



State of Wisconsin  
2015 - 2016 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 92**

May 11, 2015 – Offered by Representatives HORLACHER, JARCHOW, JACQUE, KULP and SANFELIPPO.

1     **AN ACT** *to repeal* 344.62 (2), 344.64, 344.65 (1) (b) and 344.65 (2); *to renumber*  
2             *and amend* 344.16 (1), 344.25 and 344.65 (1) (a); *to amend* 165.755 (1) (b),  
3             302.46 (1) (a), 344.14 (2) (d), 344.16 (2), 344.25 (title), 344.26 (1) (a), 344.26 (1)  
4             (b) (intro.), 344.26 (1) (b) 1., 344.62 (1), 344.65 (1) (c), 757.05 (1) (a), 814.63 (1)  
5             (c), 814.63 (2), 814.65 (1), 814.85 (1) (a) and 814.86 (1); *to repeal and recreate*  
6             344.26 (title); and *to create* 344.16 (1) (a) and (b), 344.16 (2m), 344.25 (2m),  
7             344.26 (1) (am), 344.63 (1) (cm), 344.65 (1) (a) 2., 344.65 (1) (a) 3. and 344.65 (1)  
8             (a) 4. of the statutes; **relating to:** penalties for violations related to the motor  
9             vehicle liability insurance requirement, proof of financial responsibility, and  
10            providing a penalty.

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

11           **SECTION 1.** 165.755 (1) (b) of the statutes is amended to read:

1           165.755 (1) (b) A court may not impose the crime laboratories and drug law  
2 enforcement surcharge under par. (a) for a violation of s. 101.123 (2) or (2m), ~~for a~~  
3 ~~financial responsibility violation under s. 344.62 (2),~~ or for a violation of a state law  
4 or municipal or county ordinance involving a nonmoving traffic violation, a violation  
5 under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).

6           **SECTION 2.** 302.46 (1) (a) of the statutes is amended to read:

7           302.46 (1) (a) If a court imposes a fine or forfeiture for a violation of state law  
8 or for a violation of a municipal or county ordinance except for a violation of s. 101.123  
9 (2) or (2m), ~~for a financial responsibility violation under s. 344.62 (2),~~ or for a violation  
10 of state laws or municipal or county ordinances involving nonmoving traffic  
11 violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s.  
12 347.48 (2m), the court, in addition, shall impose a jail surcharge under ch. 814 in an  
13 amount of 1 percent of the fine or forfeiture imposed or \$10, whichever is greater.  
14 If multiple offenses are involved, the court shall determine the jail surcharge on the  
15 basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part,  
16 the court shall reduce the jail surcharge in proportion to the suspension.

17           **SECTION 3.** 344.14 (2) (d) of the statutes is amended to read:

18           344.14 (2) (d) To any person qualifying as a self-insurer under s. 344.16 or to  
19 ~~any person~~ operating a vehicle for such self-insurer or to any member of a religious  
20 sect issued a certificate of self-insurance under s. 344.16.

21           **SECTION 4.** 344.16 (1) of the statutes is renumbered 344.16 (1) (intro.) and  
22 amended to read:

23           344.16 (1) (intro.) Any person in whose name more than 25 motor vehicles are  
24 registered of the following may qualify as a self-insurer by obtaining a certificate of  
25 self-insurance issued by the secretary as provided in sub. (2):

1           **SECTION 5.** 344.16 (1) (a) and (b) of the statutes are created to read:

2           344.16 (1) (a) A person in whose name more than 25 motor vehicles are  
3 registered.

4           (b) Subject to sub. (2m), a religious sect the members of which have collectively  
5 registered with the department more than 25 motor vehicles.

6           **SECTION 6.** 344.16 (2) of the statutes is amended to read:

7           344.16 (2) The Subject to sub. (2m), the secretary may, upon the application of  
8 such a person or religious sect, issue a certificate of self-insurance when satisfied  
9 that such person or religious sect is possessed and will continue to be possessed of  
10 ability to pay judgments obtained against such person or religious sect.

