



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1411/PT

BAB:kjf:lyn

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 2/26/07

NEED BY 3/5/07

Regen

1 AN ACT to amend 85.55, 194.41 (1), 302.46 (1) (a), 344.15 (1), 344.15 (2) (intro.),  
 2 344.15 (4), 344.15 (5), 344.32 (1) (intro.), 344.33 (1), 344.35 (title), 344.35 (1),  
 3 344.35 (2), 344.51 (1m), 345.61 (1) (a), 345.61 (2) (c), 345.61 (3), 346.73, 757.05  
 4 (1) (a), 814.63 (1) (c), 814.63 (2), 814.65 (1), 814.85 (1) (a) and 814.86 (1); and to  
 5 create 344.10 of the statutes; relating to: compulsory financial responsibility  
 6 for the operation of motor vehicles, providing an exemption from emergency rule  
 7 providing a penalty. granting rule-making authority, and procedures,

**Analysis by the Legislative Reference Bureau**

Under current law, the Department of Transportation (DOT) is required to notify the operator or owner of a motor vehicle that is involved in an accident that results in injury, death, or property damage of \$1,000 or more and to obtain a deposit of security for the accident. A deposit is not required if the person can provide proof of financial responsibility, which is an applicable motor vehicle liability insurance policy or bond that was in effect at the time of the accident providing not less than the following amounts for any single accident: \$25,000 for one person, \$50,000 for more than one person, and \$10,000 for property damage.

With certain exceptions, failure to provide proof of financial responsibility or a deposit of security after an accident results in suspension of the operator's motor vehicle operating privilege or of the registration of any vehicles registered by the

owner of the vehicle involved in the accident. Any suspension continues until the person provides a deposit of security or otherwise clears his or her liability or a year elapses without an action being commenced as a result of the accident.

Under current law, the person must demonstrate proof of financial responsibility for the future before the person's operating privilege or registration is renewed or reinstated and must maintain that proof for three years. Proof of financial responsibility for the future may be demonstrated by having an insurance policy or bond in the same amounts as are required at the time of an accident or by maintaining a deposit of \$60,000 in cash or securities with DOT.

This bill expands the financial responsibility law by prohibiting any person from operating a motor vehicle upon a highway in this state unless the owner or operator of the vehicle assures financial responsibility for the operation of the vehicle (compulsory financial responsibility) by:

1. Having in effect a motor vehicle liability insurance policy or bond providing not less than the following amounts for any single accident: \$25,000 for one person, \$50,000 for more than one person, and \$10,000 for property damage; or
2. Maintaining a deposit of \$60,000 in cash or securities with DOT.

These insurance policy, bond, and deposit amounts are the same amounts as are required under current law as proof of financial responsibility for the future. The bill provides exceptions for vehicles that are owned by self-insurers; persons who are required to insure the vehicle under other provisions of law; or vehicles owned by or leased to a governmental unit, if being operated with the permission of the owner or lessee. Any person convicted of failing to comply with this compulsory financial responsibility requirement shall forfeit not more than \$500.

The bill also requires any person operating a motor vehicle upon a highway in this state to carry proof of compulsory financial responsibility for the operation of the vehicle (such as an insurance card) or proof that he or she is exempt from this financial responsibility requirement, and to provide such proof upon demand from any law enforcement officer. Any person convicted of failing to carry such proof may be required to forfeit \$10, but no additional fees, costs, or assessments may be collected. DOT is required to include notification of both of these requirements and penalties with each operator's license that it issues.

Finally, the bill prohibits law enforcement officers from stopping or inspecting a motor vehicle solely to determine whether the compulsory financial responsibility requirement has been complied with or whether the operator is in compliance with the requirement of carrying proof with respect to such financial responsibility. An officer may, however, issue a citation for a violation observed in the course of a stop or inspection made for other purposes, but may not take the person into physical custody solely for the violation.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 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).

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12           **SECTION 2.** 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

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,  
5 and with respect to a carrier transporting a building, as defined in s. 348.27 (12m)  
6 (a) 1., shall require, a certificate or other contract protecting the owner of the  
7 property transported by carriers from loss or damage in the amount and under the  
8 conditions as the department may require. No permit or vehicle registration may be  
9 issued to a common motor carrier of passengers by any motor vehicle, or other carrier  
10 of passengers by motor bus, except those registered in accordance with s. 341.26 (2)  
11 (a) and (d), and no permit or vehicle registration may remain in force to operate any  
12 motor vehicle unless it has on file with the department a like certificate or other  
13 contract in the form and containing the terms and conditions as may be approved by  
14 the department for the payment of damages for injuries to property and injuries to  
15 or for the death of persons, including passengers, in the amounts as the department  
16 may require. This subsection does not apply to a motor carrier that is registered by  
17 another state under a single-state registration system consistent with the standards  
18 under 49 USC 14504.

