December 19, 2019 - Introduced by Senators CRAIG, NASS, JACQUE and MARKLEIN, cosponsored by Representatives SANFELIPPO, ALLEN, DITTRICH, GUNDRUM, HORLACHER, KATSMA, KNODL, KUGLITSCH, MAGNAFICI, MURPHY, SPIROS, SKOWRONSKI, TITTL, TUSLER and WICHGERS. Referred to Committee on Transportation, Veterans and Military Affairs.

AN ACT to repeal 343.44 (4), 343.44 (5), 344.62 (2), 344.64, 344.65 (1) (b), 628.34 (14) (d) 2. c. and 344.65 (2); to renumber and amend 344.25 and 344.65 (1) (a); to amend 343.05 (2) (a) (intro.), 343.05 (3) (a), 343.05 (6), 343.44 (1) (a), 343.44 (1) (b), 344.25 (title), 344.26 (1) (a), 344.26 (1) (b) (intro.), 344.26 (1) (b) 1., 344.62 (1), 344.65 (1) (c), 757.05 (1) (a), 814.63 (1) (c), 814.63 (2), 814.65 (1), 814.85 (1) (a) and 814.86 (1); to repeal and recreate 344.26 (title); and to create 341.08 (1g), 341.10 (2) (bm), 343.05 (5m), 343.21 (1) (jg), 344.25 (2m), 344.26 (1) (am), 344.65 (1) (a) 2., 344.65 (1) (a) 3. and 344.65 (1) (a) 4. of the statutes; relating to: penalties for violations related to the motor vehicle liability insurance requirement, proof of financial responsibility, requirements for registering motor vehicles, operating a vehicle without an
operator’s license or after suspension or revocation of an operating privilege,

making an appropriation, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill changes certain penalties and requirements related to operating a motor vehicle without sufficient liability insurance, provides for impoundment of motor vehicles used in certain crimes, expands the coverage of certain crimes related to operating a motor vehicle without a license, and requires a valid driver’s license to register a motor vehicle.

Liability insurance requirement

Current law prohibits, with certain exceptions, a person from operating a motor vehicle on a highway unless the vehicle owner or operator has in effect a sufficient motor vehicle liability insurance policy with respect to the motor vehicle. Any person who violates this requirement may be required to forfeit not more than $500. Current law also prohibits a person from operating a motor vehicle on a highway unless the person has in his or her immediate possession proof that he or she is in compliance with the insurance requirement.

Under this bill, persons who are operating a motor vehicle on certain nonhighway areas, including certain parking areas, are also required to have in effect insurance with respect to the motor vehicle.

This bill repeals the requirement that a person have in his or her immediate possession proof of compliance with insurance requirements. However, under this bill, a traffic officer must cite a person for operating without insurance if the traffic officer does not know that the person is in compliance with the insurance requirements and the person does not have in his or her immediate possession proof of compliance. A person, though, may not be convicted of operating without insurance if the person produces proof that he or she was in compliance with the insurance requirements at the time he or she was issued a citation for a violation.

This bill also alters the penalties for operating without insurance. Under this bill, a person who violates the requirement that the owner or operator of a motor vehicle be insured is subject to the following penalties:

1. A forfeiture of $100 for a first offense.
2. A forfeiture of not less than $250 nor more than $750 for a second or subsequent offense occurring within three years.
3. If the person, in the course of a second or subsequent violation, causes great bodily harm to another, a forfeiture of not less than $250 nor more than $2,500.
4. If the person, in the course of a violation, causes the death of another, a forfeiture of not less than $500 nor more than $7,500.

This bill also provides that, for a first offense, if a person obtains sufficient motor vehicle liability insurance before the person’s appearance in court, the court may not impose a penalty.
This bill also eliminates the exemption of operating without insurance offenses from certain surcharges and fees that generally must be paid by persons who violate traffic laws.

