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1997 SENATE BILL 508

March 17, 1998 – Introduced by Senator George, cosponsored by Representatives R. Young, Grothman, L. Young and Riley. Referred to Committee on Labor, Transportation and Financial Institutions.

- 1 **AN ACT** *to amend* 345.47 (1) (b) and 800.09 (1) (c) of the statutes; **relating to:**
- the maximum suspension period of an operating privilege suspended for failure to pay a forfeiture.

Analysis by the Legislative Reference Bureau

Current law requires a court to imprison a person who fails to pay a court-ordered forfeiture and related penalty assessments until such time as the forfeiture and assessments are paid or for 90 days, whichever occurs first. In lieu of ordering imprisonment, the court may suspend the person's operating privilege, which is the privilege to drive a motor vehicle, for 30 days or until the person pays the forfeiture and assessments, but not to exceed 5 years.

Current law also authorizes a municipal court to suspend a person's operating privilege, if the person is more than 60 days delinquent in paying restitution, or a forfeiture and related penalty assessments, ordered by the court. The operating privilege remains suspended until the person completes the payments or until 5 years have elapsed, whichever occurs first.

This bill reduces the maximum suspension period of an operating privilege suspended by a court for failure to pay a forfeiture and related assessments, or suspended by a municipal court for failing to pay restitution, from 5 years to 2 years.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 345.47 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension or revocation, that the defendant's operating privilege be suspended for 30 days or until the person pays the forfeiture, the penalty assessment, if required by s. 165.87, the jail assessment, if required by s. 302.46 (1), and the crime laboratories and drug law enforcement assessment, if required by s. 165.755, but not to exceed 5 2 years. Suspension under this paragraph shall not affect the power of the court to suspend or revoke under s. 343.30 or the power of the secretary to suspend or revoke the operating privilege.

Section 2. 800.09 (1) (c) of the statutes is amended to read:

800.09 (1) (c) The court may suspend the defendant's operating privilege, as defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments and costs are paid, if the defendant has not done so within 60 days after the date the restitution or payments or both are to be made under par. (a) and has not notified the court that he or she is unable to comply with the judgment, as provided under s. 800.095 (4) (a), except that the suspension period may not exceed 52 years. The court shall take possession of the suspended license and shall forward the license, along with a notice of the suspension clearly stating that the suspension is for failure to comply with a judgment of the court, to the department of transportation.