

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1826/P1dn

EVM:nwn:md

April 12, 2011

ATTN: Jon Kruse

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are two issues for your consideration.

1. Though not specified in your instructions, I have included changes to the portion of the suspension that is contingent on providing proof of financial responsibility reflecting the revised time limit for suspension for nonsatisfaction of a judgment. Under current law, a judgment debtor's operating privilege and vehicle registrations suspension is made up of two parts: 1) the period of nonsatisfaction of the money judgment; and 2) the period ending 3 years after satisfaction of the judgment. The second portion of the suspension does not apply if the debtor provides and maintains proof of financial responsibility.

Under s. 344.26 (1), as revised by this draft, the first portion of the suspension ends either when the judgment is satisfied or 5 years after entry of judgment and the second portion of the suspension ends either 3 years after the satisfaction of the judgment or 8 years after the entry of judgment. As under current law, the second portion of the suspension does not apply if the debtor provides and maintains proof of financial responsibility. Let me know if this change does not reflect your intent.

2. The new provision addressing resuspension after default on an installment plan or revocation of a consent agreement does not clearly allow a judgment debtor to apply again for an installment plan or to seek a new consent agreement from the judgment creditor. Do you wish to add language clearly allowing these exceptions to apply to a debtor who has been resuspended?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

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