Currently, if the Department of Transportation receives a certified copy of a judgment for damages of $500 or more arising out of a motor vehicle accident, DOT must, with certain exceptions, immediately suspend the operating privilege and all registrations of the person against whom the judgment was rendered unless the person can provide proof of financial responsibility. Proof of financial responsibility may be given by filing certification of coverage under a motor vehicle liability insurance policy with minimum limits for any single accident of $25,000 for bodily injury to or death of one person, $50,000 for bodily injury to or death of more than one person, and $10,000 for property damage. Alternatively, proof of financial responsibility may be furnished by depositing with DOT $60,000 in cash or certain securities with a market value of $60,000. DOT must then hold the deposit of cash or securities to satisfy any judgment against the person making the deposit for damages resulting from the ownership, maintenance, use, or operation of a motor vehicle, including damages for bodily injury, death, or property damage.

Under this bill, if DOT receives a record of conviction for operating a motor vehicle on a highway without having in effect a motor vehicle liability insurance policy with respect to the vehicle, DOT must suspend the person’s operating privilege and all registrations of the person unless the person can provide proof of financial responsibility. The proof of financial responsibility requirement remains in effect for three years from the date of conviction.

**Registration**

Under current law, an application to register or renew the registration of a vehicle must be made on forms prescribed by DOT and must be accompanied by the required fee. Under this bill, DOT must require an individual making such an application to provide a valid operator’s license and must refuse registration if a valid operator’s license is not provided.

**Impoundment**

Current law prohibits a person from operating a motor vehicle on a highway during any period in which the person’s motor vehicle operating privilege is suspended (operating while suspended or OWS) or revoked (operating after revocation or OAR) or, with limited exceptions, if the person does not possess a valid operator’s license (operating without a license or OWL). Under this bill, operating a motor vehicle upon premises held out to the public for the use of their motor vehicles, premises provided by employers to employees for the use of their motor vehicles, or premises provided to tenants of rental housing in buildings of four or more units for the use of their motor vehicle during any period in which the person’s motor vehicle operating privilege is suspended or revoked or if the person does not possess a valid operator’s license is also prohibited. Also under this bill, in addition to the penalties available under current law, the vehicle used in an OWL, OWS, or OAR offense will, with an exception, be immediately impounded and may be impounded for an additional period determined by the court. A person may claim his or her vehicle after the impoundment period by paying any fine or forfeiture for the
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OWL, OWS, or OAR offense and any impoundment fees. Vehicles not claimed more than 30 days after the end of the impoundment period are subject to sale or other disposal. Also, under this bill, no vehicle that has been impounded after having been used in an OWL, OWS, or OAR offense may be released unless the vehicle is registered with DOT or exempt from registration and the person to whom the vehicle is released provides a valid operator’s license and proof of insurance.

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. 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) or (2m), for a financial responsibility violation under s. 344.62 (2), 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 2. 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) or (2m), for a financial responsibility violation under s. 344.62 (2), 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 3. 341.08 (1g) of the statutes is created to read:

341.08 (1g) The department shall require an individual making an application for original registration or for renewal of registration to provide a valid operator’s license.

SECTION 4. 341.10 (2) (bm) of the statutes is created to read:

341.10 (2) (bm) A valid operator’s license.

SECTION 5. 343.05 (2) (a) (intro.) of the statutes is amended to read:

343.05 (2) (a) (intro.) No person may operate a commercial motor vehicle upon a highway or upon premises held out to the public for the use of their motor vehicles, premises provided by employers to employees for the use of their motor vehicles, or premises provided to tenants of rental housing in buildings of 4 or more units for the use of their motor vehicles in this state unless the person is one of the following:

SECTION 6. 343.05 (3) (a) of the statutes is amended to read:

343.05 (3) (a) No person may operate a motor vehicle which is not a commercial motor vehicle upon a highway or upon premises held out to the public for the use of their motor vehicles, premises provided by employers to employees for the use of their motor vehicles, or premises provided to tenants of rental housing in buildings of 4 or more units for the use of their motor vehicle in this state unless the person possesses a valid operator’s license issued to the person by the department which is not revoked, suspended, canceled, or expired.

