



## 2001 ASSEMBLY BILL 5

January 16, 2001 - Introduced by Representatives LADWIG, STARZYK, BIES, FRISKE, KRAWCZYK, LIPPERT, LOEFFELHOLZ, MCCORMICK, FREESE, GRONEMUS, GROTHMAN, HAHN, HUEBSCH, KESTELL, KREUSER, J. LEHMAN, M. LEHMAN, MILLER, MONTGOMERY, NASS, OLSEN, OTT, OWENS, PETROWSKI, PETTIS, RHOADES, STONE, SUDER, SYKORA, URBAN, VRAKAS, WARD and ZIEGELBAUER, cosponsored by Senators PLACHE, BAUMGART, DARLING, FARROW, S. FITZGERALD, HARS DORF, HUELSMAN and SCHULTZ. Referred to Committee on Judiciary.

1     **AN ACT to amend** 938.17 (2) (d), 938.34 (8) and 938.343 (2) of the statutes;  
2             **relating to:** authority of a court to suspend a juvenile's operating privilege for  
3             violations of ordinances unrelated to the operation of a motor vehicle or for  
4             failing to pay a penalty for such a violation.

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### *Analysis by the Legislative Reference Bureau*

Under current law, circuit courts and municipal courts may suspend a person's motor vehicle operating privilege for a variety of reasons, including failure to pay an amount ordered by the court. Suspensions for failure to pay generally last until the person pays the amount owed. The suspension orders are forwarded to the department of transportation (DOT), which updates the person's driving record to reflect the suspension. However, under current law, circuit courts and municipal courts are not permitted to suspend a person's operating privilege solely because of the person's failure to pay a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

This bill permits circuit courts and municipal courts to suspend the operating privilege of a juvenile (a person under 17 years of age who is alleged to have committed a crime or, if no crime is alleged, a person under 18 years of age) solely because the juvenile has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

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

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

1           **SECTION 1.** 938.17 (2) (d) of the statutes is amended to read:

2           938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
3 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that  
4 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)  
5 or 961.575 (2), the court shall enter any of the dispositional orders permitted under  
6 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture  
7 imposed by the municipal court, the court may not impose a jail sentence but may  
8 suspend any license issued under ch. 29 for not less than 30 days nor more than 5  
9 years, ~~or, unless the forfeiture was imposed for violating an ordinance unrelated to~~  
10 ~~the juvenile's operation of a motor vehicle, may suspend the juvenile's operating~~  
11 ~~privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.~~  
12 If a court suspends a license or privilege under this section, the court shall  
13 immediately take possession of the applicable license and forward it to the  
14 department that issued the license, together with the notice of suspension clearly  
15 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
16 the forfeiture is paid during the period of suspension, the court shall immediately  
17 notify the department, which shall thereupon return the license to the person.

18           **SECTION 2.** 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act 185,  
19 is amended to read:

20           938.34 (8) **FORFEITURE.** Impose a forfeiture based upon a determination that  
21 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The

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1 maximum forfeiture that the court may impose under this subsection for a violation  
2 by a juvenile is the maximum amount of the fine that may be imposed on an adult  
3 for committing that violation or, if the violation is applicable only to a person under  
4 18 years of age, \$100. Any such order shall include a finding that the juvenile alone  
5 is financially able to pay the forfeiture and shall allow up to 12 months for payment.  
6 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
7 other alternatives under this section, in accordance with the conditions specified in  
8 this chapter; or the court may suspend any license issued under ch. 29 for not less  
9 than 30 days nor more than 5 years, ~~or, unless the forfeiture was imposed for~~  
10 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~  
11 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more  
12 than 2 years. If the court suspends any license under this subsection, the clerk of the  
13 court shall immediately take possession of the suspended license and forward it to  
14 the department which issued the license, together with a notice of suspension clearly  
15 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
16 the forfeiture is paid during the period of suspension, the suspension shall be reduced  
17 to the time period which has already elapsed and the court shall immediately notify  
18 the department which shall then return the license to the juvenile. Any recovery  
19 under this subsection shall be reduced by the amount recovered as a forfeiture for  
20 the same act under s. 938.45 (1r) (b).

21 **SECTION 3.** 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act 185,  
22 is amended to read:

23 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may  
24 be imposed on an adult for committing that violation or, if the violation is only  
25 applicable to a person under 18 years of age, \$50. Any such order shall include a

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1 finding that the juvenile alone is financially able to pay and shall allow up to 12  
2 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
3 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~  
4 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle,~~ may  
5 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less  
6 more than 2 years. The court shall immediately take possession of the suspended  
7 license and forward it to the department which issued the license, together with the  
8 notice of suspension clearly stating that the suspension is for failure to pay a  
9 forfeiture imposed by the court. If the forfeiture is paid during the period of  
10 suspension, the court shall immediately notify the department, which will thereupon  
11 return the license to the person. Any recovery under this subsection shall be reduced  
12 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

13 **SECTION 4. Initial applicability.**

14 (1) This act first applies to forfeitures imposed on the day after publication.

15 (END)