11           **SECTION 7.** 344.16 (2m) of the statutes is created to read:

12           344.16 (2m) The secretary may issue a certificate of self-insurance under sub.  
13 (2) to a religious sect only if the secretary determines that the members of the  
14 religious sect have a long-standing history of mutual financial assistance in time of  
15 need to the extent that they share in financial obligations of other members who  
16 would otherwise be unable to meet their obligations.

17           **SECTION 8.** 344.25 (title) of the statutes is amended to read:

18           **344.25 (title) Suspension for nonpayment of judgment or certain**  
19 **financial responsibility violations; exceptions.**

20           **SECTION 9.** 344.25 of the statutes is renumbered 344.25 (1), and 344.25 (1) (f),  
21 as renumbered, is amended to read:

22           344.25 (1) (f) Notwithstanding sub. (5), ~~subs. (2) and (3) par. (e), pars. (b) and~~  
23 ~~(c)~~ apply to a damage judgment in accordance with s. 344.05 against a resident of this  
24 state which has been entered by an Indian tribal court in this state.

25           **SECTION 10.** 344.25 (2m) of the statutes is created to read:

1           344.25 **(2m)** The secretary shall suspend a person's operating privilege and all  
2 registrations of the person upon receiving a record of conviction showing that the  
3 person has been convicted of an offense under s. 344.62 (1).

4           **SECTION 11.** 344.26 (title) of the statutes is repealed and recreated to read:

5           **344.26 (title) Term of suspension.**

6           **SECTION 12.** 344.26 (1) (a) of the statutes is amended to read:

7           344.26 **(1)** (a) Subject to the exceptions stated in ss. 344.25 ~~(2)~~ (1) ~~(b)~~ and 344.27  
8 ~~(2)~~, any operating privilege or registration suspended or revoked under s. 344.25 (1)  
9 shall remain suspended or revoked for 5 years from the date of entry of judgment or  
10 until the judgment is stayed, satisfied, or discharged, whichever is earlier, and,  
11 unless 3 years have elapsed since the date on which the judgment was stayed,  
12 satisfied, or discharged or 8 years have elapsed since the date of entry of judgment,  
13 whichever is earlier, or unless the person is a nonresident, until the person whose  
14 operating privilege and registration was suspended or revoked furnishes and  
15 maintains in effect proof of financial responsibility for the future.

16           **SECTION 13.** 344.26 (1) (am) of the statutes is created to read:

17           344.26 **(1)** (am) Any operating privilege or registration suspended under s.  
18 344.25 (2m) shall remain suspended for 3 years from the date of conviction or until  
19 the person whose operating privilege and registration was suspended furnishes and  
20 maintains in effect proof of financial responsibility for the future.

21           **SECTION 14.** 344.26 (1) (b) (intro.) of the statutes is amended to read:

22           344.26 **(1)** (b) (intro.) If suspension of any operating privilege or registration  
23 under s. 344.25 (1) was terminated before 5 years from the date of entry of judgment  
24 because an exception under s. 344.25 ~~(2)~~ (1) ~~(b)~~ or 344.27 (2) applied and the  
25 judgment debtor's operating privilege or registration is subsequently suspended

1 under s. 344.25 ~~(2)~~ (1) (b) or 344.27 (3), the operating privilege or registration shall  
2 remain suspended for all of the following periods:

3 **SECTION 15.** 344.26 (1) (b) 1. of the statutes is amended to read:

4 344.26 **(1)** (b) 1. Five years from the date of suspension under s. 344.25 ~~(2)~~ (1)  
5 (b) or 344.27 (3) or until the judgment is stayed, satisfied, or discharged, whichever  
6 is earlier. A suspension period that commences on the date of suspension under s.  
7 344.25 ~~(2)~~ (1) (b) or 344.27 (3) under this subdivision shall be reduced by the amount  
8 of time that the judgment debtor's operating privilege or registration was suspended  
9 under s. 344.25 (1) before one of the exceptions under s. 344.25 ~~(2)~~ (1) (b) or 344.27  
10 (2) was satisfied.