19 **SECTION 3.** 302.46 (1) (a) of the statutes is amended to read:

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

1 violation, or for a violation of state laws or municipal or county ordinances involving  
2 nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use  
3 violations under s. 347.48 (2m), the court, in addition, shall impose a jail surcharge  
4 under ch. 814 in an amount of 1 percent of the fine or forfeiture imposed or \$10,  
5 whichever is greater. If multiple offenses are involved, the court shall determine the  
6 jail surcharge on the basis of each fine or forfeiture. If a fine or forfeiture is  
7 suspended in whole or in part, the court shall reduce the jail surcharge in proportion  
8 to the suspension.

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

10 **344.10 Compulsory financial responsibility; limits and penalties. (1)**

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

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

23 (b) 1. No person charged with violating par. (a) 2. may be convicted if the person  
24 produces proof that he or she was in compliance with par. (a) 1. or that the  
25 requirements of par. (a) 1. did not apply to him or her at the time of the arrest. Such

1 proof may be produced either at the time of the person's appearance in court in  
2 response to the uniform traffic citation, or in the office of the arresting officer within  
3 5 days after the date of issuance of the uniform traffic citation.

4 2. Proof of compliance with par. (a) 2. may be evidenced by display of the motor  
5 vehicle policy or bond in effect for the motor vehicle under s. 344.15, a copy of that  
6 policy or bond, or an identification card issued to the person by the insurer indicating  
7 that the policy or bond is in effect or by display of certification of insurance under s.  
8 344.31 or a copy of that certification.

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

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

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

15 2. A person operating a vehicle insured as required by s. 121.53, 194.41, or  
16 194.42 if operating with the owner's permission.

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

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

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

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

10           (4) The department shall include with each operator's license issued under ch.  
11 343 notification of the requirements and penalties under this section.

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

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

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

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

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

1           344.15 (2) (intro.) A policy or bond with respect to a vehicle which was not  
2 registered in this state or was registered elsewhere at the time of the effective date  
3 of the policy or bond or the most recent renewal thereof may be effective under s.  
4 344.10 or 344.14 even though not issued by an insurer authorized to do ~~an automobile~~  
5 a motor vehicle liability or surety business in this state if the following conditions are  
6 complied with:

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

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



1 to ~~an automobile~~ a motor vehicle liability policy or bond is caused by fraud, the  
2 insurer shall notify the secretary of the correction within 30 days of the time the  
3 fraud is discovered.

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

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

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

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

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

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

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

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

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

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 is amended to read:

6 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of  
7 state law or for a violation of a municipal or county ordinance except for a violation  
8 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility  
9 violation under s. 344.10 (1) (a) 2. or for a first violation of s. 23.33 (4c) (a) 2., 30.681  
10 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation  
11 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the  
12 violation, or for a violation of state laws or municipal or county ordinances involving  
13 nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use  
14 violations under s. 347.48 (2m), there shall be imposed in addition a penalty  
15 surcharge under ch. 814 in an amount of 26 percent of the fine or forfeiture imposed.  
16 If multiple offenses are involved, the penalty surcharge shall be based upon the total  
17 fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or  
18 in part, the penalty surcharge shall be reduced in proportion to the suspension.

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

20 814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
21 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility  
22 violation under s. 344.10 (1) (a) 2. for a first violation of s. 23.33 (4c) (a) 2., 30.681  
23 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation  
24 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the

1 violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under  
2 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 violation under s. 343.51 (1m) (b) or a safety belt  
11 use violation under s. 347.48 (2m), the county, town, city, village, town sanitary  
12 district or public inland lake protection and rehabilitation district shall pay a  
13 nonrefundable fee of \$5 to the clerk of circuit court.

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

15 814.65 (1) COURT COSTS. In a municipal court action, except for an action for  
16 a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)  
17 (b), if the person who committed the violation had a blood alcohol concentration of  
18 0.08 or more but less than 0.1 at the time of the violation, for a financial responsibility  
19 violation under s. 344.10 (1) (a) 2. or for a violation of an ordinance in conformity with  
20 s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect a fee of not less  
21 than \$15 nor more than \$28 on each separate matter, whether it is on default of  
22 appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or  
23 the action is tried as a contested matter. Of each fee received by the judge under this  
24 subsection, the municipal treasurer shall pay monthly \$5 to the secretary of

1 administration for deposit in the general fund and shall retain the balance for the  
2 use of the municipality.

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

4 814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,  
5 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the  
6 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the  
7 time of the violation, for a financial responsibility violation under s. 344.10 (1) (a) 2.  
8 or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48  
9 (2m), the clerk of circuit court shall charge and collect a \$68 court support services  
10 surcharge from any person, including any governmental unit as defined in s. 108.02  
11 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

12 **SECTION 24.** 814.86 (1) of the statutes is amended to read:

13 814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681  
14 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation  
15 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the  
16 violation, for a financial responsibility violation under s. 344.10 (1) (a) 2. or for a  
17 violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m),  
18 the clerk of circuit court shall charge and collect a \$12 justice information system  
19 surcharge from any person, including any governmental unit, as defined in s. 108.02  
20 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or  
21 (b), or 814.63 (1). The justice information system surcharge is in addition to the  
22 surcharge listed in sub. (1m).

