

1983 Assembly Bill 219

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1983 Wisconsin Act 330

AN ACT to amend 85.13, 341.10 (7m), 341.63 (1) (c), 345.28 (2) (b), 345.28 (3) (a), 345.28 (4) (a) 1 and 2, 345.28 (4) (c) to (f), 345.28 (5) (a), 345.28 (5) (b) 2. a and 345.28 (7); to repeal and recreate 345.28 (1); and to create 345.28 (2) (c) of the statutes, relating to use of the nonmoving traffic violation procedure and making an appropriation.

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

SECTION 1. 85.13 of the statutes is amended to read:

**85.13 Cost of traffic violation and registration program.** The department shall develop a system for charging local units of government or other authority as defined in s. 345.28 (1) (a) for the cost of the development and operation of the traffic violation and registration program under ss. 341.08 (4m), 341.10 (7) and (7m), 341.63 (1) (c), 345.28 (4) and 345.47 (1) (d) based on the number of transactions processed by the local unit of government or other authority. No notices under s. 345.28 (4) submitted by a ~~local~~ an authority or under s. 345.47 (1) (d) submitted by the court may be processed by the department unless the local unit of government or other authority involved has paid the department the appropriate amount determined by the department under this section.

SECTION 2. 341.10 (7m) of the statutes is amended to read:

341.10 (7m) A ~~local~~ An authority has notified the department under s. 345.28 (4) that a citation for a nonmoving traffic violation has been issued against the applicant and the applicant has not paid the citation or appeared in court to respond to the citation.

SECTION 3. 341.63 (1) (c) of the statutes is amended to read:

341.63 (1) (c) Suspension of registration is specified by a ~~local~~ an authority under s. 345.28 (4) (a) 2.

SECTION 4. 345.28 (1) of the statutes is repealed and recreated to read:

345.28 (1) As used in this section:

(a) "Authority" means a local authority, a state agency or any campus of the university of Wisconsin system.

(b) "Forfeiture" includes a fine established under s. 36.11 (8).

(c) "Nonmoving traffic violation" is any parking of a vehicle in violation of a statute, an ordinance or rule under s. 36.11 (8).

SECTION 4g. 345.28 (2) (b) of the statutes is amended to read:

345.28 (2) (b) If the person appears in response to a citation for a nonmoving traffic violation, the procedures under ss. 345.34 to 345.47 apply, except as provided in par. (c).

SECTION 4r. 345.28 (2) (c) of the statutes is created to read:

345.28 (2) (c) If the appearance date specified in the citation is inconvenient for the person, he or she may contact the clerk of circuit court or the municipal court, whichever is applicable, to schedule a more convenient time. The revised date may provide for an appearance during an evening session, as required under s. 753.23 or authorized by a court. The court may revise the appearance date. The date specified in the citation applies unless the person receives written confirmation of the revised appearance date from the court.

SECTION 5. 345.28 (3) (a) of the statutes is amended to read:

345.28 (3) (a) If the person does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified in the citation, within 28 days after the citation is issued, the ~~local~~ authority which issued the citation may issue a summons under s. 968.04 (3) (b) to the person and, in lieu of or in addition to issuing the summons, may proceed under sub. (4) or (5) but, except as provided in this section, no warrant may be issued for the person.

SECTION 6. 345.28 (4) (a) 1 and 2 of the statutes are amended to read:

345.28 (4) (a) 1. If the person does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified in the citation, within 28 days after the citation is issued, the ~~local~~ authority may notify the department in the form and manner prescribed by the department that a citation has been issued to the person and the citation remains unpaid.

2. The ~~local~~ authority shall specify whether the department is to suspend the registration of the vehicle involved under s. 341.63 (1) (c) or refuse registration of any vehicle owned by the person under s. 341.10 (7m) or both.

