

2007 ASSEMBLY BILL 113

February 22, 2007 – Introduced by Representatives BIES, SINICKI, GOTTLIEB, HINES, HRAYCHUCK, A. OTT, STEINBRINK, STONE and TOWNSEND, cosponsored by Senator RISSER. Referred to Committee on Transportation.

- 1 **AN ACT to amend** 347.48 (2m) (gm) and 347.50 (2m) (a) of the statutes; **relating**
2 **to:** enforcement of motor vehicle safety belt violations and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires the use of safety belts (seat belts) in certain motor vehicles. With certain exceptions, no person may drive a motor vehicle unless he or she is properly restrained by a seat belt and unless each passenger not required to be in a child safety seat or booster seat is properly restrained by a seat belt. No person who is at least eight years old may be a passenger in the front seat of a motor vehicle, or in a seat other than the front seat for which a seat belt has been installed, unless that person is properly restrained. Current law prohibits a law enforcement officer from stopping or inspecting a motor vehicle solely to determine compliance with seat belt use requirements. The officer may, however, issue a citation for a violation observed in the course of a stop or inspection made for other purposes. A law enforcement officer may not take a person into physical custody solely for a violation of seat belt use requirements.

This bill authorizes a law enforcement officer to stop or inspect a vehicle solely to determine compliance with seat belt use requirements, if the officer has probable cause to believe that a violation has occurred. The bill also increases the penalty for violating this state's laws requiring the use of seat belts from \$10 to \$25 for a first offense and to not less than \$50 nor more than \$75 for the second and each later offense committed within three years. As under current law, violators pay no additional costs, fees, or assessments.

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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:

1 **SECTION 1.** 347.48 (2m) (gm) of the statutes is amended to read:

2 347.48 **(2m)** (gm) ~~Notwithstanding s. 349.02, a law enforcement officer may not~~
3 ~~stop or inspect a vehicle solely to determine compliance with this subsection or sub.~~
4 ~~(1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules~~
5 ~~of the department. This paragraph does not limit the authority of a law enforcement~~
6 ~~officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local~~
7 ~~ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department~~
8 ~~observed in the course of a stop or inspection made for other purposes, except that~~
9 ~~a. A law enforcement officer may not take a person into physical custody solely for~~
10 ~~a violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with~~
11 ~~this subsection, sub. (1) or (2) or rules of the department.~~

12 **SECTION 2.** 347.50 (2m) (a) of the statutes is amended to read:

13 347.50 **(2m)** (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person
14 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10
15 \$25 for the first offense and not less than \$50 nor more than \$75 for the 2nd or any
16 later offense committed within 3 years.

17 **SECTION 3. Initial applicability.**

18 (1) The treatment of section 347.50 (2m) (a) of the statutes first applies to
19 violations committed on the effective date of this subsection, but does not preclude
20 the counting of other violations as prior violations for sentencing a person.

21 **SECTION 4. Effective date.**

