

1989 Assembly Bill 159

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1989 WISCONSIN ACT 176

AN ACT to amend 121.555 (2) (c) 5, 343.12 (2) (d) and 345.27 (1); and to repeal and recreate 346.65 (1) of the statutes, relating to: reckless driving and providing penalties.

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

SECTION 1. 121.555 (2) (c) 5. of the statutes is amended to read:

121.555 (2) (c) 5. May not be a person convicted within a 2-year period of reckless driving under s. 346.62 or a local ordinance in conformity with s. 346.62 (2), operating a motor vehicle while under the influence of an intoxicant or of a controlled substance under s. 346.63 (1) or a local ordinance in conformity therewith, a violation of s. 346.63 (1m), 1985 stats., or any of the offenses enumerated under s. 343.31 (1). Upon request of the operator or school, the department shall certify whether the operator meets this requirement.

SECTION 2. 343.12 (2) (d) of the statutes is amended to read:

343.12 (2) (d) Subject to ss. 111.321, 111.322 and 111.335, has not been convicted of reckless driving under s. 346.62 or a local ordinance in conformity with s. 346.62 (2), any of the offenses enumerated under s. 346.63 (1) or under s. 346.63 (1m), 1985 stats., or any of the offenses enumerated under s. 343.31 (1), within the 2-year period immediately preceding the date of application.

SECTION 3. 345.27 (1) of the statutes is amended to read:

345.27 (1) If a person is issued a citation for a violation of a traffic regulation, the person may make a stipulation of no contest and deposit in accordance with the schedule established under s. 345.26 (2) (a) at the office of the clerk of court, sheriff, or city, village or town police

department or a precinct station, headquarters of the county traffic patrol, district headquarters or station of the state traffic patrol, or the office of the municipal judge in the county in which the citation was issued as designated by the arresting officer or the person may mail the stipulation and deposit to the place designated by the arresting officer. The deposit shall include the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 53.46 (1) and court costs, including any applicable fees prescribed in ch. 814. The stipulation shall be received within 10 days of the date of the alleged violation. The person who has mailed or filed a stipulation under this subsection may, however, appear in court on the court appearance date. If a person appears in court after making a stipulation, s. 345.37 (3) applies. Stipulations are not permitted for violations of ~~ss. s.~~ 346.62 (2) and or a local ordinance in conformity therewith or s. 346.63 (1) or a local ordinance which is in conformity therewith.

SECTION 4. 346.65 (1) of the statutes is repealed and recreated to read:

346.65 (1) Any person who violates s. 346.62 (2):

(a) May be required to forfeit not less than \$25 nor more than \$200, except as provided in par. (b).

(b) May be fined not less than \$50 nor more than \$500 or imprisoned for not more than one year in the county jail or both if the total of convictions under s. 346.62 (2) or a local ordinance in conformity therewith equals 2 or more in a 4-year period. The 4-year period shall be measured from the dates of the violations which resulted in the convictions.

SECTION 5. Initial applicability. The treatment of section 346.65 (1) of the statutes first applies to violations occurring on the effective date of this SECTION but does

not preclude the counting of other violations as prior violations for sentencing a person.