23 **SECTION 25. Nonstatutory provisions.**

24 (1) The department of transportation shall submit in proposed form the rule  
25 required under section 344.10 (1) (b) 3. of the statutes, as created by this act, to the

1 legislative council staff under section 227.15 (1) of the statutes no later than the first  
2 day of the 9th month beginning after the effective date of this subsection.

INSERT 16-3 →

3 **SECTION 26. Effective dates.** This act takes effect on the first day of the 12th  
4 month commencing after publication, except as follows:

5 (1) SECTION 25 of this act takes effect on the day after publication.

6 (END)



1           **INSERT 3-12**

2  
3           **SECTION 1.** 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 financial responsibility violation under s. 344.10 (1)  
7 (a), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101  
8 (1) (b), if the person who committed the violation had a blood alcohol concentration  
9 of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of a state  
10 law or municipal or county ordinance involving a nonmoving traffic violation, a  
11 violation under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).

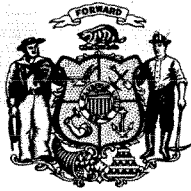
12       **History:** 1997 a. 27; 1999 a. 9, 72; 1999 a. 150 s. 672; 2001 a. 16; 2003 a. 30, 33, 139, 268, 326, 327; 2005 a. 25, 455.

13  
14           **INSERT 16-3**

15           ~~(D) EMERGENCY RULE~~ Using the procedure under section 227.24 of the statutes,  
16 the department of transportation shall promulgate the rule described under section  
17 344.10 (1) (b) 3. of the statutes, as created by this act, for the period before the  
18 permanent rule becomes effective, but not to exceed the period authorized under  
19 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),  
20 (2) (b), and (3) of the statutes, the department of transportation is not required to  
21 provide evidence that promulgating a rule under this subsection as an emergency  
22 rule is necessary for the preservation of the public peace, health, safety, or welfare

change  
to  
Ns: sub -  
not  
par.

- 1 and is not required to provide a finding of emergency for the rules promulgated under
- 2 this subsection.



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1411/P2

BAB:kjf/rs

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

IN 11/29/07

Need by 12/3/07

LPS: PWAct 20  
as indicated

Regen

No changes

1 AN ACT to amend 85.55, 165.755 (1) (b), 194.41 (1), 302.46 (1) (a), 344.15 (1),  
2 344.15 (2) (intro.), 344.15 (4), 344.15 (5), 344.32 (1) (intro.), 344.33 (1), 344.35  
3 (title), 344.35 (1), 344.35 (2), 344.51 (1m), 345.61 (1) (a), 345.61 (2) (c), 345.61  
4 (3), 346.73, 757.05 (1) (a), 814.63 (1) (c), 814.63 (2), 814.65 (1), 814.85 (1) (a) and  
5 814.86 (1); and to create 344.10 of the statutes; relating to: compulsory  
6 financial responsibility for the operation of motor vehicles, providing an  
7 exemption from emergency rule-making procedures, granting rule-making  
8 authority, and providing a penalty.

**Analysis by the Legislative Reference Bureau**

Under current law, the Department of Transportation (DOT) is required to notify the operator or owner of a motor vehicle that is involved in an accident that results in injury, death, or property damage of \$1,000 or more and to obtain a deposit of security for the accident. A deposit is not required if the person can provide proof of financial responsibility, which is an applicable motor vehicle liability insurance policy or bond that was in effect at the time of the accident providing not less than the following amounts for any single accident: \$25,000 for one person, \$50,000 for more than one person, and \$10,000 for property damage.

With certain exceptions, failure to provide proof of financial responsibility or a deposit of security after an accident results in suspension of the operator's motor

vehicle operating privilege or of the registration of any vehicles registered by the owner of the vehicle involved in the accident. Any suspension continues until the person provides a deposit of security or otherwise clears his or her liability or a year elapses without an action being commenced as a result of the accident.

Under current law, the person must demonstrate proof of financial responsibility for the future before the person's operating privilege or registration is renewed or reinstated and must maintain that proof for three years. Proof of financial responsibility for the future may be demonstrated by having an insurance policy or bond in the same amounts as are required at the time of an accident or by maintaining a deposit of \$60,000 in cash or securities with DOT.

This bill expands the financial responsibility law by prohibiting any person from operating a motor vehicle upon a highway in this state unless the owner or operator of the vehicle assures financial responsibility for the operation of the vehicle (compulsory financial responsibility) by:

1. Having in effect a motor vehicle liability insurance policy or bond providing not less than the following amounts for any single accident: \$25,000 for one person, \$50,000 for more than one person, and \$10,000 for property damage; or
2. Maintaining a deposit of \$60,000 in cash or securities with DOT.

These insurance policy, bond, and deposit amounts are the same amounts as are required under current law as proof of financial responsibility for the future. The bill provides exceptions for vehicles that are owned by self-insurers; persons who are required to insure the vehicle under other provisions of law; or vehicles owned by or leased to a governmental unit, if being operated with the permission of the owner or lessee. Any person convicted of failing to comply with this compulsory financial responsibility requirement shall forfeit not more than \$500.

