



## 2005 ASSEMBLY BILL 215

March 16, 2005 – Introduced by Representatives BIES, SINICKI, HINES, AINSWORTH, BLACK, OTT, POPE-ROBERTS, GOTTLIEB and TOWNSEND, cosponsored by Senators RISSER and BROWN. Referred to Committee on Transportation.

- 1 **AN ACT to amend** 347.48 (2m) (gm) and 347.50 (2m) (a) of the statutes; **relating**  
2 **to:** enforcement of motor vehicle safety belt violations and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

#### *Primary enforcement of safety belt law*

This state requires the use of safety belts in certain motor vehicles. Under current law, with specific exceptions, no person may drive a motor vehicle unless he or she is properly restrained by a safety belt and unless he or she reasonably believes that each passenger between the ages of four and fifteen years old is properly restrained by a safety belt. No person who is at least four years old may be a passenger in the front seat of a motor vehicle unless that person is properly restrained by a safety belt. Current law prohibits a law enforcement officer from stopping or inspecting a motor vehicle solely to determine compliance with safety belt use requirements. The officer may, however, issue a citation for a violation observed in the course of a stop or inspection made for other purposes. A law enforcement officer may not take a person into physical custody solely for a violation of safety belt use requirements.

This bill authorizes a law enforcement officer to stop or inspect a vehicle solely to determine compliance with safety belt use requirements, if the officer has probable cause to believe that a violation has occurred. However, under the bill, a person who qualifies as a disabled driver may operate a vehicle without wearing a safety belt. The bill also increases the penalty for violating this state's laws requiring the use of safety belts from \$10 to \$25 for a first offense and to not less than \$50 nor more than \$75 for the second and each later offense committed within three years. As under current law, violators pay no additional costs, fees, or assessments.

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

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

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

13           347.50 (2m) (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person  
14 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10  
15 \$25 for the first offense and not less than \$50 nor more than \$75 for the 2nd or any  
16 later offense committed within 3 years.

17           **SECTION 3. Initial applicability.**

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

**ASSEMBLY BILL 215****SECTION 4**

1           **SECTION 4. Effective dates.** This act takes effect on the day after publication,  
2           except as follows:

3           (1) The treatment of sections 347.48 (2m) (gm) and 347.50 (2m) (a) of the  
4           statutes and SECTION 3 (1) of this act take effect on the first day of the 7th month  
5           beginning after publication.

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**(END)**