

1989 Senate Bill 7

Date of enactment: **June 28, 1989**  
Date of publication\*: **June 29, 1989**

## 1989 WISCONSIN ACT 22

AN ACT *to renumber and amend* 347.48 (1); *to amend* 53.46 (1) (a), 165.87 (2) (a), 343.32 (2) (bt), 343.32 (2) (bu), 347.48 (2m) (c) and (d), 347.48 (2m) (h), 347.48 (3), 347.50 (1), 347.50 (1m), 347.50 (2m) (c), 814.63 (1) and (2), 814.635 (1) and 814.65 (1); *to repeal and recreate* 53.46 (1) (a), 165.87 (2) (a), 814.63 (1) and (2), 814.635 (1) and 814.65 (1); and *to create* 347.48 (1) (b) of the statutes; and *to affect* 1987 Wisconsin Act 132, section 10m, **relating to**: requiring the installation and use of certain safety belts in automobiles, extending the date for application of the requirement that certain motor vehicle operators and passengers use safety belts, eliminating the imposition of fees and assessments in the disposition of an action for a safety belt use violation and removing the requirement that passengers use safety belts in the rear seats if shoulder harnesses have not been installed.

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

**SECTION 1.** 53.46 (1) (a) of the statutes is amended to read:

53.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations, the court, in addition, shall impose a jail assessment in an amount of one percent of the fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the court shall determine the jail assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail assessment in proportion to the suspension.

**SECTION 1d.** 53.46 (1) (a) of the statutes, as affected by 1989 Wisconsin Act .... (this act), is repealed and recreated to read:

53.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for state laws or municipal or county ordinances involving nonmoving traffic violations, the court, in addition,

shall impose a jail assessment in an amount of one percent of the fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the court shall determine the jail assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail assessment in proportion to the suspension.

**SECTION 1h.** 165.87 (2) (a) of the statutes is amended to read:

165.87 (2) (a) On or after July 1, 1988, whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations, there shall be imposed in addition a penalty assessment in an amount of 20% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty assessment shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

**SECTION 1p.** 165.87 (2) (a) of the statutes, as affected by 1989 Wisconsin Act .... (this act), is repealed and recreated to read:

165.87 (2) (a) On or after July 1, 1988, whenever a court imposes a fine or forfeiture for a violation of state

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law or for a violation of a municipal or county ordinance except for state laws or municipal or county ordinances involving nonmoving traffic violations, there shall be imposed in addition a penalty assessment in an amount of 20% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty assessment shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

**SECTION 1t.** 343.32 (2) (bt) of the statutes is amended to read:

343.32 (2) (bt) The scale adopted by the secretary may not assess any demerit points for a violation of s. 347.48 (2m) (b), (c) or (d) or (4) (a). This paragraph does not apply after June 30, 1989; ~~or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that state mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population; whichever is earlier 1991.~~

**SECTION 2m.** 343.32 (2) (bu) of the statutes is amended to read:

343.32 (2) (bu) The scale adopted by the secretary may not assess any demerit points for a violation of s. 347.48 (4) (a). This paragraph applies after June 30, 1989; ~~or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that state mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population; whichever is earlier 1991.~~

**SECTION 2n.** 347.48 (1) of the statutes is renumbered 347.48 (1) (a) and amended to read:

347.48 (1) (a) ~~It is unlawful for any~~ **No** person to may buy, sell, lease, trade or transfer a motor vehicle other than an automobile at retail from or to Wisconsin residents unless such the vehicle is equipped with safety belts installed for use as required under 49 CFR 571, and no such vehicle shall may be operated in this state unless such belts remain installed.

**SECTION 2o.** 347.48 (1) (b) of the statutes is created to read:

347.48 (1) (b) No person may buy, sell, lease, trade or transfer an automobile that is required under 49 CFR 571 to be equipped with safety belts from or to a resident of this state unless the front designated seating positions of the automobile are equipped with safety belts installed for use as required under 49 CFR 571 and unless each rear outboard designated seating position of the automobile is

equipped with a safety belt consisting of a combination of a pelvic and upper torso restraint that conforms to standards for a Type 2 seat belt assembly under 49 CFR 571.209, and no automobile may be operated in this state unless such belts remain installed. Nothing in this section applies to antique reproductions.

**SECTION 2r.** 347.48 (2m) (c) and (d) of the statutes are amended to read:

347.48 (2m) (c) If a motor vehicle is required to be equipped with safety belts in this state, no person may operate that motor vehicle unless he or she reasonably believes that each passenger who is at least 4 years old and not more than 15 years old and who is seated at a designated seating position in the front seat required under 49 CFR 571 to have a safety belt installed or at a designated seating position in the seats, other than the front seats, for which a shoulder harness has been installed is properly restrained.

(d) If a motor vehicle is required to be equipped with safety belts in this state, no person who is at least 4 years old and who is seated at a designated seating position in the front seat required under 49 CFR 571 to have a safety belt installed or at a designated seating position in the seats, other than the front seats, for which a shoulder harness has been installed may be a passenger in that motor vehicle unless the person is properly restrained.