SECTION 7. 343.05 (5m) of the statutes is created to read:

343.05 (5m) IMPOUNDMENT. (a) 1. Except as provided in subd. 2., if a law enforcement officer arrests, or issues a citation to, a person for a violation of this section or s. 343.44, the officer shall do all of the following:

a. Immediately impound the vehicle used in the violation.
b. Make an inventory of any property contained in the vehicle.

c. Contact any rental or leasing agency registered as owner of the vehicle and any person registered as a holder of a security interest in the vehicle.

2. If the operating privilege of the person violating this section expired in the 6 months before the violation and the person has not been previously charged for a violation of this section or s. 343.44, the citing or arresting law enforcement officer is not required to take any of the actions under subd. 1.

(b) Subject to par. (f), a vehicle that has been impounded under par. (a) shall be released without payment of any fee related to the impoundment to a person who is found not guilty of the violation of this section or s. 343.44 upon which the impoundment is based.

(c) In addition to other penalties for violation of this section or s. 343.44, the court may order that any vehicle used in a violation of this section or s. 343.44 be impounded. An order for impoundment shall specify all of the following:

1. The motor vehicle subject to the order.

2. The period of impoundment.

3. The law enforcement agency responsible for carrying out the impoundment.

(d) Subject to pars. (e) and (f), after the period of impoundment has expired, the owner of the motor vehicle may claim the motor vehicle by paying any forfeiture or fine ordered for a violation of this section or s. 343.44 and any fee imposed under this paragraph. The fee shall include all costs reasonably incurred in impounding the vehicle.

(e) 1. If more than 30 days have expired since the period of impoundment has ended and no payment has been received, a notice shall be sent to the owners of the vehicle and holders of a security interest in the vehicle stating that the motor vehicle
may be reclaimed upon payment of accrued charges and compliance with par. (f). The
notice shall set forth the year, make, model, and serial number of the motor vehicle
and the place where the motor vehicle is being held. The notice shall state that the
failure of the owner or lienholders to exercise their rights to reclaim the motor vehicle
under this section shall be considered a waiver of all right, title, and interest in the
motor vehicle and a consent to the sale of the motor vehicle.

2. Any impounded motor vehicle not reclaimed by its owner or lienholder may
be sold. The law enforcement agency impounding the motor vehicle may dispose of
the vehicle by sealed bid or auction sale. At the sale, the highest bid for the motor
vehicle shall be accepted unless the bid is considered inadequate by the law
enforcement agency, in which event all bids may be rejected. If all bids are rejected
or no bid is received, the law enforcement agency may readvertise the sale, adjourn
the sale to another date, sell the motor vehicle at a private sale, or junk the motor
vehicle.

(f) No vehicle that has been impounded under par. (a) may be released unless
all of the following apply:

1. The motor vehicle is registered under ch. 341 or exempt from registration
under s. 341.05.

2. The person to whom the vehicle is released provides a valid motor vehicle
operator’s license.

3. The person to whom the vehicle is released provides proof that the person
has in effect a motor vehicle liability policy, as defined under s. 344.61 (2), with
respect to the vehicle or proof that an exception under s. 344.63 (1) applies with
respect to the vehicle.

SECTION 8. 343.05 (6) of the statutes is amended to read:
343.05 (6) OTHER OFFENSES; PENALTIES. Section Except as provided in sub. (5m), s. 343.44 and the penalties thereunder shall apply in lieu of this section to any person operating a motor vehicle upon a highway or other covered premises in this state with an operator’s license which is revoked or suspended.

SECTION 9. 343.21 (1) (jg) of the statutes is created to read:

343.21 (1) (jg) In addition to any other fee under this subsection, for reinstatement of an operating privilege previously revoked or suspended resulting from the conviction of an offense under s. 344.62 (1), $28.

