

Assembly Bill 14

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CHAPTER 469, LAWS OF 1969

AN ACT to repeal 48.18 (2), 48.20 (4), 48.36, 343.085 (5) and 343.30 (2); to renumber and amend 48.18 (1); to amend 15.461, 48.17, 48.34 (1) (g), 253.18 (2), 343.30 (1), 343.32 (2) and 343.34 (intro.); and to create 345.18 and 343.345 of the statutes, relating to the jurisdiction of civil and criminal courts over children for traffic violations.

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

CHAPTER 469

1460

SECTION 1. 15.461 of the statutes is amended to read:

15.461 The department of transportation shall have the program responsibilities specified for the department under title XXXII, chs. 84, 86, 110, 114, 194, and 218, subch. II of ch. 121 and ss. 14.53 (5m), 23.99, 24.40, 32.05, 32.18, ~~48.36 (1)~~, 59.965, 60.29 (20) (e), 66.941 (6) and (7), 67.13 (2), 83.015 (3), 83.02, 83.10, 88.87 (2) (c), 103.50, 175.05, 182.33 (1), 182.48, 192.48, 236.12 and 313.093.

SECTION 2. 48.17 of the statutes is amended to read:

48.17 JURISDICTION OVER TRAFFIC VIOLATIONS. Courts of *criminal and* civil jurisdiction shall have ~~concurrent~~ *exclusive jurisdiction* with the ~~juvenile court~~ in proceedings against children 16 or older for ~~violation~~ *violations* of chs. 341 to 349, or of county or municipal ordinances enacted under s. 349.06, except that in counties having a population of 500,000 or more such ~~concurrent~~ jurisdiction shall be vested ~~solely~~ in the traffic misdemeanor court branch (Branch No. 12); ~~but disposition of such cases shall be made under s. 48.36 instead of under the ordinance and in the municipal courts to the extent of their jurisdiction.~~

SECTION 2m. 48.18 (1) of the statutes is renumbered 48.18 and amended to read:

48.18 Except as provided in ~~sub. (2) and s. 253.18 (2)~~ s. 48.17, the criminal and civil courts shall have jurisdiction over a child 16 or older who is alleged to have violated a state law or a county or municipal ordinance only if the juvenile court judge deems it contrary to the best interest of such child or of the public to hear the case and enters an order waiving his jurisdiction and referring the matter to the district attorney, corporation counsel or city attorney, for appropriate proceedings in a criminal or civil court. In that event, the district attorney, corporation counsel or city attorney of the county or municipality shall proceed with the case in the same manner as though the jurisdiction of the juvenile court had never attached.

SECTION 2p. 48.18 (2) of the statutes is repealed.

SECTION 3. 48.20 (4) of the statutes is repealed.

SECTION 4. 48.34 (1) (g) of the statutes is amended to read:

48.34 (1) (g) The court shall ~~restrict, suspend or revoke the operating privilege of a person under 18 years of age under the circumstances stated in s. 48.36 and~~ may restrict, suspend or revoke the operating privilege ~~where there is a finding of delinquency of a child who is adjudicated delinquent.~~ Any limitation of the operating privilege shall be endorsed upon the operator's license and notice of the limitation forwarded to the department of transportation.

SECTION 5. 48.36 of the statutes is repealed.

SECTION 5m. 253.18 (2) of the statutes is amended to read:

253.18 (2) In counties having a population of 500,000 or more, branches 1 and 2 shall be the probate branches, branch 3 shall be the traffic court branch. Branch 4 shall be the misdemeanor court branch. Branches 11 and 13 shall be the juvenile court branches. Branch 12 shall be the traffic-misdemeanor court branch and shall in addition to all jurisdiction otherwise prescribed or conferred by ss. 253.11 (2) and 253.12 have such jurisdiction as set forth in ss. 48.17 ~~and 48.18 (2)~~. Branches 5, 6, 7, 8, 9 and 10 shall be the civil court branches. The revenue from all actions for the violation of ordinances of a city of the 1st class, in any such county, brought in the county court shall be paid to the city monthly as provided in s. 288.10. Said city of the 1st class shall have access to all books and records concerned with accounting of revenues and expenditures relating to this chapter.

SECTION 6. 343.085 (5) of the statutes is repealed.