11 **SECTION 16.** 344.62 (1) of the statutes is amended to read:

12 344.62 **(1)** Except as provided in s. 344.63, no person may operate a motor  
13 vehicle upon a highway or upon premises held out to the public for the use of their  
14 motor vehicles, premises provided by employers to employees for the use of their  
15 motor vehicles, or premises provided to tenants of rental housing in buildings of 4 or  
16 more units for the use of their motor vehicles in this state unless the owner or  
17 operator of the vehicle has in effect a motor vehicle liability policy with respect to the  
18 vehicle being operated. A traffic officer shall cite a person under this subsection if  
19 the traffic officer does not know that the person is operating his or her motor vehicle  
20 in compliance with this subsection and the person does not have in his or her  
21 immediate possession proof of compliance with this subsection.

22 **SECTION 17.** 344.62 (2) of the statutes is repealed.

23 **SECTION 18.** 344.63 (1) (cm) of the statutes is created to read:

24 344.63 **(1)** (cm) The motor vehicle is owned by a member of a religious sect that  
25 is a self-insurer holding a valid certificate of self-insurance under s. 344.16, the

1 self-insurer has made an agreement described in s. 344.30 (4), and the vehicle is  
2 being operated with the owner's permission.

3 **SECTION 19.** 344.64 of the statutes is repealed.

4 **SECTION 20.** 344.65 (1) (a) of the statutes is renumbered 344.65 (1) (a) 1. and  
5 amended to read:

6 344.65 (1) (a) 1. Any Except as provided in subds. 2. to 4., any person who  
7 violates s. 344.62 (1) may be required to forfeit not less than \$500, plus costs, fees,  
8 and surcharges as provided in s. 345.47 (1), nor more than \$500 \$750, plus costs, fees,  
9 and surcharges as provided in s. 345.47 (1), for a first offense and not less than  
10 \$1,000, plus costs, fees, and surcharges as provided in s. 345.47 (1), nor more than  
11 \$1,500, plus costs, fees, and surcharges as provided in s. 345.47 (1), for a 2nd or  
12 subsequent offense occurring within 3 years.

13 **SECTION 21.** 344.65 (1) (a) 2. of the statutes is created to read:

14 344.65 (1) (a) 2. Any person who violates s. 344.62 (1) and, in the course of the  
15 violation, causes bodily harm, as defined in s. 939.22 (4), to another person may be  
16 required to forfeit not less than \$1,500, plus costs, fees, and surcharges as provided  
17 in s. 345.47 (1), nor more than \$2,500, plus costs, fees, and surcharges as provided  
18 in s. 345.47 (1), except that, if the person knows at the time of the violation that he  
19 or she does not have in effect a motor vehicle liability policy with respect to the vehicle  
20 being operated, the person is guilty of a Class I felony.

21 **SECTION 22.** 344.65 (1) (a) 3. of the statutes is created to read:

22 344.65 (1) (a) 3. Any person who violates s. 344.62 (1) and, in the course of the  
23 violation, causes the death of another person may be required to forfeit not less than  
24 \$2,500, plus costs, fees, and surcharges as provided in s. 345.47 (1), nor more than  
25 \$7,500, plus costs, fees, and surcharges as provided in s. 345.47 (1), except that, if the

1 person knows at the time of the violation that he or she does not have in effect a motor  
2 vehicle liability policy with respect to the vehicle being operated, the person is guilty  
3 of a Class H felony.

4 **SECTION 23.** 344.65 (1) (a) 4. of the statutes is created to read:

5 344.65 (1) (a) 4. If, no later than the time of the person's appearance in court,  
6 the person provides proof that he or she currently has in effect a motor vehicle  
7 liability policy with respect to the motor vehicle operated in the alleged violation of  
8 s. 344.62 (1) for a person's first violation of s. 344.65 (1) in the person's lifetime, the  
9 court may provide a penalty of less than the penalty required under subd. 1.,  
10 including not requiring the person to pay any amount as a forfeiture.

11 **SECTION 24.** 344.65 (1) (b) of the statutes is repealed.