SECTION 10. 343.44 (1) (a) of the statutes is amended to read:

343.44 (1) (a) Operating while suspended. No person whose operating privilege has been duly suspended under the laws of this state may operate a motor vehicle upon any highway or upon premises held out to the public for the use of their motor vehicles, premises provided by employers to employees for the use of their motor vehicles, or premises provided to tenants of rental housing in buildings of 4 or more units for the use of their motor vehicle in this state during the period of suspension or in violation of any restriction on an occupational license issued to the person during the period of suspension. A person’s knowledge that his or her operating privilege is suspended is not an element of the offense under this paragraph. In this paragraph, “restriction on an occupational license” means restrictions imposed under s. 343.10 (5) (a) as to hours of the day, area, routes or purpose of travel, vehicles allowed to be operated, use of an ignition interlock device, sobriety or use of alcohol, controlled substances or controlled substance analogs.

SECTION 11. 343.44 (1) (b) of the statutes is amended to read:

343.44 (1) (b) Operating while revoked. No person whose operating privilege has been duly revoked under the laws of this state may operate a motor vehicle upon
any highway or upon premises held out to the public for the use of their motor
vehicles, premises provided by employers to employees for the use of their motor
vehicles, or premises provided to tenants of rental housing in buildings of 4 or more
units for the use of their motor vehicles in this state during the period of revocation
or in violation of any restriction on an occupational license issued to the person
during the period of revocation. A person’s knowledge that his or her operating
privilege is revoked is not an element of the offense under this paragraph. In this
paragraph, “restriction on an occupational license” means restrictions imposed
under s. 343.10 (5) (a) as to hours of the day, area, routes or purpose of travel, vehicles
allowed to be operated, use of an ignition interlock device, sobriety or use of alcohol,
controlled substances or controlled substance analogs.

SECTION 12. 343.44 (4) of the statutes is repealed.

SECTION 13. 343.44 (5) of the statutes is repealed.

SECTION 14. 344.25 (title) of the statutes is amended to read:

344.25 (title) Suspension for nonpayment of judgment or certain
financial responsibility violations; exceptions.

SECTION 15. 344.25 of the statutes is renumbered 344.25 (1), and 344.25 (1) (f),
as renumbered, is amended to read:

344.25 (1) (f) Notwithstanding sub. (5), subs. (2) and (3) par. (e), pars. (b) and
(c) apply to a damage judgment in accordance with s. 344.05 against a resident of this
state which has been entered by an Indian tribal court in this state.

SECTION 16. 344.25 (2m) of the statutes is created to read:

344.25 (2m) The secretary shall suspend a person's operating privilege and all
registrations of the person upon receiving a record of conviction showing that the
person has been convicted of an offense under s. 344.62 (1).
SECTION 17. 344.26 (title) of the statutes is repealed and recreated to read:

344.26 (title) Term of suspension.

SECTION 18. 344.26 (1) (a) of the statutes is amended to read:

344.26 (1) (a) Subject to the exceptions stated in ss. 344.25 (2) (1) (b) and 344.27 (2), any operating privilege or registration suspended or revoked under s. 344.25 (1) shall remain suspended or revoked for 5 years from the date of entry of judgment or until the judgment is stayed, satisfied, or discharged, whichever is earlier, and, unless 3 years have elapsed since the date on which the judgment was stayed, satisfied, or discharged or 8 years have elapsed since the date of entry of judgment, whichever is earlier, or unless the person is a nonresident, until the person whose operating privilege and registration was suspended or revoked furnishes and maintains in effect proof of financial responsibility for the future.

SECTION 19. 344.26 (1) (am) of the statutes is created to read:

344.26 (1) (am) Any operating privilege or registration suspended under s. 344.25 (2m) for an offense under s. 344.62 (1) shall remain suspended for 3 years from the date of conviction or until the person whose operating privilege and registration was suspended furnishes and maintains in effect proof of financial responsibility for the future.