SECTION 7. 343.30 (1) of the statutes is amended to read:

343.30 (1) A court may suspend or revoke a person's operating privilege for any period not exceeding one year upon such person's conviction in such court of violating any of the state traffic laws or any local ordinance which is in conformity therewith. In exercising the authority to suspend or revoke an operating privilege, the court may suspend such privilege only when the operator has not had his operating privilege suspended or revoked previously, except under ~~sub. (2) of~~ s. 344.14 (1), or when his present demerit point accumulation is not more than 25% above the demerit point accumulation set for suspension or revocation. In all other cases under this section, the court shall revoke the operating privilege of such operator.

SECTION 8. 343.30 (2) of the statutes is repealed.

SECTION 9. 343.32 (2) of the statutes is amended to read:

343.32 (2) The commissioner may suspend or revoke a person's operating privilege if such person appears by the records of the department to be an habitually reckless or negligent operator of a motor vehicle or to have repeatedly violated any of the state traffic laws or any local ordinance which is in conformity therewith. For the purpose of determining when to suspend or revoke an operating privilege under this subsection, the commissioner may determine and adopt by rule a method of weighing traffic convictions by their seriousness and may change such weighted scale from time to time as experience or the accident frequency in the state makes necessary or desirable. When an operator accumulates more than 6 demerit points required for suspension or revocation of an operating privilege or has been involved in 2 or more accidents in a one-year period where the accident report indicates that such person may have been causally negligent, the commissioner may require such operator to present himself at an examining station for group counseling or personal interview or re-examination pursuant to s. 343.16 (1) (a) 1. Upon conclusion of such counseling, interview and examination, the commissioner shall take action as authorized at conclusion of other examinations under s. 343.16 (3) (a). In exercising the authority to suspend or revoke an operating privilege, the commissioner may suspend such privilege only when the operator has not had his operating privilege suspended or revoked previously, except under s. ~~343.30 (2) or~~ 344.14 (1), or when his present demerit point accumulation is not more than 25% above the demerit point accumulation set for suspension or revocation. In all other cases under this section, the commissioner shall revoke the operating privilege of such operator. In regard to convictions which are not by themselves grounds for mandatory revocation of a license, such rule shall provide that demerit points accumulated when a person is not operating a vehicle as a chauffeur shall not be counted against his chauffeur's license but such rule may provide that demerit points accumulated by a person when operating a vehicle as a chauffeur shall be counted against his regular license. When a person who has had his regular license revoked continues to operate as a private operator and who also has a chauffeur's license and is convicted of any traffic violation, 12 demerit points shall be assigned against his chauffeur's license.

SECTION 10. 343.34 (intro.) of the statutes is amended to read:

343.34 (intro.) In addition to suspensions authorized under ~~s. 48.36 and~~ ch. 344, the ~~commissioner~~ *secretary* may suspend operating privileges under the following circumstances:

SECTION 11. 345.18 of the statutes is created to read:

345.18 SENTENCING OF JUVENILES. A person under the age of 18 years shall be present at the imposition of sentence in cases for violation of ch. 341 to 348 or ordinances enacted in conformity therewith under ch. 349.

This section does not apply to parking violations or to cases where a stipulation of guilt or nolo contendere has been accepted for a violation of a local ordinance. A court may waive the requirement of personal appearance under this section in cases of exceptional hardship.

SECTION 12. 343.345 of the statutes is created to read:

343.345 SUSPENSION FOR JUVENILE'S FAILURE TO PAY FORFEITURE. (1) If a person under the age of 18 fails to pay the forfeiture imposed by a court for his first moving vehicle violation, the court or judge shall in lieu of a jail sentence, suspend the person's operating privilege for a period not less than 30 days nor more than 90 days. The time set by the court for payment of the forfeiture shall not exceed 30 days. If the person pays the forfeiture after suspension under this section, the suspension shall be reduced to the minimum period of 30 days.

(2) If a court or judge suspends an operating privilege under this section, the court or judge shall immediately take possession of the suspended license and shall forward it to the department together with the notice of suspension, which shall clearly state that the suspension was for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during a period of suspension the court or judge shall immediately notify the department. Upon receipt of such notice, the department shall return the license when the minimum period of suspension has passed.

(3) If a person operates a motor vehicle during a period of suspension under this section, he shall be proceeded against under s. 343.44.
Approved February 18, 1970.
