

2009 DRAFTING REQUEST

Senate Amendment (SA-SB37)

Received: **02/20/2009**

Received By: **rnelson2**

Wanted: **02/23/2009**

Identical to LRB:

For: **Lena Taylor (608) 266-5810**

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Taylor@legis.wisconsin.gov**

Carbon copy (CC:) to: **don.dyke@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Payment of court judgment by installments

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For: **N/A**

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/?	rnelson2	1 bjk 2/20	<i>[Signature]</i> 2/20	<i>[Signature]</i> 1/20			

FE Sent For:

<END>



2/23 10 am
State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0085/1

RPN:.....

Lbjk

**SENATE AMENDMENT ,
TO 2009 SENATE BILL 37**

Insert

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

2 1. Page 3, line 1: after "(1) (d)." insert (insert 3-1)

LPS - Please remove
this text.

3 (END)

BILL

insert 3-1

1 s. 814.29 (1) (d). If the judgment is not paid or if the defendant fails to make any
2 ordered installment payment, the court shall order:

3 SECTION 2. 345.47 (1) (b) of the statutes is amended to read:

4 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
5 or revocation, that the defendant's operating privilege be suspended. The operating
6 privilege shall be suspended for 30 days or until the person pays the forfeiture, plus
7 costs, fees, and surcharges imposed under ch. 814, but not to exceed 2 years. If the
8 court, using the criteria in s. 814.29 (1) (d), determines that the defendant is unable
9 to pay the judgment because of poverty, the court may not suspend the defendant's
10 operating privilege without first providing the defendant with an opportunity to pay
11 the judgment in installments, taking into account the defendant's income.

12 Suspension under this paragraph shall not affect the power of the court to suspend
13 or revoke under s. 343.30 or the power of the secretary to suspend or revoke the
14 operating privilege. This paragraph does not apply if the judgment was entered
15 solely for violation of an ordinance unrelated to the violator's operation of a motor
16 vehicle.

17 SECTION 3. 345.47 (1) (c) of the statutes is amended to read:

18 345.47 (1) (c) If a court or judge suspends an operating privilege under this
19 section, the court or judge shall immediately take possession of the suspended license
20 and shall forward it to the department together with the notice of suspension, which
21 shall clearly state that the suspension was for failure to pay a forfeiture, plus costs,
22 fees, and surcharges imposed under ch. 814 or for failure to comply with an
23 installment payment plan ordered by the court. The notice of suspension and the
24 suspended license, if it is available, shall be forwarded to the department within 48
25 hours after the order of suspension. If the forfeiture, plus costs, fees, and surcharges