SECTION 7. 345.28 (4) (c) to (f) of the statutes are amended to read:

345.28 (4) (c) The notices to the person required under par. (b) shall be mailed on 2 separate days to the last-known address of the person to whom the citation was issued and shall include the date the citation was issued, the license number of the vehicle involved, the place the citation may be paid, the means by which the citation may be contested and the date by which the person must pay or contest the citation to avoid further action by the ~~local~~ authority. The notice shall inform the person of the specific actions which the ~~local~~ authority and the courts are authorized to take under this section if the person fails to pay the forfeiture or appear in court in response to the citation by the date specified in the notice.

(d) The ~~local~~ authority may assess the person for the cost of using the traffic violation and registration program as established by the department under s. 85.13.

(e) If the person subsequently pays the amount of the forfeiture and the costs, if any, under par. (d) or appears in court in response to the citation or a notice by the ~~local~~ authority who issued the citation or the department, the department shall be immediately notified in writing in the form and manner prescribed by the department.

(f) Upon the person's appearance in court in response to a notice by the ~~local~~ authority who issued the citation or the department, the procedures under ss. 345.34 to 345.47 apply.

SECTION 8. 345.28 (5) (a) of the statutes is amended to read:

345.28 (5) (a) In lieu of the procedure under sub. (4), if the person does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified in the citation, within 28

days after the citation was issued, the local authority, after sending 2 notices which meet the requirements under sub. (4) (c), may issue a warrant under par. (b) for the person.

SECTION 9. 345.28 (5) (b) 2. a of the statutes is amended to read:

345.28 (5) (b) 2. a. The officer shall accept a deposit of money or a deposit of the person's valid Wisconsin operator's license as defined in s. 343.01 (2) (b) in lieu of serving the warrant and arresting the person. If the license is deposited with the officer, the officer shall issue to the licensee a receipt, on a form provided by the department, which is valid as an operator's license through a date specified on the receipt, not to exceed 30 days from the date of contact, which shall be the same as the court appearance date and the officer shall at the earliest possible time prior to the court appearance date deposit the license with the court. If a deposit of money is made, s. 345.26 (1) (a) and (2) to (5) applies. The officer shall notify the person who deposits money or his or her license, in writing, of the specific actions which the local authority and the courts are authorized to take under this section if the person fails to appear in court at the time specified by the officer, not to exceed 30 days from the date of contact, or at any subsequent court appearance for the nonmoving traffic violation citation. If the person makes a deposit of money or deposits his or her valid Wisconsin operator's license, the officer shall return the warrant to the court or judge who issued the warrant and the court or judge shall vacate the warrant.

SECTION 10. 345.28 (7) of the statutes is amended to read:

345.28 (7) Nothing in this section prevents a court from issuing a warrant under s. 345.36 or 345.37 if the person appears in court in response to a citation for a nonmoving traffic violation or after notice by the local authority who issued the citation or the department under sub. (4) or on the date specified by the officer or the court under sub. (5) and then fails to appear in court at any time fixed by subsequent postponement. Unless the case is tried immediately with the person's consent, any person who is arrested on a warrant issued under this subsection may be released on his or her own recognizance or on posting bond or may be released without bail and shall be released if the person posts cash bail for his or her appearance.

SECTION 10g. **Nonstatutory provisions; transportation.** The authorized FTE positions for the department of transportation are increased by 7.0 PRO positions on the effective date of this act to be funded from the appropriation under section 20.395 (5) (cg) of the statutes for the purpose of performing the increased responsibilities assigned to the department under this act.

SECTION 10r. **Appropriation changes; transportation.** The appropriation to the department of transportation under section 20.395 (5) (cg) of the statutes, as affected by the acts of 1983, is increased by \$77,000 for fiscal year 1983-84 and by \$200,200 for fiscal year 1984-85 to provide for the increased use of the traffic violation and registration program under this act.

SECTION 11. **Initial applicability.** The treatment of section 345.28 (1), (3) (a), (4) (a) 1 and 2 and (c) to (f), (5) (a) and (b) 2. a and (7) of the statutes by this act first applies to nonmoving traffic violations occurring on the effective date of this act.

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