SECTION 20. 344.26 (1) (b) (intro.) of the statutes is amended to read:

344.26 (1) (b) (intro.) If suspension of any operating privilege or registration under s. 344.25 (1) was terminated before 5 years from the date of entry of judgment because an exception under s. 344.25 (2) (1) (b) or 344.27 (2) applied and the judgment debtor’s operating privilege or registration is subsequently suspended under s. 344.25 (2) (1) (b) or 344.27 (3), the operating privilege or registration shall remain suspended for all of the following periods:
SEC. 21. 344.26 (1) (b) 1. of the statutes is amended to read:

344.26 (1) (b) 1. Five years from the date of suspension under s. 344.25 (2) (1) (b) or 344.27 (3) or until the judgment is stayed, satisfied, or discharged, whichever is earlier. A suspension period that commences on the date of suspension under s. 344.25 (2) (1) (b) or 344.27 (3) under this subdivision shall be reduced by the amount of time that the judgment debtor’s operating privilege or registration was suspended under s. 344.25 (1) before one of the exceptions under s. 344.25 (2) (1) (b) or 344.27 (2) was satisfied.

SEC. 22. 344.62 (1) of the statutes is amended to read:

344.62 (1) Except as provided in s. 344.63, no person may operate a motor vehicle upon a highway or upon premises held out to the public for the use of their motor vehicles, premises provided by employers to employees for the use of their motor vehicles, or premises provided to tenants of rental housing in buildings of 4 or more units for the use of their motor vehicles in this state unless the owner or operator of the vehicle has in effect a motor vehicle liability policy with respect to the vehicle being operated. A traffic officer shall cite a person under this subsection if the traffic officer does not know that the person is operating his or her motor vehicle in compliance with this subsection and the person does not have in his or her immediate possession proof of compliance with this subsection. At the time that a citation is issued for a violation of this subsection, the law enforcement officer issuing the citation shall inform the person to whom the citation is issued that the penalty amount may be reduced if the person obtains a motor vehicle liability policy with respect to the motor vehicle operated in the violation no later than the time of the person’s appearance in court.

SEC. 23. 344.62 (2) of the statutes is repealed.
SECTION 24. 344.64 of the statutes is repealed.

SECTION 25. 344.65 (1) (a) of the statutes is renumbered 344.65 (1) (a) 1. and amended to read:

344.65 (1) (a) 1. **Any** Except as provided in subds. 2. to 4., any person who violates s. 344.62 (1) **may** **shall** be required to forfeit not more than $500 $100 for a first offense and not less than $250, plus costs, fees, and surcharges as provided in s. 345.47 (1), nor more than $750, plus costs, fees, and surcharges as provided in s. 345.47 (1), for a 2nd or subsequent offense occurring within 3 years.

Notwithstanding s. 345.47 (1), the court may not impose costs, fees, or surcharges for a first offense under this subdivision.

SECTION 26. 344.65 (1) (a) 2. of the statutes is created to read:

344.65 (1) (a) 2. Any person who commits a 2nd or subsequent violation of s. 344.62 (1) and, in the course of the violation, causes great bodily harm, as defined in s. 939.22 (14), to another person may be required to forfeit not less than $250, plus costs, fees, and surcharges as provided in s. 345.47 (1), nor more than $2,500, plus costs, fees, and surcharges as provided in s. 345.47 (1).

SECTION 27. 344.65 (1) (a) 3. of the statutes is created to read:

344.65 (1) (a) 3. Any person who violates s. 344.62 (1) and, in the course of the violation, causes the death of another person may be required to forfeit not less than $500, plus costs, fees, and surcharges as provided in s. 345.47 (1), nor more than $7,500, plus costs, fees, and surcharges as provided in s. 345.47 (1).

SECTION 28. 344.65 (1) (a) 4. of the statutes is created to read:

344.65 (1) (a) 4. If, no later than the time of the person’s appearance in court, the person provides proof that he or she currently has in effect a motor vehicle liability policy with respect to the motor vehicle operated in the alleged violation of
s. 344.62 (1) for a person’s first violation of s. 344.62 (1) in the person’s lifetime, the
court may not impose a penalty or any cost, fee, or surcharge associated with the
violation. This proof may be provided to the clerk of courts in the county where the
offense allegedly occurred. This subdivision does not apply to a violation to which
subd. 3. applies.

SECTION 29. 344.65 (1) (b) of the statutes is repealed.

