

CR 90-91

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule relating to **uniform traffic citation** was duly approved and adopted by this Department on **August 16, 1990**.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 16th day of August, 1990.



RONALD R. FIEDLER, P.E.
Secretary

RECEIVED

AUG 16 1990
3:55 pm
Revisor of Statutes
Bureau

11-1-90

IN THE MATTER OF an order to repeal
and recreate s. Trans 114.06; and create s.
Trans 114.07, relating to the Uniform Traf-
fic Citation

ORDER ADOPTING RULE

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Analysis by the Department of Transportation

AUG 16 1990

Revisor of Statutes
Bureau

STATUTORY AUTHORITY: s. 345.11(4), Stats.

STATUTES INTERPRETED: s. 345.11

In September, 1988, the Department of Transportation conducted policy outreach meetings throughout Wisconsin seeking the advice of judges, district attorneys, police, clerks of court and citizens on proposed improvements to the uniform traffic citation. Overwhelmingly, department staff were told the antiquated and technical language on the court and defendant copies of the uniform traffic citation made them confusing and difficult to follow.

The Secretary's Council on Uniformity of Traffic Citations and Complaints proposed legislation to revise Wisconsin Statutes to remove the stipulation, signature and the antiquated language from the court and defendant's copy of the uniform traffic citation. This legislation was enacted into law as Act 170, Laws of 1989, which took effect April 21, 1990. Subsequently, the stipulation, signature and antiquated language has been removed from the court and defendant's copy of the uniform traffic citation. The defendant's copy of the uniform traffic citation now explains in terms understandable to the defendant his/her choices, and the consequences of those choices, when satisfying his/her duties and responsibilities toward the citation.

Regulatory Flexibility Analysis. This rule will not have an effect upon small businesses.

Fiscal Impact. No fiscal impact is anticipated from the promulgation of these rule changes.

Contact Person. The person to contact for further information on this rule is Harold Thummel, Bureau of Driver Licensing, Wisconsin Department of Transportation, (608) 266-0054.

RULE TEXT

Section 1. Trans 114.06 is repealed and created to read:

Trans 114.06 UNIFORM TRAFFIC CITATION.

BACKER

Ply 3

Pink

INSTRUCTIONS - READ CAREFULLY

MANDATORY APPEARANCE? (See other side)

If your citation is marked as a mandatory court appearance, you **MUST** appear in court. The "appearance not mandatory" instructions do not apply to you.

APPEARANCE NOT MANDATORY? (See other side)

IF YOU WISH TO DISPUTE THE CITATION, you must either appear in court or enter a "not guilty" plea by mail prior to your court date. Please include a photocopy of your ticket and your correct mailing address **OR** your correct name and mailing address, citation number, court appearance date listed on the citation, offense, and arresting police agency. These should be mailed to the court address written under "YOU ARE NOTIFIED TO APPEAR" on the other side. Your trial will be to a judge, unless you demand a jury trial in writing within 10 days of the court date on your citation and enclose the proper fee. Make check payable to the clerk of court and forward it to address shown on the reverse side. Jury demands in Municipal Court can only be made for intoxicated driving.

IF YOU DO NOT WISH TO DISPUTE THE CITATION, simply mail in the "deposit permitted" amount indicated on the other side of the citation by your court date with a photocopy of your citation **OR** with your correct name and address, citation number, court appearance date listed on the citation, offense and arresting police agency. Make check payable to the clerk of court and mail it to the court address written under "YOU ARE NOTIFIED TO APPEAR" on the other side. You do not need to appear. The court will find you guilty and keep the "deposit permitted" amount as payment for your citation.

IF YOU DO NOTHING, the court may issue a warrant for your arrest, or may find you guilty for failing to appear in court and suspend your driver's license if you fail to pay your fine.

DEMERIT POINT, SUSPENSION and REVOCATION INFORMATION This charge may result in demerit points being assessed against you. Accumulating 12 or more points within 12 consecutive months will be cause for revoking or suspending your driving privileges. If you have a probationary license different rules apply. Also, depending on the charge and circumstances, conviction may result in revocation or suspension of your driving privileges. Contact your local Division of Motor Vehicles Office for more information.

Section 2. Trans 114.07 is created to read:

Trans 114.07 USE OF UNIFORM TRAFFIC CITATION. (1) Law Enforcement agencies have the option of using, through August 31, 1991, any of the uniform traffic citation forms promulgated under Ch. MVD 21, those promulgated under Ch. Trans 114, effective January 1, 1990, and those promulgated under Ch. Trans 114, effective (revisor insert date).

(2) Effective September 1, 1991, only the uniform traffic citation promulgated under this chapter and effective (revisor insert date) shall be used.

Note: A copy of MV4016 uniform traffic citation form is included.

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 16th day of August, 1990.



Ronald R. Fiedler, P.E.

Secretary

Wisconsin Department of Transportation



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Ronald R. Fiedler, PE
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

August 16, 1990

Mr. Gary Poulson
Assistant Revisor of Statutes
30 West Mifflin Street
Suite 702
Madison, Wisconsin 53703

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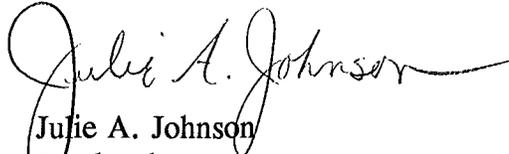
RE: **CLEARINGHOUSE RULE 90-91**

In the Matter of the Adoption of **TRANS 114**, Wisconsin Administrative Code, Relating to the Uniform Traffic Citation

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 90-91**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Tom Walker
Linda Thelke
Sandy Beaupre
Julie Clark
Harold Thummel
Dave Coady