



2001 SENATE BILL 59

February 20, 2001 - Introduced by Senators HARSDORF, DARLING, HUELSMAN and SCHULTZ, cosponsored by Representatives LADWIG, M. LEHMAN, TOWNSEND, OLSEN, STARZYK, PETTIS, ALBERS, STONE, LEIBHAM, SYKORA and JESKEWITZ. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 **AN ACT to amend** 345.47 (1) (b), 800.09 (1) (c), 800.095 (4) (b) 4., 938.17 (2) (d),
2 938.34 (8) and 938.343 (2) of the statutes; **relating to:** authority of a court to
3 suspend a person's operating privilege for violations of ordinances unrelated to
4 the operation of a motor vehicle or for failing to pay a penalty for such a
5 violation.

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 person solely because the person 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.

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

1 **SECTION 1.** 345.47 (1) (b) of the statutes is amended to read:

2 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
3 or revocation, that the defendant's operating privilege be suspended. The operating
4 privilege shall be suspended for 30 days or until the person pays the forfeiture, the
5 penalty assessment, if required by s. 757.05, the jail assessment, if required by s.
6 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177,
7 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement
8 assessment, if required by s. 165.755, but not to exceed 2 years. Suspension under
9 this paragraph shall not affect the power of the court to suspend or revoke under s.
10 343.30 or the power of the secretary to suspend or revoke the operating privilege.
11 ~~This paragraph does not apply if the judgment was entered solely for violation of an~~
12 ~~ordinance unrelated to the violator's operation of a motor vehicle.~~

13 **SECTION 2.** 800.09 (1) (c) of the statutes is amended to read:

14 800.09 (1) (c) The court may suspend the defendant's operating privilege, as
15 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
16 and costs are paid, if the defendant has not done so within 60 days after the date the
17 restitution or payments or both are to be made under par. (a) and has not notified the
18 court that he or she is unable to comply with the judgment, as provided under s.
19 800.095 (4) (a), except that the suspension period may not exceed 2 years. The court
20 shall take possession of the suspended license and shall forward the license, along
21 with a notice of the suspension clearly stating that the suspension is for failure to

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1 comply with a judgment of the court, to the department of transportation. This
2 paragraph does not apply if the forfeiture is assessed for violation of an ordinance
3 that is unrelated to the violator's operation of a motor vehicle.

4 **SECTION 3.** 800.095 (4) (b) 4. of the statutes is amended to read:

5 800.095 (4) (b) 4. That the defendant's operating privilege, as defined in s.
6 340.01 (40), be suspended until the judgment is complied with, except that the
7 suspension period may not exceed 2 years. This subdivision does not apply if the
8 forfeiture is assessed for violation of an ordinance that is unrelated to the violator's
9 operation of a motor vehicle.

10 **SECTION 4.** 938.17 (2) (d) of the statutes is amended to read:

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

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1 the forfeiture is paid during the period of suspension, the court shall immediately
2 notify the department, which shall thereupon return the license to the person.

3 **SECTION 5.** 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act 185,
4 is amended to read:

5 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
6 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
7 maximum forfeiture that the court may impose under this subsection for a violation
8 by a juvenile is the maximum amount of the fine that may be imposed on an adult
9 for committing that violation or, if the violation is applicable only to a person under
10 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
11 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
12 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
13 other alternatives under this section, in accordance with the conditions specified in
14 this chapter; or the court may suspend any license issued under ch. 29 for not less
15 than 30 days nor more than 5 years, or, ~~unless the forfeiture was imposed for~~
16 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~
17 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more
18 than 2 years. If the court suspends any license under this subsection, the clerk of the
19 court shall immediately take possession of the suspended license and forward it to
20 the department which issued the license, together with a notice of suspension clearly
21 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
22 the forfeiture is paid during the period of suspension, the suspension shall be reduced
23 to the time period which has already elapsed and the court shall immediately notify
24 the department which shall then return the license to the juvenile. Any recovery

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1 under this subsection shall be reduced by the amount recovered as a forfeiture for
2 the same act under s. 938.45 (1r) (b).

3 **SECTION 6.** 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act 185,
4 is amended to read:

5 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
6 be imposed on an adult for committing that violation or, if the violation is only
7 applicable to a person under 18 years of age, \$50. Any such order shall include a
8 finding that the juvenile alone is financially able to pay and shall allow up to 12
9 months for the payment. If a juvenile fails to pay the forfeiture, the court may
10 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~
11 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~
12 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less
13 more than 2 years. The court shall immediately take possession of the suspended
14 license and forward it to the department which issued the license, together with the
15 notice of suspension clearly stating that the suspension is for failure to pay a
16 forfeiture imposed by the court. If the forfeiture is paid during the period of
17 suspension, the court shall immediately notify the department, which will thereupon
18 return the license to the person. Any recovery under this subsection shall be reduced
19 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

20 **SECTION 7. Initial applicability.**

21 (1) This act first applies to forfeitures imposed on the effective date of this
22 subsection.

23 (END)