SECTION 30. 344.65 (1) (c) of the statutes is amended to read:

344.65 (1) (c) No person charged with violating s. 344.62 (2) (1) may be
convicted if the person produces proof that he or she was in compliance with s. 344.62
(1) at the time the person was issued a uniform traffic citation for violating s. 344.62
(2) the violation. This proof may be produced either at the time of the person’s
appearance in court in response to the citation; if provided before the time of the
person’s appearance in court, to the clerk of courts in the county where the offense
allegedly occurred; or, if provided within 10 days of the citation, in the office of the
traffic officer issuing the citation. This proof may be produced in either paper or
electronic format, including by display of electronic images on a cellular telephone
or other electronic device. If this proof is displayed in electronic format on any
cellular telephone or other electronic device, the person to whom the proof is
displayed may not view, and producing proof in electronic format is not considered
consent for the person to view, any content on the telephone or other device except
the proof required under s. 344.62 (2) to demonstrate compliance with s. 344.62 (1).

SECTION 31. 344.65 (2) of the statutes is repealed.

SECTION 32. 628.34 (14) (d) 2. c. of the statutes is repealed.

SECTION 33. 757.05 (1) (a) of the statutes is amended to read:
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) or (2m), for a financial responsibility violation under s. 344.62 (2), 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 34. 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) or (2m), for a financial responsibility violation under s. 344.62 (2), for a violation under s. 343.51 (1m) (b), or for a safety belt use violation under s. 347.48 (2m).

SECTION 35. 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 financial responsibility violation under s. 344.62 (2) 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 36. 814.65 (1) of the statutes is amended to read:
814.65 (1) **Court Costs.** In a municipal court action, except for a financial responsibility violation under s. 344.62 (2) 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 $38 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 37.** 814.85 (1) (a) of the statutes is amended to read:

814.85 (1) (a) Except for an action for a financial responsibility violation under s. 344.62 (2), 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 38.** 814.86 (1) of the statutes is amended to read:

814.86 (1) Except for an action for a financial responsibility violation under s. 344.62 (2), 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 $21.50 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 39. Fiscal changes.**
(1) In the schedule under s. 20.005 (3) for the appropriation to the department of transportation under s. 20.395 (5) (cq), the dollar amount for fiscal year 2019–20 is increased by $576,450 to increase funding for enforcing and administering the motor vehicle financial responsibility program. In the schedule under s. 20.005 (3) for the appropriation to the department of transportation under s. 20.395 (5) (cq), the dollar amount for fiscal year 2020–21 is increased by $562,900 to increase funding for enforcing and administering the motor vehicle financial responsibility program.

SECTION 40. Initial applicability.

(1) The treatment of s. 344.65 (1) (b) and (c) and (2), the renumbering and amendment of s. 344.65 (1) (a), and the creation of s. 344.65 (1) (a) 2. and 3. first apply to violations committed on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for purposes of sentencing a person.

(2) The treatment of ss. 344.25 (2m) and 344.26 (1) (am) first applies to violations committed on the effective date of this subsection.

(3) The treatment of ss. 341.08 (1g) and 341.10 (2) (bm) first applies to applications for original registration made on the effective date of this subsection.

(4) The treatment of ss. 343.05 (5m) and (6) and 343.44 (4) and (5) first applies to violations committed on the effective date of this subsection.

(5) The treatment of ss. 343.05 (2) (a) (intro.) and (3) (a) and 343.44 (1) (a) and (b) first applies to violations committed on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for purposes of administrative action by the department of transportation or sentencing by a court.

SECTION 41. Effective dates. This act takes effect on the day after publication, except as follows:
(1) The treatment of ss. 344.25 (title) and 344.26 (1) (a) and (b) (intro.) and 1.,
the renumbering and amendment of s. 344.25, the repeal and recreation of s. 344.26
(title), and the creation of ss. 344.25 (2m) and 344.26 (1) (am) and SECTION 40 (2) of
this act take effect on the first day of the 10th month beginning after publication.

(END)