



State of Wisconsin  
2003 - 2004 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 2003 ASSEMBLY BILL 90**

March 10, 2004 - Offered by Representatives AINSWORTH, YOUNG, A. WILLIAMS,  
TAYLOR and MORRIS.

1     **AN ACT** *to amend* 347.48 (2m) (e), 347.48 (2m) (gm) and 347.50 (2m) (a); and *to*  
2         *repeal and recreate* 347.48 (2m) (e), 347.48 (2m) (gm) and 347.50 (2m) (a) of  
3         the statutes; **relating to:** enforcement of motor vehicle safety belt violations,  
4         granting rule-making authority, and providing a penalty.

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

5         **SECTION 1.** 347.48 (2m) (e) of the statutes, as affected by 2003 Wisconsin Act  
6         .... (this act), is repealed and recreated to read:

7             347.48 **(2m)** (e) The department shall, by rule, exempt from the requirements  
8             under pars. (b) to (d) persons who, because of a physical or medical condition, cannot  
9             be properly restrained in a safety belt.

10         **SECTION 2.** 347.48 (2m) (e) of the statutes is amended to read:

11             347.48 **(2m)** (e) Paragraph (b) does not apply to a person who qualifies for  
12             registration plates of a special design under s. 341.14 (1), (1a), (1m), or (1q) or for a

1 special identification card under s. 343.51. The department shall, by rule, exempt  
2 from the requirements under pars. ~~(b) to~~ (c) and (d) persons who, because of a  
3 physical or medical condition, cannot be properly restrained in a safety belt.

4 **SECTION 3.** 347.48 (2m) (gm) of the statutes, as affected by 2003 Wisconsin Act  
5 .... (this act), is repealed and recreated to read:

6 347.48 **(2m)** (gm) Notwithstanding s. 349.02, a law enforcement officer may not  
7 stop or inspect a vehicle solely to determine compliance with this subsection or sub.  
8 (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules  
9 of the department. This paragraph does not limit the authority of a law enforcement  
10 officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local  
11 ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department  
12 observed in the course of a stop or inspection made for other purposes, except that  
13 a law enforcement officer may not take a person into physical custody solely for a  
14 violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with  
15 this subsection, sub. (1) or (2) or rules of the department.

16 **SECTION 4.** 347.48 (2m) (gm) of the statutes is amended to read:

17 347.48 **(2m)** (gm) ~~Notwithstanding s. 349.02, a law enforcement officer may not~~  
18 ~~stop or inspect a vehicle solely to determine compliance with this subsection or sub.~~  
19 ~~(1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules~~  
20 ~~of the department. This paragraph does not limit the authority of a law enforcement~~  
21 ~~officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local~~  
22 ~~ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department~~  
23 ~~observed in the course of a stop or inspection made for other purposes, except that~~  
24 ~~a~~ A law enforcement officer may not take a person into physical custody or inspect  
25 or search a motor vehicle, the contents of a motor vehicle, or an operator of or

1 passenger in a motor vehicle solely for a violation of this subsection or sub. (1) or (2)  
2 or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of the  
3 department.

4 **SECTION 5.** 347.50 (2m) (a) of the statutes, as affected by 2003 Wisconsin Act  
5 .... (this act), is repealed and recreated to read:

6 347.50 (2m) (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person  
7 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10.

8 **SECTION 6.** 347.50 (2m) (a) of the statutes is amended to read:

9 347.50 (2m) (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person  
10 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10  
11 \$25 for the first offense and not less than \$50 nor more than \$75 for the 2nd or any  
12 later offense committed within 3 years.

13 **SECTION 7. Nonstatutory provisions.**

14 (1) (a) In this subsection, “motor vehicle stop” means the stop or detention of  
15 a motor vehicle that is traveling in any public or private place, or the detention of an  
16 occupied motor vehicle that is already stopped in any public or private place, for the  
17 purpose of an investigation by a law enforcement officer of any alleged or suspected  
18 violation of a state or federal law or city, village, town, or county ordinance.

19 (b) The department of transportation shall contract with an independent  
20 organization to determine the frequency with which motor vehicle stops or searches  
21 of motor vehicles occur as a result of racial profiling, racial stereotyping, or other  
22 race-based discrimination or selective enforcement. The contract shall require the  
23 independent organization to submit a detailed report regarding the results of its  
24 study to the department.

1 (c) No later than the first day of the 25th month beginning after the effective  
2 date of this paragraph, the department of transportation shall submit a copy of the  
3 report prepared under paragraph (b) to the legislature and the governor.

4 (d) The department may promulgate rules to implement this subsection. The  
5 rules may require state or local law enforcement agencies to collect data that the  
6 department considers appropriate to facilitate the study and report under paragraph  
7 (b).

8 **SECTION 8. Initial applicability.**

9 (1) The amendment of section 347.50 (2m) (a) of the statutes first applies to  
10 violations committed on the effective date of this subsection, but does not preclude  
11 the counting of other violations as prior violations for sentencing a person.

12 **SECTION 9. Effective dates.** This act takes effect on the day after publication,  
13 except as follows:

14 (1) The amendment of sections 347.48 (2m) (e) and (gm) and 347.50 (2m) (a) of  
15 the statutes and SECTION 8 (1) of this act take effect on the first day of the 7th month  
16 beginning after publication.

17 (2) The repeal and recreation of sections 347.48 (2m) (e) and (gm) and 347.50  
18 (2m) (a) of the statutes take effect on the first day of the 25th month beginning after  
19 publication, but only if one of the following applies:

20 (a) The federal government does not provide funding to the state of Wisconsin  
21 from the reauthorization of the federal highway bill known as the Safe, Accountable,  
22 Flexible, and Efficient Transportation Equity Act of 2003 as part of the incentive  
23 program for standard enforcement of safety belts laws by the first day of the 25th  
24 month beginning after publication.

1           (b) The study submitted to the legislature and the governor under SECTION 7  
2           (1) of this act indicates that motor vehicle stops or searches of motor vehicles occur  
3           as a result of racial profiling, racial stereotyping, or other race-based discrimination  
4           or selective enforcement with significant frequency.

5

**(END)**