The bill also requires any person operating a motor vehicle upon a highway in this state to carry proof of compulsory financial responsibility for the operation of the vehicle (such as an insurance card) or proof that he or she is exempt from this financial responsibility requirement, and to provide such proof upon demand from any law enforcement officer. Any person convicted of failing to carry such proof may be required to forfeit \$10, but no additional fees, costs, or assessments may be collected. DOT is required to include notification of both of these requirements and penalties with each operator's license that it issues.

Finally, the bill prohibits law enforcement officers from stopping or inspecting a motor vehicle solely to determine whether the compulsory financial responsibility requirement has been complied with or whether the operator is in compliance with the requirement of carrying proof with respect to such financial responsibility. An officer may, however, issue a citation for a violation observed in the course of a stop or inspection made for other purposes, but may not take the person into physical custody solely for the violation.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           SECTION 1. 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. 165.755 (1) (b) of the statutes is amended to read:

13           165.755 (1) (b) A court may not impose the crime laboratories and drug law  
14 enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar),  
15 (bm), (br), or (bv) or (5) (b), for a financial responsibility violation under s. 344.10 (1)  
16 (a), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101  
17 (1) (b), if the person who committed the violation had a blood alcohol concentration  
18 of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of a state  
19 law or municipal or county ordinance involving a nonmoving traffic violation, a  
20 violation under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).

21           SECTION 3. 194.41 (1) of the statutes is amended to read:

as affected by 2007 Wisconsin Act 20,

PW Act 20

1           194.41 (1) No permit or vehicle registration may be issued to a common motor  
2 carrier of property, contract motor carrier, or rental company, no permit or vehicle  
3 registration may remain in force to operate any motor vehicle under the authority  
4 of this chapter, and no vehicle registration may be issued or remain in force for a  
5 semitrailer unless the carrier or rental company has on file with the department and  
6 in effect an approved certificate for a policy of insurance or other written contract in  
7 such form and containing such terms and conditions as may be approved by the  
8 department issued by an insurer authorized to do a surety or automobile motor  
9 vehicle liability business in this state under which the insurer assumes the liability  
10 prescribed by this section with respect to the operation of such motor vehicles. The  
11 certificate or other contract is subject to the approval of the department and shall  
12 provide that the insurer shall be directly liable for and shall pay all damages for  
13 injuries to or for the death of persons or for injuries to or destruction of property that  
14 may be recovered against the owner or operator of any such motor vehicles by reason  
15 of the negligent operation thereof in such amount as the department may require.  
16 Liability may be restricted so as to be inapplicable to damage claims on account of  
17 injury to or destruction of property transported, but the department may require,  
18 and with respect to a carrier transporting a building, as defined in s. 348.27 (12m)  
19 (a) 1., shall require, a certificate or other contract protecting the owner of the  
20 property transported by carriers from loss or damage in the amount and under the  
21 conditions as the department may require. No permit or vehicle registration may be  
22 issued to a common motor carrier of passengers by any motor vehicle, or other carrier  
23 of passengers by motor bus, except those registered in accordance with s. 341.26 (2)  
24 (a) and (d), and no permit or vehicle registration may remain in force to operate any  
25 motor vehicle unless it has on file with the department a like certificate or other

1 contract in the form and containing the terms and conditions as may be approved by  
 2 the department for the payment of damages for injuries to property and injuries to  
 3 or for the death of persons, including passengers, in the amounts as the department  
 4 may require. This subsection does not apply to a motor carrier that is registered by  
 5 another state under a single-state registration system consistent with the standards  
 6 under 49 USC 14504, respectively, <sup>or unified carrier ← plain</sup> or 49 USC 13908 and 14504a <sup>← plain</sup>

7 SECTION 4. 302.46 (1) (a) of the statutes is amended to read:

8 302.46 (1) (a) If a court imposes a fine or forfeiture for a violation of state law  
 9 or for a violation of a municipal or county ordinance except for a violation of s. 101.123  
 10 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility violation  
 11 under s. 344.10 (1) (a), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1.,  
 12 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood  
 13 alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,  
 14 or for a violation of state laws or municipal or county ordinances involving  
 15 nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use  
 16 violations under s. 347.48 (2m), the court, in addition, shall impose a jail surcharge  
 17 under ch. 814 in an amount of 1 percent of the fine or forfeiture imposed or \$10,  
 18 whichever is greater. If multiple offenses are involved, the court shall determine the  
 19 jail surcharge on the basis of each fine or forfeiture. If a fine or forfeiture is  
 20 suspended in whole or in part, the court shall reduce the jail surcharge in proportion  
 21 to the suspension.

