

**2013 DRAFTING REQUEST**

**Bill**

Received: 2/26/2014 Received By: tkuczens  
Wanted: As time permits Same as LRB:  
For: Glenn Grothman (608) 266-7513 By/Representing: Adam Gibbs  
May Contact: Drafter: tkuczens  
Subject: Courts - miscellaneous/other Addl. Drafters: agary  
Transportation - driver licenses  
Extra Copies: arg

Submit via email: YES  
Requester's email: Sen.Grothman@legis.wisconsin.gov  
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov  
aaron.gary@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

License suspension for failure to pay forfeiture

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**Instructions:**

See attached

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**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>
/?	tkuczens 2/26/2014			_____			
/1	agary 2/26/2014	kfollett 2/26/2014	jfrantze 2/26/2014	_____	mbarman 2/26/2014		
/2		kfollett	jmurphy	_____	lparisi	lparisi	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		2/26/2014	2/26/2014	_____	2/26/2014	2/27/2014	

FE Sent For:

↳ Not  
Needed

<END>

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		2/26/2014	2/26/2014	_____	2/26/2014		

FE Sent For:

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/1		kfollett 2/26/2014	jfrantze 2/26/2014	_____	mbarman 2/26/2014		
FE Sent For:		1/2/5f 2/26	1/2/5f 2/26	Jan 2/26			

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/?	tkuczens	1/15f 2/26	1/16f 2/26	 2/26			

FE Sent For:

<END>

**Kuczenski, Tracy**

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**From:** Gibbs, Adam  
**Sent:** Tuesday, February 18, 2014 7:07 PM  
**To:** Kuczenski, Tracy  
**Subject:** Senator Grothman: Drafting Request - Timeline on Failure to Pay Forfeiture  
**Attachments:** Proposed LRB language for one-year FPF proposal.pdf

Hi Tracy,

Senator Grothman would like to have a draft changing the maximum time allowed on license suspension for Failure to Pay forfeiture.

Please see the attached document for the desired changes to § 345.47(1)(b) and 800.095(1)(a).

Please let me know if there are any questions or needed clarifications. Thank you!

Sincerely,

*Adam Gibbs*

**Office of Senator Grothman**  
20<sup>th</sup> Senate District  
(608) 266-7513

**Proposed LRB language for one-year FPF proposal**

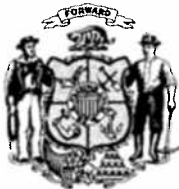
345.47(1)(b)

( *b* ) In lieu of imprisonment and in addition to any other suspension or revocation, that the defendant's operating privilege be suspended. The operating privilege shall be suspended for 30 days or until the person pays the forfeiture, plus costs, fees, and surcharges imposed under ch. 814, but not to exceed 12 years. If the defendant has notified the court that he or she is unable to pay the judgment because of poverty, and if the court, using the criteria in s. 814.29 ( 1 ) (d), determines

800.095(1)(a)

( *a* ) Suspension of the defendant's operating privilege until the defendant pays the judgment, but not to exceed 12 years. If the court orders suspension under this paragraph, all of the following apply:





*Handwritten initials*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*Handwritten initials in a circle*

*2/26/14*

*Today*

*Gen*

1 **AN ACT ...; relating to:** suspension of operating privilege for violation of a traffic  
2 regulation or failure to pay monetary judgment.

***Analysis by the Legislative Reference Bureau***

X Under current law, a court may suspend an individual's operating privilege for  
X up to two years if the individual is found guilty of violating a traffic regulation.  
Current law also permits a court to suspend for up to two years the operating  
privilege of an individual who has failed to pay a monetary judgment entered  
against the individual. This bill reduces the maximum time for which the operating  
privilege may be suspended by a court under these circumstances from two years to  
one year

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

3 **SECTION 1.** 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 one year.

1 If the defendant has notified the court that he or she is unable to pay the judgment  
2 because of poverty, and if the court, using the criteria in s. 814.29 (1) (d), determines  
3 that the defendant is unable to pay the judgment because of poverty, the court may  
4 not suspend the defendant's operating privilege without first providing the  
5 defendant with an opportunity to pay the judgment in installments, taking into  
6 account the defendant's income. Suspension under this paragraph shall not affect  
7 the power of the court to suspend or revoke under s. 343.30 or the power of the  
8 secretary to suspend or revoke the operating privilege. This paragraph does not  
9 apply if the judgment was entered solely for violation of an ordinance unrelated to  
10 the violator's operation of a motor vehicle.

History: 1971 c. 278; 1973 c. 218; 1977 c. 29 ss. 1477 to 1482, 1654 (7) (c); 1979 c. 34; 1981 c. 165; 1987 a. 27, 389; 1989 a. 31, 107; 1991 a. 34, 39, 189; 1993 a. 16; 1995 a. 269; 1997 a. 27, 84, 135, 237, 252; 1999 a. 9, 32, 185; 2001 a. 16; 2003 a. 139; 2007 a. 20; 2009 a. 17, 100, 103, 402; 2011 a. 258.

