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, BERGEAU, SINICKI and KRUSICK. Referred to Committee on Health, Human Services, Insurance, and Job Creation.

AN ACT to amend 85.55, 165.755 (1) (b), 194.41 (1), 302.46 (1) (a), 344.15 (1), 344.15 (2) (intro.), 344.15 (4), 344.15 (5), 344.32 (1) (intro.), 344.33 (1), 344.35 (title), 344.35 (1), 344.35 (2), 344.51 (1m), 345.61 (1) (a), 345.61 (2) (c), 345.61 (3), 346.73, 757.05 (1) (a), 814.63 (1) (c), 814.63 (2), 814.65 (1), 814.85 (1) (a) and 814.86 (1); and to create 344.10 of the statutes; 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.

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.

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

**SECTION 1.** 85.55 of the statutes is amended to read:

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

**SECTION 2.** 165.755 (1) (b) of the statutes is amended to read:

165.755 (1) (b) A court may not impose the crime laboratories and drug law enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5) (b), for a financial responsibility violation under s. 344.10 (1) (a), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of a state law or municipal or county ordinance involving a nonmoving traffic violation, a violation under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).
SECTION 3. 194.41 (1) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

194.41 (1) No permit or vehicle registration may be issued to a common motor carrier of property, contract motor carrier, or rental company, no permit or vehicle registration may remain in force to operate any motor vehicle under the authority of this chapter, and no vehicle registration may be issued or remain in force for a semitrailer unless the carrier or rental company has on file with the department and in effect an approved certificate for a policy of insurance or other written contract in such form and containing such terms and conditions as may be approved by the department issued by an insurer authorized to do a surety or automobile motor vehicle liability business in this state under which the insurer assumes the liability prescribed by this section with respect to the operation of such motor vehicles. The certificate or other contract is subject to the approval of the department and shall provide that the insurer shall be directly liable for and shall pay all damages for injuries to or for the death of persons or for injuries to or destruction of property that may be recovered against the owner or operator of any such motor vehicles by reason of the negligent operation thereof in such amount as the department may require. Liability may be restricted so as to be inapplicable to damage claims on account of injury to or destruction of property transported, but the department may require, and with respect to a carrier transporting a building, as defined in s. 348.27 (12m) (a) 1., shall require, a certificate or other contract protecting the owner of the property transported by carriers from loss or damage in the amount and under the conditions as the department may require. No permit or vehicle registration may be issued to a common motor carrier of passengers by any motor vehicle, or other carrier of passengers by motor bus, except those registered in accordance with s. 341.26 (2)
(a) and (d), and no permit or vehicle registration may remain in force to operate any
motor vehicle unless it has on file with the department a like certificate or other
contract in the form and containing the terms and conditions as may be approved by
the department for the payment of damages for injuries to property and injuries to
or for the death of persons, including passengers, in the amounts as the department
may require. This subsection does not apply to a motor carrier that is registered by
another state under a single-state or unified carrier registration system consistent
with the standards under, respectively, 49 USC 14504 or 49 USC 13908 and 14504a.

**Section 4.** 302.46 (1) (a) of the statutes is amended to read:

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

**Section 5.** 344.10 of the statutes is created to read:
344.10 Compulsory financial responsibility; limits and penalties. (1)

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

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

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

2. Proof of compliance with par. (a) 2. may be evidenced by display of the motor vehicle policy or bond in effect for the motor vehicle under s. 344.15, a copy of that policy or bond, or an identification card issued to the person by the insurer indicating that the policy or bond is in effect or by display of certification of insurance under s. 344.31 or a copy of that certification.
3. The department shall promulgate a rule specifying the form of proof that
may be displayed by a person under par. (c) to show that the requirements under par.
(a) 1. do not apply to him or her.

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

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

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

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

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

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

(3) Notwithstanding s. 349.02, a law enforcement officer may not stop or
inspect a vehicle solely to determine compliance with sub. (1) (a) 1. or 2. or both or
a local ordinance in conformity with sub. (1) (a) 1. or 2. or both. This subsection does
not limit the authority of a law enforcement officer to issue a citation for a violation
of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity with sub. (1) (a) 1. or
2. or both observed in the course of a stop or inspection made for other purposes,
except that a law enforcement officer may not take a person into physical custody
solely for a violation of sub. (1) (a) 1. or 2. or both or a local ordinance in conformity
with sub. (1) (a) 1. or 2. or both.
(4) The department shall include with each operator’s license issued under ch. 343 notification of the requirements and penalties under this section.

(5) (a) Any person who violates sub. (1) (a) 1. shall forfeit not more than $500.
(b) Any person who violates sub. (1) (a) 2. may be required to forfeit $10.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

814.63 (2) Upon the disposition of a forfeiture action in circuit court for
violation of a county, town, city, village, town sanitary district or public inland lake
protection and rehabilitation district ordinance, except for an action for a first
violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the
person who committed the violation had a blood alcohol concentration of 0.08 or more
but less than 0.1 at the time of the violation, for a financial responsibility violation

for a financial responsibility violation
under s. 344.10 (1) (a), or for a violation under s. 343.51 (1m) (b) or a safety belt use
violation under s. 347.48 (2m), the county, town, city, village, town sanitary district
or public inland lake protection and rehabilitation district shall pay a nonrefundable
fee of $5 to the clerk of circuit court.

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

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

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

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

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

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

**SECTION 26. Nonstatutory provisions.**

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

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

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

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