12 **SECTION 25.** 344.65 (1) (c) of the statutes is amended to read:

13 344.65 (1) (c) No person charged with violating s. 344.62 ~~(2)~~ (1) may be  
14 convicted if the person produces proof that he or she was in compliance with s. 344.62  
15 (1) at the time the person was issued a uniform traffic citation for ~~violating s. 344.62~~  
16 ~~(2)~~ the violation. This proof may be produced either at the time of the person's  
17 appearance in court in response to the citation or, if provided within 10 days of the  
18 citation, in the office of the traffic officer issuing the citation. This proof may be  
19 produced in either paper or electronic format, including by display of electronic  
20 images on a cellular telephone or other electronic device. If this proof is displayed  
21 in electronic format on any cellular telephone or other electronic device, the person  
22 to whom the proof is displayed may not view, and producing proof in electronic format  
23 is not considered consent for the person to view, any content on the telephone or other  
24 device except the proof required ~~under s. 344.62 (2)~~ to demonstrate compliance with  
25 s. 344.62 (1).

1           **SECTION 26.** 344.65 (2) of the statutes is repealed.

2           **SECTION 27.** 757.05 (1) (a) of the statutes is amended to read:

3           757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of  
4 state law or for a violation of a municipal or county ordinance except for a violation  
5 of s. 101.123 (2) or (2m), ~~for a financial responsibility violation under s. 344.62 (2),~~  
6 or for a violation of state laws or municipal or county ordinances involving  
7 nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use  
8 violations under s. 347.48 (2m), there shall be imposed in addition a penalty  
9 surcharge under ch. 814 in an amount of 26 percent of the fine or forfeiture imposed.  
10 If multiple offenses are involved, the penalty surcharge shall be based upon the total  
11 fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or  
12 in part, the penalty surcharge shall be reduced in proportion to the suspension.

13           **SECTION 28.** 814.63 (1) (c) of the statutes is amended to read:

14           814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
15 101.123 (2) or (2m), ~~for a financial responsibility violation under s. 344.62 (2),~~ for a  
16 violation under s. 343.51 (1m) (b), or for a safety belt use violation under s. 347.48  
17 (2m).

18           **SECTION 29.** 814.63 (2) of the statutes is amended to read:

19           814.63 (2) Upon the disposition of a forfeiture action in circuit court for  
20 violation of a county, town, city, village, town sanitary district, or public inland lake  
21 protection and rehabilitation district ordinance, ~~except for an action for a financial~~  
22 ~~responsibility violation under s. 344.62 (2) or for a violation under s. 343.51 (1m) (b)~~  
23 or a safety belt use violation under s. 347.48 (2m), the county, town, city, village, town  
24 sanitary district, or public inland lake protection and rehabilitation district shall pay  
25 a nonrefundable fee of \$5 to the clerk of circuit court.



1           **SECTION 30.** 814.65 (1) of the statutes is amended to read:

2           814.65 (1) COURT COSTS. In a municipal court action, except for a financial  
3           responsibility violation under ~~s. 344.62 (2)~~ or for a violation of an ordinance in  
4           conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect  
5           a fee of not less than \$15 nor more than \$38 on each separate matter, whether it is  
6           on default of appearance, a plea of guilty or no contest, on issuance of a warrant or  
7           summons, or the action is tried as a contested matter. Of each fee received by the  
8           judge under this subsection, the municipal treasurer shall pay monthly \$5 to the  
9           secretary of administration for deposit in the general fund and shall retain the  
10          balance for the use of the municipality.

11          **SECTION 31.** 814.85 (1) (a) of the statutes is amended to read:

12          814.85 (1) (a) Except for an action for a financial responsibility violation under  
13          ~~s. 344.62 (2)~~, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation  
14          under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$68 court  
15          support services surcharge from any person, including any governmental unit as  
16          defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63  
17          (1).

18          **SECTION 32.** 814.86 (1) of the statutes is amended to read:

19          814.86 (1) Except for an action for a financial responsibility violation under ~~s.~~  
20          ~~344.62 (2)~~, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation  
21          under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$21.50 justice  
22          information system surcharge from any person, including any governmental unit, as  
23          defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62  
24          (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in  
25          addition to the surcharge listed in sub. (1m).