11 **SECTION 2. 800.095 (1) (a) (intro.), 3. and 4. of the statutes are amended to read:**

12 800.095 (1) (a) (intro.) Suspension of the defendant's operating privilege until  
13 the defendant pays the judgment, but not to exceed ~~2~~ years one year. If the court  
14 orders suspension under this paragraph, all of the following apply:

15 3. If the judgment remains unpaid at the end of the ~~2~~-year one-year  
16 suspension, the court may not order a further suspension of operating privileges in  
17 relation to the outstanding judgment.

18 4. Serving the complete ~~2~~-year one-year suspension of the defendant's  
19 operating privilege does not relieve the defendant of the responsibility to pay the  
20 judgment.

History: 1987 a. 389; 1987 a. 399 s. 494u; 1989 a. 31; 1991 a. 40; 1995 a. 27; 1997 a. 84, 250; 1999 a. 9 ss. 3083m, 3263; 1999 a. 185; 2005 a. 192; 2009 a. 17, 402.

21 (END)

**Gary, Aaron**

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**From:** Kuczenski, Tracy  
**Sent:** Wednesday, February 26, 2014 2:38 PM  
**To:** Gary, Aaron  
**Subject:** FW: Senator Grothman: Drafting Request - Timeline on Failure to Pay Forfeiture  
**Attachments:** Proposed LRB language for one-year FPF proposal.pdf

Adam called to ask me to change the relating clause and analysis concerning the ch. 345 piece. I directed him to you.

Here's Sen. Grothman's initial request.

Tracy K. Kuczenski  
Senior Legislative Attorney  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

*Mc w / Adam 2/26*  
*• make changes indicated*

---

**From:** Gibbs, Adam  
**Sent:** Tuesday, February 18, 2014 7:07 PM  
**To:** Kuczenski, Tracy  
**Subject:** Senator Grothman: Drafting Request - Timeline on Failure to Pay Forfeiture

Hi Tracy,

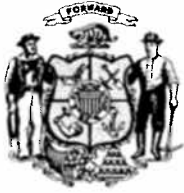
Senator Grothman would like to have a draft changing the maximum time allowed on license suspension for Failure to Pay forfeiture.

Please see the attached document for the desired changes to § 345.47(1)(b) and 800.095(1)(a).

Please let me know if there are any questions or needed clarifications. Thank you!

Sincerely,

*Adam Gibbs*  
**Office of Senator Grothman**  
20<sup>th</sup> Senate District  
(608) 266-7513



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-4342/H 2  
TKK:kjf:jf

in  
2/26

wanted

2/27

KRG

(KMR)

2013 BILL

Regen

1 AN ACT to amend 345.47 (1) (b) and 800.095 (1) (a) (intro.), 3. and 4. of the  
2 statutes; relating to: suspension of operating privilege for violation of a traffic  
3 regulation or failure to pay monetary judgment.

*Analysis by the Legislative Reference Bureau*

Under current law, a court may suspend an individual's operating privilege for up to two years if the individual is found guilty of violating a traffic regulation. Current law also permits a court to suspend for up to two years the operating privilege of an individual who has failed to pay a monetary judgment entered against the individual. This bill reduces the maximum time for which the operating privilege may be suspended by a court under these circumstances from two years to one year.

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

4 SECTION 1. 345.47 (1) (b) of the statutes is amended to read:  
5 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension  
6 or revocation, that the defendant's operating privilege be suspended. The operating  
7 privilege shall be suspended for 30 days or until the person pays the forfeiture, plus

**BILL****SECTION 1**

1 costs, fees, and surcharges imposed under ch. 814, but not to exceed ~~2 years~~ one year.  
2 If the defendant has notified the court that he or she is unable to pay the judgment  
3 because of poverty, and if the court, using the criteria in s. 814.29 (1) (d), determines  
4 that the defendant is unable to pay the judgment because of poverty, the court may  
5 not suspend the defendant's operating privilege without first providing the  
6 defendant with an opportunity to pay the judgment in installments, taking into  
7 account the defendant's income. Suspension under this paragraph shall not affect  
8 the power of the court to suspend or revoke under s. 343.30 or the power of the  
9 secretary to suspend or revoke the operating privilege. This paragraph does not  
10 apply if the judgment was entered solely for violation of an ordinance unrelated to  
11 the violator's operation of a motor vehicle.

12 **SECTION 2.** 800.095 (1) (a) (intro.), 3. and 4. of the statutes are amended to read:

13 800.095 (1) (a) (intro.) Suspension of the defendant's operating privilege until  
14 the defendant pays the judgment, but not to exceed ~~2 years~~ one year. If the court  
15 orders suspension under this paragraph, all of the following apply:

16 3. If the judgment remains unpaid at the end of the ~~2-year~~ one-year  
17 suspension, the court may not order a further suspension of operating privileges in  
18 relation to the outstanding judgment.

19 4. Serving the complete ~~2-year~~ one-year suspension of the defendant's  
20 operating privilege does not relieve the defendant of the responsibility to pay the  
21 judgment.

22 (END)

**Barman, Mike**

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**From:** Gibbs, Adam  
**Sent:** Thursday, February 27, 2014 10:03 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -4342/2 Topic: License suspension for failure to pay forfeiture

Please Jacket LRB -4342/2 for the SENATE.