22 SECTION 5. 344.10 of the statutes is created to read:

23 **344.10 Compulsory financial responsibility; limits and penalties. (1)**

24 (a) 1. No person may operate a motor vehicle upon a highway in this state unless the  
 25 owner or operator has in effect a motor vehicle liability policy or bond for the motor

1 vehicle, which meets the requirements under s. 344.15, insuring against loss  
2 resulting from liability imposed by law for bodily injury, death, and property damage  
3 sustained by any person arising out of the ownership, maintenance, operation, or use  
4 of the motor vehicle.

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

11 (b) 1. No person charged with violating par. (a) 2. may be convicted if the person  
12 produces proof that he or she was in compliance with par. (a) 1. or that the  
13 requirements of par. (a) 1. did not apply to him or her at the time of the arrest. Such  
14 proof may be produced either at the time of the person's appearance in court in  
15 response to the uniform traffic citation, or in the office of the arresting officer within  
16 5 days after the date of issuance of the uniform traffic citation.

17 2. Proof of compliance with par. (a) 2. may be evidenced by display of the motor  
18 vehicle policy or bond in effect for the motor vehicle under s. 344.15, a copy of that  
19 policy or bond, or an identification card issued to the person by the insurer indicating  
20 that the policy or bond is in effect or by display of certification of insurance under s.  
21 344.31 or a copy of that certification.

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

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



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

3           2. A person operating a vehicle insured as required by s. 121.53, 194.41, or  
4 194.42 if operating with the owner's permission.

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

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

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

13           **(3)** Notwithstanding s. 349.02, a law enforcement officer may not stop or  
14 inspect a vehicle solely to determine compliance with sub. (1) (a) 1. or 2. or both or  
15 a local ordinance in conformity with sub. (1) (a) 1. or 2. or both. This subsection does  
16 not limit the authority of a law enforcement officer to issue a citation for a violation  
17 of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity with sub. (1) (a) 1. or  
18 2. or both observed in the course of a stop or inspection made for other purposes,  
19 except that a law enforcement officer may not take a person into physical custody  
20 solely for a violation of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity  
21 with sub. (1) (a) 1. or 2. or both.

22           **(4)** The department shall include with each operator's license issued under ch.  
23 343 notification of the requirements and penalties under this section.

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

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

1           **SECTION 6.** 344.15 (1) of the statutes is amended to read:

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

12           **SECTION 7.** 344.15 (2) (intro.) of the statutes is amended to read:

13           344.15 (2) (intro.) A policy or bond with respect to a vehicle which was not  
14 registered in this state or was registered elsewhere at the time of the effective date  
15 of the policy or bond or the most recent renewal thereof may be effective under s.  
16 344.10 or 344.14 even though not issued by an insurer authorized to do ~~an automobile~~  
17 a motor vehicle liability or surety business in this state if the following conditions are  
18 complied with:

19           **SECTION 8.** 344.15 (4) of the statutes is amended to read:

20           344.15 (4) After receipt of the report of an accident of the type specified in s.  
21 344.12, the secretary may forward to the insurer named therein, that portion of the  
22 report or other notice which pertains to ~~an automobile~~ a motor vehicle liability policy  
23 or bond. The secretary shall assume that ~~an automobile~~ a motor vehicle liability  
24 policy or bond as described in this section was in effect and applied to both the owner  
25 and operator with respect to the accident unless the insurer notifies the secretary

1 otherwise within 30 days from the mailing to the insurer of that portion of the report  
2 or other notice pertaining to the ~~automobile~~ motor vehicle liability policy or bond.  
3 Upon receipt of notice from the insurer that ~~an automobile~~ a motor vehicle liability  
4 policy or bond was in effect as to the owner only, the operator only or was not in effect  
5 as to either of them, the secretary shall within the remainder of the 90-day period  
6 specified in s. 344.13 (3) require the owner or operator or both, whichever is  
7 applicable, to deposit security pursuant to this chapter. ~~As respects~~ With respect to  
8 permission to operate the vehicle, the insurer may correct the report or other notice  
9 only if it files with the secretary within the 30-day period specified in this subsection  
10 an affidavit signed by the owner stating that the operator did not have the owner's  
11 permission to operate the vehicle. Where the insurer's failure to notify the secretary  
12 within 30 days of a correction in that portion of the report or other notice pertaining  
13 to ~~an automobile~~ a motor vehicle liability policy or bond is caused by fraud, the  
14 insurer shall notify the secretary of the correction within 30 days of the time the  
15 fraud is discovered.

16 **SECTION 9.** 344.15 (5) of the statutes is amended to read:

17 344.15 (5) Nothing in this chapter shall be construed to impose any obligation  
18 not otherwise assumed by the insurer in its ~~automobile~~ motor vehicle liability policy  
19 or bond except that if no correction is made in the report or other notice within 30  
20 days after it is mailed to the insurer, the insurer, except in case of fraud, whenever  
21 such fraud may occur, is estopped from using as a defense to its liability the insured's  
22 failure to give permission to the operator or a violation of the purposes of use specified  
23 in the ~~automobile~~ motor vehicle liability policy or bond or the use of the vehicle  
24 beyond agreed geographical limits.