**SECTION 3m.** 347.48 (2m) (h) of the statutes is amended to read:

347.48 (2m) (h) This subsection does not apply after June 30, 1989; ~~or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that state mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population; whichever is earlier 1991.~~

**SECTION 4m.** 347.48 (3) of the statutes is amended to read:

347.48 (3) MANDATORY USE BY RULE; PROHIBITED. Except as provided under sub. (4) (a) 2., the department may not, by rule, require directly or indirectly the wearing of safety belts or shoulder harnesses. This subsection applies after June 30, 1989; ~~or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that state mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population; whichever is earlier 1991.~~

**SECTION 5.** 347.50 (1) of the statutes is amended to read:

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347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.415 (1), (2) and (3) to (5) or s. 347.48 (2m) or (4) (a) or s. 347.489, may be required to forfeit not less than \$10 nor more than \$200. This subsection does not apply after June 30, 1989; ~~or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that state mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population; whichever is earlier 1991.~~

**SECTION 6m.** 347.50 (1m) of the statutes is amended to read:

347.50 (1m) Any person violating ss. 347.35 to 347.49, except s. 347.415 (1), (2) and (3) to (5) or s. 347.48 (4) (a) or s. 347.489, may be required to forfeit not less than \$10 nor more than \$200. This subsection applies after June 30, 1989; ~~or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that state mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population; whichever is earlier 1991.~~

**SECTION 7m.** 347.50 (2m) (c) of the statutes is amended to read:

347.50 (2m) (c) This subsection does not apply after June 30, 1989; ~~or the first day of the first month commencing after the secretary of transportation certifies to the governor and the revisor of statutes that state mandatory safety belt usage laws meeting the criteria under 49 CFR 571.208 S4.1.5 have been enacted which would, with the inclusion of 1987 Wisconsin Act 132, be applicable to not less than two-thirds of the population of the United States, based on the 1980 federal census of population; whichever is earlier 1991.~~

**SECTION 7p.** 814.63 (1) and (2) of the statutes are amended to read:

814.63 (1) In all forfeiture actions in circuit court, except an action for a safety belt use violation under s. 347.48 (2m), the clerk of court shall collect a fee of \$15 to be paid by the defendant when judgment is entered against the defendant.

(2) Upon the disposition of a forfeiture action in circuit court for violation of a municipal ordinance, except an action for violation of an ordinance in conformity with s. 347.48 (2m), the municipality shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

**SECTION 7s.** 814.63 (1) and (2) of the statutes, as affected by 1989 Wisconsin Act ... (this act), are repealed and recreated to read:

814.63 (1) In all forfeiture actions in circuit court, the clerk of court shall collect a fee of \$15 to be paid by the defendant when judgment is entered against the defendant.

(2) Upon the disposition of a forfeiture action in circuit court for violation of a municipal ordinance, the municipality shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

**SECTION 7u.** 814.635 (1) of the statutes is amended to read:

814.635 (1) The Except for an action for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$1 court automation fee from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (a) 1. or 2., 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The court automation fee is in addition to the other fees listed in this subsection.

**SECTION 7v.** 814.635 (1) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is repealed and recreated to read:

814.635 (1) The clerk of circuit court shall charge and collect a \$1 court automation fee from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (a) 1. or 2., 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The court automation fee is in addition to the other fees listed in this subsection.

**SECTION 7w.** 814.65 (1) of the statutes is amended to read:

814.65 (1) COURT COSTS. In a municipal court action, except an action for violation of an ordinance in conformity with s. 347.48 (2m), the municipal judge shall collect a fee of \$15 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. Of each \$15 fee received by the judge under this subsection, the municipal treasurer shall pay monthly one-third to the state treasurer for deposit in the general fund and shall retain the balance for the use of the municipality.

**SECTION 7y.** 814.65 (1) of the statutes, as affected by 1989 Wisconsin Act ... (this act), is repealed and recreated to read:

814.65 (1) COURT COSTS. In a municipal court action, the municipal judge shall collect a fee of \$15 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter. Of each \$15 fee received by the judge under this subsection, the municipal treasurer shall pay monthly one-third to the state treasurer for deposit in the general fund and shall retain the balance for the use of the municipality.

**SECTION 8.** 1987 Wisconsin Act 132, section 10m is repealed.

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**SECTION 10. Initial applicability.** The amendment of sections 53.46 (1) (a), 165.87 (2) (a), 814.63 (1) and (2), 814.635 (1) and 814.65 (1) of the statutes first applies to safety belt use violations committed on the effective date of this SECTION.

**SECTION 10m. Initial applicability.** (1) REAR SEAT LAP AND SHOULDER SAFETY BELTS. The treatment of section 347.48 (1) of the statutes and the creation of section

347.48 (1) (b) of the statutes first apply to the purchase, sale, trade or transfer of an automobile occurring on July 1, 1991 and manufactured after July 1, 1991.

**SECTION 11. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of sections 53.46 (1) (a), 165.87 (2) (a), 814.63 (1) and (2), 814.635 (1) and 814.65 (1) of the statutes takes effect on July 1, 1991.

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