



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 782

Assembly Amendments 1 and 3

Memo published: February 15, 2016

Contact: Margit S. Kelley, Senior Staff Attorney (266-9280)

2015 Assembly Bill 782 relates to penalties for violations related to the motor vehicle liability insurance requirement and proof of financial responsibility.

2015 ASSEMBLY BILL 782

Assembly Bill 782 revises the penalty for a failure to have auto insurance. The bill revises the penalty from a forfeiture up to \$500, to a forfeiture structure that ranges from \$250 to \$7,500, depending on whether it is a first or repeat offense, and whether while the offense occurred the person caused great bodily harm or death to another.

The bill provides an allowance for the forfeiture amount on a first offense to be reduced by any amount, down to zero, if the person obtains auto insurance by the time of the court appearance.

The bill also replaces the separate offense of not having proof of insurance within the person's immediate possession with a requirement that an officer must issue a citation for failure to have auto insurance if the person does not produce the proof. The bill specifies, however, that if a person produces proof by the time of the court appearance, which shows that the person had coverage that was in effect at the time the citation was issued, the citation must be dismissed.

The bill adds a requirement that upon conviction for a failure to have auto insurance the person's driver's license and vehicle registrations are suspended for a period of three years. The license and registrations may be reinstated during that period by filing proof of insurance with the Department of Transportation. This is commonly referred to as an SR22 insurance certificate.

Lastly, the bill contains provisions that allow a religious sect to self-insure its members for auto insurance. These provisions are also contained in 2015 Assembly Bill 649.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 removes the provisions relating to self-insurance by a religious sect.

ASSEMBLY AMENDMENT 3

Assembly Amendment 3 requires an officer to inform a person, when a citation is issued, that the penalty amount may be reduced if the person obtains coverage before the scheduled court appearance. The amendment also specifies that, for the instances when proof of insurance may be provided to the court by the time of a court appearance, the proof may be submitted to the court clerk.

BILL HISTORY

Representative Sanfelippo offered Assembly Amendment 1 on February 2, 2016, and Assembly Amendment 3 on February 9, 2016. On February 10, 2016, the Assembly Committee on Insurance recommended adoption of both amendments on votes of Ayes, 11; Noes, 0. That same day, the committee recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 3.

MSK:ksm