25 **SECTION 10.** 344.32 (1) (intro.) of the statutes is amended to read:

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

8           **SECTION 11.** 344.33 (1) of the statutes is amended to read:

9           344.33 (1) CERTIFICATION. In this chapter ~~ss. 344.30 to 344.34~~, “motor vehicle  
10 liability policy” means a motor vehicle policy of liability insurance, certified as  
11 provided in s. 344.31 or 344.32 as proof of financial responsibility for the future, and  
12 issued, except as otherwise provided in s. 344.32, by an insurer authorized to do ~~an~~  
13 ~~automobile~~ a motor vehicle liability business in this state to or for the benefit of the  
14 person named in the policy as the insured.

15           **SECTION 12.** 344.35 (title) of the statutes is amended to read:

16           **344.35 (title) This chapter Section 344.33 not to affect other policies.**

17           **SECTION 13.** 344.35 (1) of the statutes is amended to read:

18           344.35 (1) ~~This chapter~~ Section 344.33 does not apply to or affect policies of  
19 ~~automobile~~ motor vehicle insurance against liability which may now or hereafter be  
20 required by any other law of this state. If such policies contain an agreement or are  
21 endorsed to conform to the requirements of ~~this chapter~~ s. 344.33, they may be  
22 certified as proof of financial responsibility under this chapter.

23           **SECTION 14.** 344.35 (2) of the statutes is amended to read:

24           344.35 (2) ~~This chapter~~ Section 344.33 does not apply to or affect policies  
25 insuring solely the insured named in the policy against liability resulting from the

1 maintenance or use by persons in the insured's employ or on the insured's behalf of  
2 motor vehicles not owned by the insured.

3 **SECTION 15.** 344.51 (1m) ✓ of the statutes is amended to read:

4 344.51 (1m) No lessor or rental company may for compensation rent or lease  
5 any motor vehicle unless there is filed with the department on a form prescribed by  
6 the department a certificate for a good and sufficient bond or policy of insurance  
7 issued by an insurer authorized to do ~~an automobile~~ a motor vehicle liability  
8 insurance or surety business in this state. The certificate shall provide that the  
9 insurer which issued it will be liable for damages caused by the negligent operation  
10 of the motor vehicle in the amounts set forth in s. 344.01 (2) (d). No lessor or rental  
11 company complying with this subsection, and no lessor or rental company entering  
12 into or acquiring an interest in any contract for the rental or leasing of a motor vehicle  
13 for which any other lessor or rental company has complied with this subsection, is  
14 liable for damages caused by the negligent operation of the motor vehicle by another  
15 person.

16 **SECTION 16.** 345.61 (1) (a) ✓ of the statutes is amended to read:

17 345.61 (1) (a) Any domestic or foreign surety company ~~which~~ that has qualified  
18 to transact surety business in this state may, in any year, become surety in an amount  
19 not to exceed \$200 with respect to any guaranteed arrest bond certificates issued in  
20 such year by an automobile club, by an association, or by an insurance company  
21 authorized to write ~~automobile~~ motor vehicle liability insurance within this state, by  
22 filing with the commissioner of insurance an undertaking thus to become surety.

23 **SECTION 17.** 345.61 (2) (c) ✓ of the statutes is amended to read:

24 345.61 (2) (c) "Guaranteed arrest bond certificate," as used in this section,  
25 means any printed card or other certificate issued by an automobile club, association,

1 or insurance company to any of its members or insureds, which card or certificate is  
2 signed by the member or insureds and contains a printed statement that the  
3 automobile club, association, or insurance company and a surety company, or an  
4 insurance company authorized to transact both ~~automobile~~ motor vehicle liability  
5 insurance and surety business, guarantee the appearance of the persons whose  
6 signature appears on the card or certificate and that they will, in the event of failure  
7 of the person to appear in court at the time of trial, pay any fine or forfeiture imposed  
8 on the person, plus costs, fees, and surcharges imposed under ch. 814, in an amount  
9 not exceeding \$200, or \$1,000 as provided in sub. (1) (b).

10 **SECTION 18.** 345.61 (3) of the statutes is amended to read:

11 345.61 (3) Any guaranteed arrest bond certificate with respect to which a  
12 surety company has become surety, or a guaranteed arrest bond certificate issued by  
13 an insurance company authorized to transact both ~~automobile~~ motor vehicle liability  
14 insurance and surety business within this state as herein provided, shall, when  
15 posted by the person whose signature appears thereon, be accepted in lieu of cash bail  
16 or other bond in an amount not to exceed \$200, or \$1,000 as provided in sub. (1) (b),  
17 as a bail bond, to guarantee the appearance of such person in any court in this state,  
18 including all municipal courts in this state, at such time as may be required by such  
19 court, when the person is arrested for violation of any vehicle law of this state or any  
20 motor vehicle ordinance of any county or municipality in this state except for the  
21 offense of driving under the influence of intoxicating liquors or of drugs or for any  
22 felony committed prior to the date of expiration shown on such guaranteed arrest  
23 bond certificates; provided, that any such guaranteed arrest bond certificates so  
24 posted as bail bond in any court in this state shall be subject to the forfeiture and  
25 enforcement provisions with respect to bail bonds in criminal cases as otherwise

1 provided by law or as hereafter may be provided by law, and that any such  
2 guaranteed arrest bond certificate posted as a bail bond in any municipal court of this  
3 state shall be subject to the forfeiture and enforcement provisions, if any, of the  
4 charter or ordinance of the particular county or municipality pertaining to bail bonds  
5 posted.

