretary of administration for deposit in the general fund and
8 shall retain the balance for the use of the municipality.

9 **SECTION 9x.** 814.85 (1) (a) of the statutes is amended to read:

10 814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,
11 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the
12 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
13 time of the violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use
14 violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$68
15 court support services surcharge from any person, including any governmental unit
16 as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or
17 814.63 (1).

18 **SECTION 9z.** 814.86 (1) of the statutes, as affected by 2005 Wisconsin Act 25,
19 is amended to read:

20 814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681
21 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
22 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
23 violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under
24 s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$12 justice
25 information system surcharge from any person, including any governmental unit, as

1 defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62
2 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in
3 addition to the surcharge listed in sub. (1m).”.

4 **6.** Page 5, line 14: after “343.51” insert “(1m) (b) and”.

5 **7.** Page 5, line 18: after “343.52” insert “(1r) and”.

6 **8.** Page 5, line 21: after that line insert:

7 **“SECTION 11m. Effective date.**

8 (1) This act takes effect on the first day of the 3rd month beginning after
9 publication.”.

10 (END)