

# State of Wisconsin



2009 Senate Bill 489

Date of enactment: **May 5, 2010**  
Date of publication\*: **May 19, 2010**

## 2009 WISCONSIN ACT 245

AN ACT *to repeal* 344.32; and *to amend* 343.39 (1) (a), 344.18 (1m) (a), 344.18 (3m) (a), 344.26 (1), 344.27 (2), 344.30 (1), 344.33 (1), 344.34, 344.42 and 631.37 (4) (e) of the statutes; **relating to**: the requirement that a nonresident provide proof of financial responsibility for the operation of a motor vehicle to reinstate a suspended operating privilege or vehicle registration (suggested as remedial legislation by the Department of Transportation).

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

**SECTION 1.** 343.39 (1) (a) of the statutes is amended to read:

343.39 (1) (a) When, in the case of a suspended operating privilege, the period of suspension has terminated, the fees specified in s. 343.21 (1) (j) and (n) have been paid to the department and, for reinstatement of ~~an~~ the operating privilege of a resident suspended under ch. 344, the person files with the department proof of financial responsibility, if required, in the amount, form, and manner specified under ch. 344.

**SECTION 2.** 344.18 (1m) (a) of the statutes is amended to read:

344.18 (1m) (a) Unless 3 years have elapsed since the date that a requirement under sub. (1) (a), (b), (c), or (d) has been met or unless the person is a nonresident, the person whose operating privilege or registration was suspended or revoked under s. 344.14 shall file with the department and maintain in effect proof of financial responsibility in the amount, form, and manner specified in this chapter.

**SECTION 3.** 344.18 (3m) (a) of the statutes is amended to read:

344.18 (3m) (a) Unless 3 years have elapsed since the date that a requirement under sub. (3) (a) or (b) has been met or unless the person is a nonresident, the person whose operating privilege or registration was suspended or revoked under sub. (3) shall file with the department and maintain in effect proof of financial responsibility in the amount, form, and manner specified in this chapter.

**SECTION 4.** 344.26 (1) of the statutes is amended to read:

344.26 (1) Subject to the exceptions stated in ss. 344.25 (2) and 344.27 (2), any operating privilege or registration suspended or revoked under s. 344.25 shall remain suspended or revoked until every judgment mentioned in s. 344.25 is stayed, satisfied, or discharged and, unless 3 years have elapsed since the date on which the judgment was stayed, satisfied, or discharged or unless the person is a nonresident, until the person whose operating privilege and registration was suspended or revoked furnishes and maintains in effect proof of financial responsibility for the future.

**SECTION 5.** 344.27 (2) of the statutes is amended to read:

344.27 (2) The secretary shall not suspend the operating privilege or registration and shall restore any operating privilege or registration suspended following non-

\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

payment of a judgment when the judgment debtor obtains such order permitting the payment of the judgment in installments and, unless 3 years have elapsed since the date on which the order permitting the payment of the judgment in installments is filed with the secretary or unless the judgment debtor is a nonresident, furnishes and maintains proof of financial responsibility for the future.

**SECTION 6.** 344.30 (1) of the statutes is amended to read:

344.30 (1) Certification of insurance as provided in s. 344.31 ~~or 344.32~~; or

**SECTION 7.** 344.32 of the statutes is repealed.

**SECTION 8.** 344.33 (1) of the statutes is amended to read:

344.33 (1) CERTIFICATION. In this chapter, “motor vehicle liability policy” means a motor vehicle policy of liability insurance, certified as provided in s. 344.31 ~~or 344.32~~ as proof of financial responsibility for the future, and issued, ~~except as otherwise provided in s. 344.32~~, by an insurer authorized to do an automobile liability business in this state to or for the benefit of the person named in the policy as the insured.

**SECTION 9.** 344.34 of the statutes is amended to read:

**344.34 Notice of cancellation or termination of certified policy.** When an insurer has certified a motor vehicle liability policy under s. 344.31, ~~a policy under s. 344.32~~ or a bond under s. 344.36, the insurance so certified shall not be canceled or terminated until at least 10 days after a notice of cancellation or termination of the insurance so certified has been filed in the office of the

secretary. No insurance so certified may be canceled or terminated by the insurer prior to the expiration of 90 days from the effective date of the certification on the grounds of failure to pay a premium when due. Such a certified policy or bond subsequently procured shall, on the effective date of its certification, terminate the insurance previously certified. Any certification or recertification filed by the same insurer following cancellation shall be accompanied by a fee of \$3 payable by the insurer.

**SECTION 10.** 344.42 of the statutes is amended to read:

**344.42 Submission of certifications and recertifications by insurers.** If the sum of certifications and recertifications under ss. 344.31, ~~344.32~~ and 344.34 that are submitted by an insurer to the department in any year exceeds 1,000, the insurer shall pay to the department a transaction fee of \$1.50 per certification or recertification that is not transmitted electronically to the department. The department shall promulgate rules establishing procedures for the collection of transaction fees under this section.

**SECTION 11.** 631.37 (4) (e) of the statutes is amended to read:

631.37 (4) (e) *Motor vehicle liability policy.* Section 344.34 applies to motor vehicle liability policies certified under s. 344.31 ~~and to policies certified under s. 344.32.~~

**SECTION 12. Initial applicability.**

(1) This act first applies to proof of financial responsibility filed with the secretary of transportation on the effective date of this subsection.