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

7 **346.73 Accident reports not to be used in trial.** Notwithstanding s. 346.70  
8 (4) (f), accident reports required to be filed with or transmitted to the department or  
9 a county or municipal authority shall not be used as evidence in any judicial trial,  
10 civil or criminal, arising out of an accident, except that such reports may be used as  
11 evidence in a trial for a violation of s. 344.10 or in any administrative proceeding  
12 conducted by the department. The department shall furnish upon demand of any  
13 person who has or claims to have made such a report, or upon demand of any court,  
14 a certificate showing that a specified accident report has or has not been made to the  
15 department solely to prove a compliance or a failure to comply with the requirement  
16 that such a report be made to the department.

17 **SECTION 20.** 757.05 (1) (a) of the statutes is amended to read:

18 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of  
19 state law or for a violation of a municipal or county ordinance except for a violation  
20 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility  
21 violation under s. 344.10 (1) (a), or for a first violation of s. 23.33 (4c) (a) 2., 30.681  
22 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation  
23 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the  
24 violation, or for a violation of state laws or municipal or county ordinances involving  
25 nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use

1 violations under s. 347.48 (2m), there shall be imposed in addition a penalty  
2 surcharge under ch. 814 in an amount of 26 percent of the fine or forfeiture imposed.  
3 If multiple offenses are involved, the penalty surcharge shall be based upon the total  
4 fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or  
5 in part, the penalty surcharge shall be reduced in proportion to the suspension.

6 **SECTION 21.** 814.63 (1) (c) of the statutes is amended to read:

7 814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
8 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility  
9 violation under s. 344.10 (1) (a), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1)  
10 (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had  
11 a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the  
12 violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under  
13 s. 347.48 (2m).

14 **SECTION 22.** 814.63 (2) of the statutes is amended to read:

15 814.63 (2) Upon the disposition of a forfeiture action in circuit court for  
16 violation of a county, town, city, village, town sanitary district or public inland lake  
17 protection and rehabilitation district ordinance, except for an action for a first  
18 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the  
19 person who committed the violation had a blood alcohol concentration of 0.08 or more  
20 but less than 0.1 at the time of the violation, for a financial responsibility violation  
21 under s. 344.10 (1) (a), or for a violation under s. 343.51 (1m) (b) or a safety belt use  
22 violation under s. 347.48 (2m), the county, town, city, village, town sanitary district  
23 or public inland lake protection and rehabilitation district shall pay a nonrefundable  
24 fee of \$5 to the clerk of circuit court.

25 **SECTION 23.** 814.65 (1) of the statutes is amended to read:



1           814.65 (1) COURT COSTS. In a municipal court action, except for an action for  
2 a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)  
3 (b), if the person who committed the violation had a blood alcohol concentration of  
4 0.08 or more but less than 0.1 at the time of the violation, for a financial responsibility  
5 violation under s. 344.10 (1) (a), or for a violation of an ordinance in conformity with  
6 s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect a fee of not less  
7 than \$15 nor more than \$28 on each separate matter, whether it is on default of  
8 appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or  
9 the action is tried as a contested matter. Of each fee received by the judge under this  
10 subsection, the municipal treasurer shall pay monthly \$5 to the secretary of  
11 administration for deposit in the general fund and shall retain the balance for the  
12 use of the municipality.

13           **SECTION 24.** 814.85 (1) (a) of the statutes is amended to read:

14           814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,  
15 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the  
16 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the  
17 time of the violation, for a financial responsibility violation under s. 344.10 (1) (a),  
18 or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48  
19 (2m), the clerk of circuit court shall charge and collect a \$68 court support services  
20 surcharge from any person, including any governmental unit as defined in s. 108.02  
21 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

22           **SECTION 25.** 814.86 (1) of the statutes is amended to read:

23           814.86 (1) Except for an action 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  
25 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the

1 violation, for a financial responsibility violation under s. 344.10 (1) (a), or for a  
2 violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m),  
3 the clerk of circuit court shall charge and collect a \$12 justice information system  
4 surcharge from any person, including any governmental unit, as defined in s. 108.02  
5 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or  
6 (b), or 814.63 (1). The justice information system surcharge is in addition to the  
7 surcharge listed in sub. (1m).

8 **SECTION 26. Nonstatutory provisions.**

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

13 (2) Using the procedure under section 227.24 of the statutes, the department  
14 of transportation shall promulgate the rule described under section 344.10 (1) (b) 3.  
15 of the statutes, as created by this act, for the period before the permanent rule  
16 becomes effective, but not to exceed the period authorized under section 227.24 (1)  
17 (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of  
18 the statutes, the department of transportation is not required to provide evidence  
19 that promulgating a rule under this subsection as an emergency rule is necessary for  
20 the preservation of the public peace, health, safety, or welfare and is not required to  
21 provide a finding of emergency for the rules promulgated under this subsection.

22 **SECTION 27. Effective dates.** This act takes effect on the first day of the 12th  
23 month commencing after publication, except as follows:

24 (1) SECTION 26 of this act takes effect on the day after publication.

25 (END)

**Duerst, Christina**

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**From:** Stromme, Denise  
**Sent:** Wednesday, December 05, 2007 1:42 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-1411/1 Topic: Compulsory financial responsibility for the operation of motor vehicles.

Please Jacket LRB 07-1411/1 for the SENATE.

Rec  
01-16-2008

SENATE

INTRODUCTION AND REFERRAL OF PROPOSALS

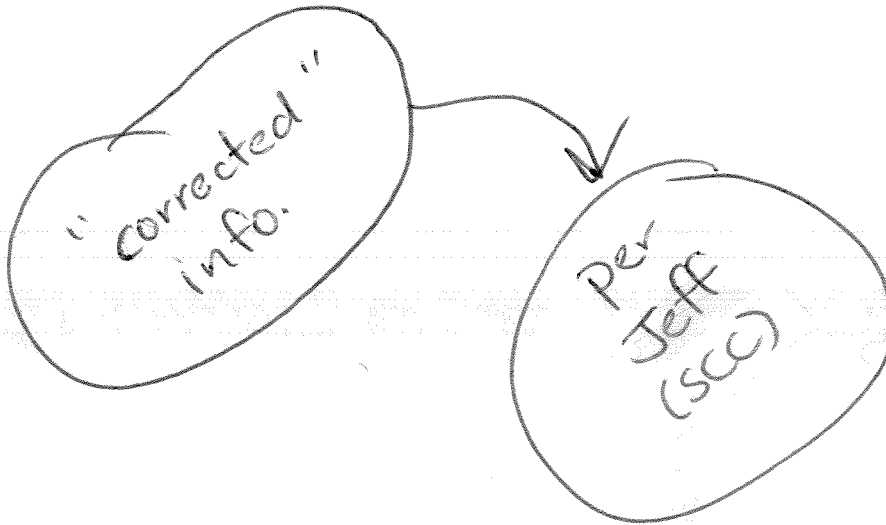
(January 04, 2008)

**SENATE BILL 374 (LRB -1411)**

Relating to: compulsory financial responsibility for the operation of motor vehicles, providing an exemption from emergency rule-making procedures, granting rule-making authority, and providing a penalty.

By Senators Lehman, Carpenter, Wirth, Roessler, Leibham and Erpenbach; cosponsored by Representatives Black, Boyle, Hixson, Jorgensen, Van Akkeren, Murtha, Berceau, Sinicki and Krusick.

Referred to Committee on **HEALTH, HUMAN SERVICES, INSURANCE, AND JOB CREATION.**





Corrected Copy

LRB-1411/1  
BAB:kjfjf

01-16-2008

## 2007 SENATE BILL 374

January 4, 2008 - Introduced by Senators LEHMAN, CARPENTER, WIRCH, ROESSLER, LEIBHAM and ERPENBACH, cosponsored by Representatives BLACK, BOYLE, HIXSON, JORGENSEN, VAN AKKEREN, MURTHA, BERCEAU, SINICKI and KRUSICK.  
Referred to Committee on Transportation, Tourism and Insurance.

changed

1 AN ACT *to amend* 85.55, 165.755 (1) (b), 194.41 (1), 302.46 (1) (a), 344.15 (1),  
2 344.15 (2) (intro.), 344.15 (4), 344.15 (5), 344.32 (1) (intro.), 344.33 (1), 344.35  
3 (title), 344.35 (1), 344.35 (2), 344.51 (1m), 345.61 (1) (a), 345.61 (2) (c), 345.61  
4 (3), 346.73, 757.05 (1) (a), 814.63 (1) (c), 814.63 (2), 814.65 (1), 814.85 (1) (a) and  
5 814.86 (1); and *to create* 344.10 of the statutes; **relating to:** compulsory  
6 financial responsibility for the operation of motor vehicles, providing an  
7 exemption from emergency rule-making procedures, granting rule-making  
8 authority, and providing a penalty.

### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Transportation (DOT) is required to notify the operator or owner of a motor vehicle that is involved in an accident that results in injury, death, or property damage of \$1,000 or more and to obtain a deposit of security for the accident. A deposit is not required if the person can provide proof of financial responsibility, which is an applicable motor vehicle liability insurance policy or bond that was in effect at the time of the accident providing not less than the following amounts for any single accident: \$25,000 for one person, \$50,000 for more than one person, and \$10,000 for property damage.

With certain exceptions, failure to provide proof of financial responsibility or a deposit of security after an accident results in suspension of the operator's motor